सत्यमेव जयते

GOVERNMENT OF PUDUCHERRY

PUDUCHERRY CODE
VOLUME - II

LAW DEPARTMENT
PUDUCHERRY

THE PUDUCHERRY CODE
VOLUME-II

Published by the Law Department, Government of Puducher

©

The Law Department, Government of Puducherry.

SECOND EDITION 2012

(As codified upto 31st December, 2011)

This edition has been revised and updated by

Thiru K. Oumabady,
Assistant Library and Information Officer,
Law Department, Puducherry.

Disclaimer: Although due care and caution have been taken to avoid any mistakes, errors or omissions while editing and publishing the Statutes/Rules/Orders/Notifications published in this e-book, readers should verify its correctness respectively from the relevant Gazettes. The Department shall not be held responsible in any manner for any loss or damage caused to any person on account of errors or omissions which might have crept in.

Printed by the Directorate of Stationery and Printing, Puducherry – 605 009.

FOREWORD

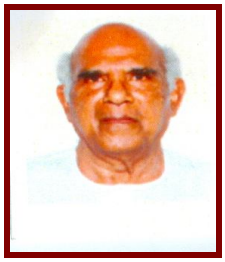
For effective functioning of the general administration as well as the Judiciary, an accurate compilation of laws as amended from time to time by the Legislature is absolutely essential.

Twenty-nine years have elapsed since the first edition of the Pondicherry Code Volume II was published. During this gap many changes have taken place in the field of legislation in the Union territory of Puducherry. The present work of compilation of the local laws with all amendments from 1967 to 1972 is a timely endeavour by the Law Department.

I take this opportunity to appreciate the efforts put in by the Law Department. I hope that this Puducherry Code Volume-II would be an indispensable reference book for the Executives as well as the Bench, the Bar and the general public.

Puducherry,
31-01-2012

(M. SATHIYAVATHY)
CHIEF SECRETARY TO GOVERNMENT



FOREWORD

From the end of the second world war the social fabric all over the world is changing at an accelerated pace. Changes are very significant in India which has shed the colonial rule to steer by itself its destiny. Law whose role is to accompany the society has necessarily to undergo corresponding modifications. This is what happened in the Union Territory of Puducherry as well. Under these circumstances this updated version of the volume II of the Puducherry Codes published in 1983 is most welcome.

This volume appears almost one year after the publication of the revised edition of volume I. For this achievement the Law Secretary, J.C.P. Mariadassou who has taken the meritorious initiative of bringing updated versions of the Puducherry codes has to be thanked. His aide, K. Oumabady, the tireless librarian of the Law Department is to be complimented for the meticulous work accomplished. These two publications in quick succession give the hope of the publication of volumes III and IV in the near future.

Any one interested on a point of law would like to know the latest position. It is not feasible to publish every year an updated version of codes. However the new technological devices make it possible to everyone to know the position of law as on the date of his search. For that purpose it will be enough to put in the internet the law of Puducherry and all modifications as and when they occur. This may be contemplated by the Government of Puducherry.

It is to be recognised that codes will not be of any use for the common man who cannot understand the English legal language. To afford him the possibility of knowing the law in the area of his interest, there is a need of a guide book of law in Tamil language, presenting the main provisions of important areas of law in alphabetical manner. This will promote legal education of the people, which is a main factor of the prevalence of the rule of law. The Legal Services Authority, Puducherry may join hands with the Law department to carry forward this task with the blessing of the Government.

Puducherry,
03.02.2012

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

सत्यमेव जयते

PREFACE

In the legal profession one of the arduous task of a Legal Advisor, Judge or Advocate is at the initial stage to wade through a plethora of legal materials and finally to cull out the appropriate law on the subject in respect of a case and to see whether the materials so collected are up-to-date. It is also hard to come across the law or legal materials at a single place. This task is oft and on time-consuming, leading to avoidable delay. Such laborious process in a legal profession is made simple by means of codification of the laws. It is only with this in mind, in order to quicken the decision-making process and to benefit the legal professional that codification has been contemplated and effectively attempted in the Law Department.

The Law Department has prepared the revised edition of the Puducherry Code Volume-II. This Code contains Acts codified with all amendments between the years 1966 and 1972. The Statement of Objects and Reasons for all the Principal Acts as well as Amendment Acts have been included in this Code. This is the special feature of this book, which will be highly beneficial to the end-users.

I take this opportunity to place on record my appreciation of the strenuous efforts put in by Mr. K. Oumabady, Assistant Library and Information Officer in the Law Department for shouldering this task in right earnest. My thanks are also due to Mr. N. Rajendiran, Retired Under Secretary (Law), Law Department, for having overseen this work. I hope and trust that this codification work would be appreciated by one and all.

J. J. 1 1 1.
3-2-12

Puducherry,
03-02-2012

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

PUDUCHERRY CODE
Volume – II

CONTENTS

Year	No.	Short Title	Page
1967	4	The Puducherry Notaires Decree (Amendment) Act, 1967.	1
1967	5	The Puducherry Motor Vehicles Taxation Act, 1967.	3
1967	6	The Puducherry General Sales Tax Act, 1967.	39
1967	7	The Puducherry Municipal Decree (Amendment) Act, 1967.	39
1967	8	The Puducherry Survey and Boundaries Act, 1967.	40
1968	1	The Mahe Land Reforms Act, 1968.	53
1968	6	The Puducherry Prevention of Cow Slaughter Act, 1968.	205
1968	4	The Puducherry Municipal Decree (Amendment) Act, 1968.	212
1968	9	The Puducherry (Application of Motor Vehicles Act) order (Amendment) Act, 1968.	213
1969	4	The Puducherry Monts De Piete Institutions (Abolition) Act, 1969.	214
1969	5	The Puducherry Buildings (Lease and Rent Control) Act, 1969.	216
1969	8	The Indian Partnership (Puducherry Amendment) Act, 1969.	258
1969	9	The Societies Registration (Puducherry Amendment) Act, 1969.	260
1969	10	The Indian Ports (Puducherry Amendment) Act, 1969.	267
1970	11	The Payment of Wages (Puducherry Amendment) Act, 1970.	270
1970	12	The Puducherry Excise Act, 1970.	272

Year	No.	Short Title	Page
1970	13	The Puducherry Town and Country Planning Act, 1969.	317
1970	14	The Puducherry Revenue Recovery Act, 1970.	379
1970	16	The Puducherry Plant Diseases and Pests Act, 1970.	403
1970	17	The Registration (Puducherry Amendment) Act, 1970.	415
1970	21	The Indian Stamp (Puducherry Amendment) Act, 1970.	428
1970	23	The Puducherry Patente (Abolition) Act, 1970.	441
1970	25	The Karaikal Agricultural Labourer Fair Wages Act, 1970.	443
1970	26	The Puducherry Money Lenders Act, 1970.	452
1970	28	The Puducherry Settlements Act, 1970.	474
1971	2	The Puducherry Land Encroachment Act, 1970.	493
1971	3	The Puducherry State Aid to Industries Act, 1970.	502
1971	4	The Puducherry Occupants of Kudiyiruppu (Protection from Eviction) Act, 1970.	515
1971	5	The Puducherry Cultivating Tenants (Payment of Fair Rent) Act, 1970.	524
1971	9	The Puducherry Cultivating Tenants Protection Act, 1970.	536
1971	12	The Parliamentary Secretary (Payment of Special Allowance and Prevention of Disqualification) Act, 1971.	551
1971	14	The Hindu Marriage (Puducherry Amendment) Act, 1971.	553
1971	16	The Puducherry Landing and Shipping Fees Act, 1971.	557
1972	10	The Puducherry Hindu Religious Institutions Act, 1972.	563

THE PUDUCHERRY NOTAIRES DECREE **(AMENDMENT) ACT, 1967 (No. 4 of 1967)**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Amendment of Article 47.
3. Validation.

———

THE PUDUCHERRY NOTAIRES DECREE (AMENDMENT) ACT, 1967
(Act No. 4 of 1967)

9th October, 1967

AN ACT

to amend the French Decree dated the 24th August, 1887 relating to the organisation of Notaires in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Eighteenth Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Puducherry Notaires Decree (Amendment) Act, 1967.

(2) It shall come into force at once.

Amendment of Article 47

2. In Article 47 of the French Decree dated the 24th August, 1887, for the sixth and seventh paragraphs, the following paragraph shall be substituted and shall be deemed to have been substituted with effect from the 1st August, 1964, namely: -

"Notwithstanding anything contained in the foregoing paragraph, the Government may, if it thinks fit so to do in public interest, by order, retain any Notaire in service after he has completed the age of sixty-five years, for such period or periods as it thinks fit, so however that the period or the aggregate of the periods of such retention in service shall not, in any case, exceed five years."

Validation

3. Notwithstanding anything contained in any judgment, decree or order of any court, no act, thing or proceeding done or taken under the French Decree dated the 24th August, 1887, during the period between the 1st August, 1964, and the commencement of this Act (both days inclusive), by any Notaire or First Clerk of any Notaire shall be deemed to be illegal or invalid or ever to have become illegal or invalid merely on the ground ---

(a) that the Notaire has discharged the functions assigned to him under the Decree aforesaid after completing the age of sixty-five years, or

(b) that the First Clerk has discharged the functions of a Notaire under the aforesaid Decree during the temporary absence of the Notaire,

and all such acts, things or proceedings shall, for all purposes, be deemed to have been validly done or taken in accordance with law.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 4 OF 1967

The institution of Notaires is governed by the Decree dated 24.8.1887. Article 47 of the said Decree lay down that Notaires shall be compelled to relinquish the office at the age of 65 years and replaced. However, there is a transitory provision under paragraph 7 of the said Article which could be applied for a period of five years from 2.5.1938. Since this transitory period has already expired, it may not be possible to exercise the powers envisaged under this proviso. Since some of the Notaires have already attained the age 65 years, it may be necessary to suitably amend paragraphs 6 and 7 of the said Article enabling the Government to continue the Notaires in service. It is, therefore, proposed to empower the Government to retain any Notaire in service after he has completed the age of 65 years and the period or the aggregate of the periods of such retention shall not, in any case, exceed five years.

The Madras High Court has in a recent judgment held that the First Clerk of a Notaire can only carry out the incidental clerical duties and he cannot act and discharge the functions of a Notaire during his absence, and as such a clause validating these acts is necessary. Similarly, it is necessary to insert a clause validating the acts done by the Notaires who have attained the age of 65 years. Accordingly a validation clause has been incorporated.

The present Bill seeks to achieve the above objects.

———

THE PUDUCHERRY MOTOR VEHICLES TAXATION ACT, 1967

(No. 5 of 1967)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Imposition of a tax on motor vehicles.
4. Payment of tax and issue of licence.
5. Production of Certificate of insurance.
6. Liability to pay arrears of tax by person succeeding to the ownership, possession or control of motor vehicle.
7. Manner of payment of tax under this Act.
8. Carriage of licence on vehicle and duty to stop it on demand by police officer.
9. Penalty payable where tax not paid.
10. Power to seize and detain motor vehicles in case of non-payment of tax.
11. Recovery of tax as an arrear of land revenue.
12. Utilisation of the proceeds of the tax.
13. Exemptions.
14. Saving as to vehicles used for agricultural purposes.
15. Appeal.
16. Protection in respect of acts done in good faith.
17. Trial of offences.
18. Procedure in certain cases.
19. Power to make rules.
20. Power of Government to amend Schedules.
21. Power to remove difficulties.
22. Repeal.
23. Validation.

———

THE PUDUCHERRY MOTOR VEHICLES TAXATION ACT, 1967

(Act No. 5 of 1967)

AN ACT 16th October, 1967.

to levy taxes on motor vehicles in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Eigteenth Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Motor Vehicles Taxation Act, 1967.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall be deemed to have come into force on the 1st day of July, 1966.

Definitions

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

(a) the following expressions used but not defined in this Act and defined in the [1][Motor Vehicles Act, 1988 (Central Act 59 of 1988)] shall have the meanings respectively assigned to them in that Act: -

(i) "goods";
(ii) [1]["goods carriage"];
(iii) "invalid carriage"';
(iv) "motor vehicle";
(v) "trailer"; and
(vi) "unladen weight";

(b) "Central Act" means the [1][Motor Vehicles Act, 1988 (59 of 1988)].

(c) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(d) "laden weight" in relation to a motor vehicle means,

(i) in case a permit is issued to the vehicle under the Central Act, the maximum laden weight specified in such permit;

(ii) if no such permit is issued, the maximum laden weight specified in the registration certificate of the vehicle;

---

[1] Substituted vide Act No.9 of 1990 w.e.f 01-07-1990 and published in EG Pt-II No.37 dated 9.11.1990.

(iii) if no weight is specified in the registration certificate, the maximum laden weight of the vehicle determined in such manner as the licensing officer may deem fit;

(e) "laden weight" in relation to a trailer means,

(i) in case a permit is issued to the vehicle to which the trailer is attached under the Central Act , the maximum laden weight specified in such permit in respect of the trailer;

(ii) if no such permit is issued, the maximum laden weight specified in respect of the trailer in the registration certificate of the vehicle to which the trailer is attached;

(iii) if such weight is not specified in the registration certificate, the maximum laden weight of the trailer determined in such manner as the licensing officer may deem fit;

(f) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Act;

[1][(g) "local body" means any municipal council constituted under the Puducherry Municipalities Act, 1973 and any village panchayat and commune panchayat council constituted under the Puducherry Village and Commune Panchayats Act, 1973;]

(h) "Puducherry" means the Union territory of Puducherry;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "public road" means any street, road, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not, and includes the roadway over any public bridge or causeway;

(k) "registered owner" means the person in whose name a motor vehicle is registered or deemed to be registered under the Central Act;

(l) "tax" means the tax leviable under sub-section (1) of section 3; and

[1] Substituted by Act 9 of 1973, section 513, w.e.f. 26-1-1974.

[1] [(m) "urban area" means such area as the Government may from time to time declare as urban area, by notification in the Official Gazette]

[2] [(n) "year" means the financial year; "half-year" means the first six months or the second six months of such year; and "quarter" means the first three months or the second three months of such half-year.]

Imposition of a tax on motor vehicles

3. (1) The Government may, by notification in the Official Gazette, from time to time, direct that a tax shall be levied on every motor vehicle [3][used or kept for use in the Union territory of Puducherry].

(2) The notification issued under sub-section (1) shall specify the rates at which, and the quarter from which, the tax shall be levied:

Provided that the rates shall not exceed the maximum amounts specified in Schedule I:

[5][Provided further that [6][where] in the case of ---

(a) a motor-cycle (including motor scooters and cycles with attachment for propelling the same by mechanical power); and

(b) an invalid carriage and a motor vehicle weighing not more than 3,000 Kilograms unladen, not being a motor vehicle plying for hire or used for the transport of passengers or in respect of which permits have been issued under the Motor Vehicles Act, 1988 (Central Act, 59 of 1988), [6][the registered owner or the person having possession or control of the motor vehicle makes an application in writing for payment of one-time tax, the tax shall be levied at the rates specified in Schedule IA].

[4] [Provided further that the tax already paid in respect of one category of permit viz., a [1] [goods carriage] permit or a zonal permit or a national permit for a goods vehicle shall be allowed to be adjusted against the tax payable for the grant of another category of such permits.]

---

1. Substituted vide Act No.9 of 1990 w.e.f 01-07-1990 and published in EG Pt-II No.37 dated 9.11.1990.
2. Relettered by Act 7 of 1977, section 2, w.e.f. 30-9-1977.
3 Substituted vide Act No.6 of 2003 w.e.f 19.5.2003 published in EG Pt-II No.20 dated 20.5.2003
4. Inserted by Act 7 of 1977, section 3, w.e.f. 30-9-1977.
5. Inserted vide Act No.13 of 1988 w.e.f 19-5-1988 EG Pt-II No.36 dated 23.5.1988.
6. Substituted vide Act No.4 of 1989 w.e.f 25-4-1989 EG Pt-II No.17 dated 25.4.1989.

Payment of tax and issue of licence

4. (1) (a) The tax levied in pursuance of a notification issued under sub-section (1) of section 3 shall be paid by the registered owner or person having possession or control of the motor vehicle, at his choice, either quarterly, half-yearly or annually, upon a quarterly, half-yearly or annual licence to be taken out by him.

Explanation. – The tax for a half-yearly licence shall not exceed twice and the tax for an annual licence shall not exceed four times the tax for a quarterly licence. The Government shall have power to grant a suitable rebate in case of the half yearly and annual licences.

(b) Where the tax for any motor vehicle has been paid for any quarter, half-year or year and the vehicle has not been used during the whole of that quarter, half-year or year or a continuous part thereof not being less than one month, a refund of the tax at such rates as may, from time to time, be notified by the Government, shall be payable subject to such conditions as may be specified in such notification.

[1][Provided that nothing in this clause shall apply to any motor vehicle in respect of which tax has been paid under the second proviso to sub-section (2) of section 3.]

(c) Notwithstanding anything contained in section 3 or in clauses (a) and (b), the Government may, by notification in the Official Gazette, from time to time, direct that a temporary licence for a period not exceeding thirty days at a time may be issued in respect of any class of motor vehicles on payment of such tax (not exceeding the maximum amounts specified in Schedule II) and subject to such conditions, as may be specified in such notification.

[2][(cc) Notwithstanding anything contained in the foregoing clauses, the tax levied under the second proviso to sub-section (2) of section 3 shall be paid in advance in a lumpsum by the registered owner or the person having possession or control of the motor vehicle and the tax shall be for the life time of the vehicle:]

[3][Omitted]

(d) No motor vehicle shall be used on any public road in Puducherry at any time after the issue of a notification under sub-section (1) of section 3, unless a licence permitting such use during such time has been obtained under clause (a) or clause (c).

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

---

1. Inserted vide Act No.13 of 1988 w.e.f 19.5.1988 published in EG Pt-II No.36 dated 23.5.1988.
2. Inserted vide Act 13 of 1988 w.e.f 19.5.88.
3. Omitted vide Act No.4 of 1989 w.e.f 25.4.1989

(3) (a) When any person pays the amount of tax due in respect of a motor vehicle using any public road in Puducherry or proves to the satisfaction of the licensing officer that no tax is payable in respect of such vehicle, the licensing officer shall –

(i) grant to such person a licence, in such form as may be notified by the Government to use the vehicle on public roads in Puducherry for the period concerned; and

(ii) in the case referred to in clause (a) of sub-section (1) record that the tax has been paid for a specified period or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or deemed to be granted in respect of the vehicle under the Central Act , or in the case of vehicles not registered or deemed to be registered under that Act, in a certificate in such form as may be notified by the Government.

(b) Every licence granted under clause (a) shall be valid throughout the areas of Puducherry.

Refund of tax

[1][4A. (1) Where the tax for any motor vehicle has been paid for any quarter, half year, year or the life time and the vehicle has not been used on any public road during the whole of that quarter, half year, year or life time or a continuous part thereof not being less than one month, a refund of the tax at such rates as may, from time to time, be notified by the Government, shall be payable on an application made within such period as may be prescribed and subject to such conditions as may be specified in such notification.

(2) Where a life time tax for any motor vehicle has been paid and the registration of the vehicle has been cancelled for any reason whatever or the vehicle has been removed to any place outside the Union territory of Puducherry on account of transfer of ownership or change of address, a refund of the tax at such rates as may, from time to time, be notified by the Government shall be payable on an application made within such period, as may be specified in such notification:

1 Substituted vide Act No.6 of 1996 w.e.f 01.10.1996 and published in EG Pt-II No.25 dated 21.09.1996.

Provided that in the case of removal of a vehicle to any place outside the Union territory of Puducherry on account of transfer of ownership or change of address, the refund of tax shall be considered only after the receipt of proof for having effected such transfer of ownership or change of address.

(3) Where any tax is paid by mistake or in excess, the tax so paid or collected shall, on an application made within such period, be refunded to such person in such manner and subject to such conditions as may be prescribed.

(4) Where any penalty is paid or collected ---

(a) by mistake, or

(b) in excess of, or

(c) when such penalty is not due,

the penalty so paid or collected shall be refunded to such person, in such manner and subject to such conditions as may be prescribed].

Production of certificate of insurance

5. Every registered owner or person having possession or control of a motor vehicle shall, at the time of making payment of the tax, produce before the licensing officer a valid certificate of insurance in respect of the vehicle complying with the requirement of [1][Chapter XI] of the Central Act.

Liability to pay arrears of tax by person succeeding to the ownership, possession or control of motor vehicle

6. (1) If the tax leviable in respect of any motor vehicle remains unpaid by any person liable for payment thereof and such person before having paid the tax has transferred the ownership of such vehicle or has ceased to be in possession or control of such vehicle, the person to whom the ownership of the vehicle has been transferred or the person who has possession or control of such vehicle shall be liable to pay the said tax to the licensing officer.

(2) Nothing contained in this section shall be deemed to affect the liability to pay the said tax of the person who has transferred the ownership or has ceased to be in possession or control of such vehicle.

1 Substituted vide Act No.9 of 1990 w.e.f 01-07-1990 EG Pt-II No.37 dated 9.11.1990.

Period within which tax is to be paid

[1][6-A. The tax due under this Act shall be paid within such period, not being less than seven days or more than thirty days from the commencement of the quarter, half-year or year, as may be prescribed and different periods may be prescribed for different classes of motor vehicles:

Provided that the tax due under this Act in respect of the classes of vehicles specified in the second proviso to sub-section (2) of section 3 for the quarter commencing from the 1st April, 1989 may be paid within thirty days from the date of commencement of the Puducherry Motor Vehicles Taxation (Amendment) Act, 1989].

Application for fitness certificate not to be entertained

[2][6-B. Notwithstanding anything contained in section 6-A or in the Motor Vehicles Act, 1988 (Central Act 59 of 1988), no application for the grant or renewal of fitness certificate in respect of a transport vehicle under the said Motor Vehicles Act, 1988 (Central Act 59 of 1988), shall be entertained unless the tax due under this Act in respect of such vehicle has been paid:

Provided that nothing contained in this section shall apply to a new transport vehicle produced for registration.

Application for duplicate certificate of registration not to be entertained

[2][6-C. Notwithstanding anything contained in section 6-A or in the Motor Vehicles Act, 1988, no application for the issue of a duplicate certificate of registration in respect of a motor vehicle (other than a transport vehicle) under the Motor Vehicles Act, 1988 shall be entertained unless the tax, as on the date of such application, due under this Act in respect of that vehicle has been paid and the proof for such payment of tax is produced:

Provided that in cases where an application for the issue of duplicate certificate of registration is made without the proof for having paid the tax due under this Act in respect of the vehicle for the whole period commencing from the date of registration of the vehicle and ending with the date of such application or for any part of the said period, such application may be considered by the registering authority subject to the provisions of section 9-A and on payment of the tax due under this Act in respect of the vehicle for the period for which the proof for payment of such tax has not been produced together with the penalty referred to in section 9].

1 Inserted vide Act No.4 of 1989 w.e.f 25.4.1989 published in EG Pt-II No.17 dated 25.4.1989.

2 Inserted vide Act No.6 of 2003 w.e.f 19.5.2003 published in EG Pt-II No.20 dated 20.5.2003.

Manner of payment of tax under this Act

7. Payment of every amount due under this Act shall be made by the production before the licensing officer of treasury challans to the value for which payment is required or in such other manner as may be prescribed.

Rounding off of tax, fee, penalty, fine, etc.

[1][7-A. The amount of tax, fee, penalty, fine or any other sum payable and the amount of refund due, under the provisions of this Act shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if such part is less than fifty paise, it shall be ignored].

Carriage of licence on vehicle and duty to stop it on demand by police officer

8. (1) The licence granted in respect of a motor vehicle under clause (a) of sub-section (3) of section 4 shall be carried in a conspicuous place upon the vehicle in such manner as may be notified by the Government and if such a licence is not so carried upon such vehicle, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees.

(2) Any police officer in uniform who is not below the rank of Sub-Inspector or an officer of the Motor Vehicles Department not below the rank of a Motor Vehicles Inspector or a Regional Transport Officer or such other officer as may be authorised by the Government in this behalf, may require the driver of any motor vehicle on any public road to stop the vehicle and cause it to remain stationary so long as may reasonably by necessary for the purpose of satisfying himself that a licence has been duly obtained in respect of such vehicle.

(3) Any person failing to stop a motor vehicle when required to do so by an officer under sub-section (2) or resisting such officer shall be punishable with fine which may extend to fifty rupees.

---

* Inserted vide Act No.6 of 2003 w.e.f 19.5.2003 published in EG Pt-II No.20 dated 20.5.2003.

Penalty payable where tax not paid

9. When any registered owner or any person who has possession or control of any motor vehicle used or kept for use in Puducherry is in default in making payment of the tax, the licensing officer may direct that, in addition to the amount of arrears, a sum not exceeding the annual tax payable in respect of such vehicle shall be recovered from him by way of penalty:

Provided that before giving any such direction, the registered owner or such person shall be given a reasonable opportunity of being heard.

[1][**Recovery of tax which escaped assessment**

9-A. Where for any reason, the whole or any portion of the tax which would have been payable in respect of any motor vehicle under this Act for any period has not been paid, the licensing officer may, at any time, within a period of five years from the expiry of the period to which the tax relates and after issuing a notice to the registered owner or the person having the possession or control of the motor vehicle and making such inquiry as he may consider necessary, direct such owner or other person to pay the whole or any portion of such tax, which has not been paid:

Provided that in computing the period of five years for the purpose of this section, the period or periods, if any, during which the collection of such tax has been stayed by an order of any court shall be excluded].

Power to seize and detain motor vehicles in case of non-payment of tax

10. Without prejudice to the provisions of section 6 and 7, where any tax due in respect of any motor vehicle has not been paid as specified in section 4, such officer as may be authorised may seize and detain the motor vehicle in respect of which the tax is due under this Act and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe-custody of the vehicle, until the tax due in respect of the vehicle is paid.

1 Inserted vide Act No.6 of 2003 w.e.f 19.5.2003 published in EG Pt-II No.20 dated 20.5.2003.

Recovery of tax as an arrear of land revenue

11. Any tax due under this Act may also be recovered in the same manner as an arrear of land revenue under the law for the time being in force for the recovery of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained and sold in pursuance of this section, whether or not such vehicle or accessories are in the possession or control of the person liable to pay the tax.

Utilisation of the proceeds of the tax

12. (1) (a) The proceeds of the tax collected under this Act every year shall be credited to the Consolidated Fund of Puducherry.

(b) There shall be paid to each local body which, at the commencement of this Act, was levying tolls or vehicle tax on motor vehicles or both, a sum equivalent to the average annual income derived by such local body during the three years ending on the 30th day of June, 1966, from such tolls or vehicle tax on motor vehicles, or both, as the case may be.

(c) The Government shall determine the sums which should be credited to it or paid to local bodies under clauses (a) and (b) and such determination shall be final.

(2) In determining the amount payable to a local body under clause (b) of sub-section (1), the Government shall take into account, ---

(a) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;

(b) the amount which the local body should have paid to any other local body on account of collections made on behalf of the latter and remaining to be adjusted; and

(c) the vehicle tax payable on vehicles owned by the local body or by its employees in respect of which exemptions were granted by the local body.

(3) All sums payable to local bodies under this section shall be expenditure charged on the Consolidated Fund of Puducherry.

[1][**Permit to be ineffective if tax not paid**

12-A. Notwithstanding anything contained in the Motor Vehicles Act, 1988 (Central Act 59 of 1988), if the tax due in respect of a transport vehicle is not paid within the prescribed period, the validity of the permit shall become ineffective from the date of expiry of the said period until such time the tax is actually paid.

Offences by companies

12-B. (1) Where an offence against any of the provisions of this Act or any rule made thereunder 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 exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable 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 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, society or other association of individuals; and

(b) "director" in relation to --

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

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

1. Inserted vide Act No.6 of 2003 w.e.f 19.5.2003 published in EG Pt-II No.20 dated 20.5.2003.

Exemptions

13. (1) The Government may, by notification in the Official Gazette, make an exemption, reduction in the rate or other modification in regard to the tax payable –

(i) by any person or class of persons, or

(ii) in respect of any motor vehicles or class of motor vehicles or motor vehicles running in any particular area.

(2) Every notification issued under sub-section (1) shall be laid on the table of the Legislative Assembly for a period of two months when the Assembly is in session.

Remissions

[1][13-A. The Government may, in such circumstances and subject to such conditions as may be prescribed, by notifications, --

(1) remit, whether prospectively or retrospectively, the whole or any part of the tax or penalty or both, payable under this Act or the rules made thereunder ---

(a) by any person or class of persons, or

(b) in respect of any motor vehicle or class of motor vehicles or motor vehicles running in any particular area; and

(2) cancel or vary such notification.]

Saving as to vehicles used for agricultural purposes

14. Nothing in this Act shall apply to a motor vehicle used solely for the purposes of agriculture.

Explanation. --- A motor vehicle used for transporting agricultural produce shall not, for the purpose of this section, be deemed to be used solely for the purpose of agriculture.

---

1 Inserted vide Act No.6 of 2003 w.e.f 19.5.2003 published in EG Pt-II No.20 dated 20.5.2003.

Appeal

15. (1) Any person who is aggrieved by any order or direction of the licensing officer may file an appeal before such person or authority, in such manner, within such time and on payment of such fees, as may be prescribed.

(2) The appeal shall be heard and decided in such manner as may be prescribed.

Protection in respect of acts done in good faith

16. No prosecution, suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Trial of offences

17. No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

Procedure in certain cases

18. (1) A court taking cognizance of an offence punishable under sub-section (1) of section 8 or under sub-section (3) of that section, in so far as it relates to failure to stop a motor vehicle when required to do so by an officer, may state upon the summons to be served on the accused person that he ---

(a) may appear by an Advocate and not in person, or

(b) may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter and remit to the court such sum not exceeding fifty rupees, as the court may specify.

(2) Where an accused person pleads guilty and remits the sum specified by the court, no further proceedings in respect of the offence shall be taken against him.

Power to make rules

19. (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 ---

(a) the authority to which, the time within which and the manner in which the appeal may be made;

(b) the fees to be paid in respect of such appeal;

(c) the procedure to be followed in disposing of the appeal; and

(d) any other matter required to be prescribed by or provided for by rules under this Act.

(3) In making a rule under this Act, the Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) Every rule made under this Act shall, as soon as may be after it is 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 or more successive sessions, and, if before the expiry of the session in which it is so laid or the successive sessions aforesaid, the Legislative Assembly makes any modification in the rule or decides that any such rule should not be issued, that rule shall thereafter have effect only in such modified form or have 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.

Power of Government to amend Schedules

20. (1) The Government may, by notification, alter, add to or cancel any of the Schedules.

(2) Where a notification has been issued under sub-section (1), there shall, unless the notification is in the meantime rescinded, be introduced in the Legislative Assembly, as soon as may be, but in any case during the next session of the Legislative Assembly following the date of the issue of the notification, a Bill on behalf of the Government, to give effect to the alteration, addition or cancellation, as the case may be, of the Schedules specified in the notification, and the notification shall cease to have effect when such Bill becomes law, whether with or without modifications, but without prejudice to the validity of anything previously done thereunder:

Provided that if the notification under sub-section (1) is issued when the Legislative Assembly is in session, such a Bill shall be introduced in the Legislative Assembly during that session:

Provided further that where for any reasons a Bill as aforesaid does not become law within six months from the date of its introduction in the Legislative Assembly, the notification shall cease to have effect on the expiration of the said period of six months.

(3) All references made in this Act to any of the Schedules shall be construed as relating to the Schedules as for the time being amended in exercise of the powers conferred by this section.

Power to remove difficulties

21. If any difficulty or doubt arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provision or give such directions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for the removal of the difficulty or doubt; and the order of the Government, in such cases, shall be final.

Repeal

22. The Puducherry Motor Vehicles Taxation Act, 1966, (Act No. 4 of 1966) is hereby repealed.

Validation

23. Notwithstanding anything contained in any judgment, decree or order of any Court to the contrary, all taxes levied or collected or purporting to have been levied or collected under the Puducherry Motor Vehicles Taxation Act, 1966 (Act No. 4 of 1966) (hereinafter referred to as the said Act), shall, for all purposes, be deemed to be and to have always been, validly levied or collected under the provisions of this Act, and accordingly ---

(a) any rule, order or appointment purporting to have been made, any decision or direction purporting to have been given, any action or proceeding purporting to have been taken, or anything purporting to have been done under any provision of the said Act shall be deemed to be and to have been a rule, order or appointment made, decision or direction given, action or proceeding taken, or thing done under the corresponding provision of this Act;

(b) no suit or other proceedings shall be maintained or continued in any Court against the Government or any person or authority whatsoever for the refund of any taxes so paid; and

(c) no Court shall enforce any decree or order directing the refund of any taxes so paid.

[1][SCHEDULE - I

[See section 3(2)]

Classes of Vehicle	**Quarterly tax** Rs. P.
1. Goods carriages ---	
(i) (a) Goods carriages not exceeding 3,000 kgs. in weight laden	350. 00
(b) Goods carriages exceeding 3,000 kgs. but not exceeding 5,500 kgs. in weight laden	700.00
(c) Goods carriages exceeding 5,500 kgs. but not exceeding 9,000 kgs. in weight laden	1,000.00
(d) Goods carriages exceeding 9,000 kgs. but not exceeding 12,000 kgs. in weight laden	1,500.00
(e) Goods carriages exceeding 12,000 kgs. but not exceeding 13,000 kgs. in weight laden	1,600.00
[2] [(f) Goods carriages exceeding 13,000 kgs. but not exceeding 15,000 kgs. in weight laden	1,800.00
(g) Goods carriages exceeding 15,000 kgs. in weight laden	1,800.00 (plus Rs.50 for every 250 kgs. of weight or part thereof in excess of 15,000 kgs. in weight laden)];

1 Amended vide Act No.6 of 1996 w.e.f 01.10.1996 published in Extraordinary Gazette Pt-II No.25 dated 21st September 1996.

2 Amended vide Act No.12 of 2002 w.e.f 01-04-2002 published in Extraordinary Gazette Pt-II No.46 dated 29th November 2002.

		Quarterly tax Rs. P.
(ii)	Trailers used for carrying goods other than those falling under item 4,8,9 and 10 of this Schedule ---	
	(a) for each trailer not exceeding 3,000 kgs, in weight laden	150. 00
	(b) for each trailer exceeding 3,000 kgs. but not exceeding 5,500 kgs. in weight laden	300. 00
	(c) for each trailer exceeding 5,500 kgs. but not exceeding 9,000 kgs. in weight laden	550. 00
	(d) for each trailer exceeding 9,000 kgs. but not exceeding 12,000 kgs. in weight laden	650. 00
	(e) for each trailer exceeding 12,000 kgs. but not exceeding 13,000 kgs. in weight laden	800. 00
	(f) for each trailer exceeding 13,000 kgs. but not exceeding 15,000 kgs. in weight laden	1,000. 00
	(g) for each trailer exceeding 15,000 kgs. in weight laden	1,000. 00 plus Rs.50 for every 250 kgs. of weight or part thereof in excess of 15,000 kgs. in weight laden.

[1] [2. Motor vehicles plying for hire and used for the transport of passengers and in respect of which permits have been issued under the Motor Vehicles Act, 1988 (Central Act 59 of 1988) –

	Quarterly tax Rs. P.
I. Vehicles permitted to carry in all, --	
(a) Not more than three persons including the driver	40.00
(b) More than three persons but not more than four persons including the driver	65.00
(c) More than four persons but not more than six persons including the driver	190.00
(d) More than six persons but not more than ten persons including the driver for every person other than the driver	95.00
(e) More than ten persons but not more than thirteen persons including the driver, for every person other than the driver	110.00
(f) More than thirteen persons but not more than twenty-seven persons including the driver, for every person other than the driver	250.00]
[2][(g) More than twenty-seven persons other than the driver, for every person other than the driver	300.00
(h) Heavy Passenger Motor Vehicle having seating capacity not exceeding 54 persons, including the driver, for every person other than the driver considered as "Deluxe Contract Carriage"	550.00
(i) Heavy Passenger Motor Vehicle having seating capacity exceeding 54 persons, including the driver, for every person other than the driver considered as "Ordinary Contract Carriage	350.00]
[2][II. Vehicles carrying more than five persons other than the driver and attendant classified as Tourist Vehicle permitted to ply under sub-section (9) of section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) for every person permitted to carry other than the driver and the attendant	750.00]

1 Substituted Vide Act No. 4 of 1997 w.e.f 01.04.1997 published in Extraordinary Gazette pt-II No.15 dated 14th May 1997.

2 Amended Vide Act No. 12 of 2002 w.e.f 01.04.2002 published in Extraordinary Gazette pt-II No.46 dated 29th November 2002.

	Quarterly tax Rs. P.
[1] [III (a) Vehicles to carry more than twelve persons (other than the driver and conductor) and plying exclusively within the limits of the urban areas, for every person permitted to carry other than the driver and conductor	125.00
(b) Vehicles to carry more than twelve persons (other than the driver and conductor) and plying exclusively within the limits of this territory, for every person permitted to carry other than the driver and conductor	250.00
Explanation – "Limits of this territory" includes, the distance covered in the enclaves of other States, if any, lying in between different Commune Panchayats of this Territory, if such distances covered in the enclaves in the aggregate on a particular route do not exceed 16 kms.	
(c) Vehicles to carry more than twelve persons (other than the driver and conductor) and plying on the routes partly lying in this Territory and partly lying in other States, for every person permitted to carry, other than the driver and conductor --	
(i) Ordinary Stage Carriage	340.00
(ii) Express Stage Carriage	350.00

Note: These will also include routes, the termini of which lie within the limits of this Territory by intervening distance of the enclaves of other States in the aggregate exceeding 16 kms.

The tax payable in respect of a reserve stage carriage or a bus shall be three-fourths of the maximum rates payable per passenger for any one of the regular stage carriages of the permit holder].

1 Substituted Vide Act No. 12 of 2002 w.e.f 01.04.2002 published in Extraordinary Gazette pt-II No.46 dated 29th November 2002.

3. Motor vehicles not themselves constructed to carry any load (other than water, fuel, accumulators and other equipments used for the purpose of propulsion, loose tools and loose equipments used for haulage only) ---

	Quarterly tax Rs. P.
(a) weighing not more than 2,500 kgs. unladen	120.00
(b) weighing not more than 2,500 kgs. unladen	150.00

4. Fire engines, fire tenders and road water sprinklers --

(a) not exceeding 1,000 kgs. in weight laden	20.00
(b) exceeding 1,000 kgs. but not exceeding 1,500 kgs. in weight laden	30.00
(c) exceeding 1,500 kgs. but not exceeding 2,000 kgs. in weight laden	40.00
(d) exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight laden	50.00
(e) exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight laden	60.00
(f) exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight laden	75.00
(g) exceeding 5,500 kgs. but not exceeding 7,500 kgs. in weight laden	90.00
(h) exceeding 7,500 kgs. but not exceeding 9,000 kgs. in weight laden	110.00
(i) exceeding 9,000 kgs. in weight laden	120.00

	Quarterly tax Rs. P.
(j) Additional tax payable in respect of such vehicles used for drawing trailers including fire engines trailer pumps –	
(i) for each trailer not exceeding 1,000 kgs. in weight laden	15.00
(ii) for each trailer exceeding 1,000 kgs. but not exceeding 1,500 kgs. in weight laden	20. 00
(iii) for each trailer exceeding 1,500 kgs. but not exceeding 2,000 kgs. in weight laden	25. 00
(iv) for each trailer exceeding 2,000 kgs. in weight laden	40. 00

Provided that two or more vehicles shall not be chargeable under this item in respect of same trailer.

5. Motor cycles (including motor scooters and cycles with attachment for propelling the same by mechanical powers) not exceeding 408 kgs. in weight, unladen –

		Annual tax Rs. P.
(a)	motor cycle 56 CC to 75 CC	50.00
(b)	motor cycle exceeding 75 CC to 170 CC	100.00
(c)	motor cycle exceeding 170 CC and tricycle	150.00

6. Invalid carriages 32.00

7. Motor vehicles other than those liable to tax under the foregoing provisions of the items 1 to 6 of this Schedule--

	Annul tax Rs. P.
(a) motor vehicles more than 3,000 kgs. unladen weight owned by Educational Institutions	1,200.00
(b) motor vehicles with / without trailer fitted with equipments life Rig, Generators, Compressors irrespective of laden weight	2,000.00

[1][8. Motor vehicles other than those liable to tax under the foregoing provisions of the items 1 to 7 of this Schedule--

	Annul tax Rs. P.
(a) weighing not more than 700 kgs. unladen	500.00
(b) weighing more than 700 kgs. but not more than 1,500 kgs. unladen	650.00
(c) weighing more than 1.500 kgs. but not more than 2,000 kgs. unladen	800.00
(d) weighing more than 2,000 kgs. but not more than 3,000 kgs. unladen	850.00
(e) weighing more than 3,000 kgs. unladen in respect of which private transport vehicle permit is not required under the Motor Vehicles Act, 1988	900.00]

9. Motor vehicles, other than those liable to tax under the foregoing, provisions of the items 1 to 8 of this Schedule weighing more than 3,000 kgs. unladen and covered by private transport vehicle permit and those in respect of which private service vehicle permit is required under the Motor Vehicles Act, 1988.

	Quarterly tax Rs. P.
(a) In respect of the Private Service Vehicle	300.00
(b) In other cases --- for every person (other than the driver) which the vehicle is permitted to carry	50.00

10. Additional tax payable in respect of vehicle referred to in item 8 and 9 used for drawing trailers ---

(i) for each trailer not exceeding 1 tonne in weight unladen	20.00
(ii) for each trailer exceeding 1 tonne in weight unladen	30.00

Provided that two or more vehicles shall not be chargeable under items 8,9 and10 of this Schedule in respect of the same trailer.

---

1 Substituted Vide Act No. 4 of 1997 w.e.f 01.04.1997 published in Extraordinary Gazette pt-II No.15 dated 14th May 1997.

[1][SCHEDULE - IA

[See section 3 (2) second proviso]

SCHEDULE OF ONE TIME TAX

Sl. No.	Vehicle	Class of Vehicles: Motor cycle 56 CC but not exceeding 75 CC	Motor cycle exceeding 75 CC but not exceeding 170 CC	Motor cycle exceeding 170 CC and tricycle	Motor vehicle weighing not more 700 kgs. unladen	Motor vehicle weighing more than 700 kgs. but not more than 1,500 kgs. unladen	Motor vehicle weighing more than 1,500 kgs. unladen
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
		RATE OF TAX					
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1.	At the time of registration of new vehicle	350	700	1,000	4,500	5,500	7,500
2.	If the vehicle is already registered and its age from the month of registration is ---						
(i)	Not more than 1 year	315	630	945	4,000	5,200	6,000
(ii)	More than 1 year but not more than 2 years	285	565	850	3,600	4,680	5,400
(iii)	More than 2 years but not more than 3 years	250	500	755	3,200	4,160	4,800
(iv)	More than 3 years but not more than 4 years	220	440	660	2,800	3,640	4,200
(v)	More than 4 years but not more than 5 years	190	380	565	2,400	3,120	3,600
(vi)	More than 5 years but not more than 6 years	155	315	475	2,000	2,600	3,000
(vii)	More than 6 years but not more than 7 years	125	250	380	1,600	2,080	2,400
(viii)	More than 7 years but not more than 8 years	95	190	285	1,200	1,560	1,800
(ix)	More than 8 years but not more than 9 years	65	125	190	800	1,040	1,200
(x)	More than 9 years but not more than 10 years	30	65	95	400	520	600
(xi)	More than 10 years	20	40	50	250	300	400]

1 Amended vide Act 6 of 1996 w.e.f 01.10.1996 and published in EG Pt-II No.25 dated 21.09.1996.

Note: Schedule-IB was originally inserted by Act 13 of 1988, section 4, w.e.f 19.05.1988 consequent of insertion of new section ibid. Consequent on the amendement of section 4A by Act 6 of 1996 Schedule I-B was omitted vide Act 6 of 1996 w.e.f 01.10.1996 and published in EG Pt-II No.25 dated 21.09.1996.

[1] SCHEDULE - II

[See section 4 (1) (c)]

Sl. No.	Class of vehicles	Rate of taxes	
		For a period not exceeding seven days	For a period exceeding seven days but not exceeding thirty days
(1)	(2)	(3)	(4)
		Rs. P.	Rs. P.
1.	Motor Vehicles whether used for drawing a trailer or side car or not including motor scooters and cycle with attachment for propelling the same by mechanical power	5.00	15.00
2.	Invalid Carriages	2.00	5.00
3.	Goods Carriages ---		
	(a) vehicles not exceeding 3,000 kgs. in weight laden	30.00	90.00
	(b) vehicles exceeding 3,000 kgs. but not exceeding 5,500 kgs. in weight laden	50.00	150.00
	(c) vehicles exceeding 5,500 kgs. but not exceeding 9,000 kgs. in weight laden	100.00	300.00
	(d) vehicles exceeding 9,000 kgs. but not exceeding 12,000 kgs. in weight laden	200.00	600.00
	(e) vehicles exceeding 12,000 kgs. but not exceeding 13,000 kgs. in weight laden	250.00	750.00
	[2] [(f) vehicles exceeding 13,000 kgs. but not exceeding 15,000 kgs. in weight laden	320.00	960.00
	(g) vehicles exceeding 15,000 kgs. in weight laden	320. 00 plus* Rs.5.00	960.00] plus* Rs.15.00
		** (for every 250 kgs. in excess or part thereof.)*]	

1 Amended vide Act 6 of 1996 w.e.f 01.10.1996 and published in EG Pt-II No.25 dated 21.09.1996.

2 Substituted Vide Act No. 12 of 2002 w.e.f 01.04.2002 published in Extraordinary Gazette pt-II No.46 dated 29th November 2002.

Sl. No.	Class of vehicles	Rate of taxes	
		For a period not exceeding seven days	For a period exceeding seven days but not exceeding thirty days
(1)	(2)	(3)	(4)
		Rs. P.	Rs. P.
4.	Trailers used for carrying goods other than those falling under item 4 of Schedule I --		
	(a) for each trailer not exceeding 3,000 kgs. in weight laden	30.00	90.00
	(b) for each trailer exceeding 3,000 kgs. but not exceeding 5,500 kgs. in weight laden	50.00	150.00
	(c) for each trailer exceeding 5,500 kgs. but not exceeding 9,000 kgs. in weight laden	100.00	300.00
	(d) for each trailer exceeding 9,000 kgs. but not exceeding 12,000 kgs. in weight laden	200.00	600.00
	(e) for each trailer exceeding 12,000 kgs. but not exceeding 13,000 kgs. in weight laden	250.00	750.00
	(f) for each trailer exceeding 13,000 kgs. but not exceeding 15,000 kgs. in weight laden	300.00	900.00
	(g) for each trailer exceeding 15,000 kgs. in weight laden	300.00 plus Rs.5 for every 250 kgs. in excess or part thereof	900.00 plus Rs.15 for every 250 kgs. in excess or part thereof
5.	Motor vehicle plying for hire and used for the transport of passengers and in respect of which permits have been issued under the Motor Vehicles Act ---		
	(a) to carry not more than three persons (other than the driver)	20.00	60.00

Sl. No.	Class of vehicles	Rate of taxes	
		For a period not exceeding seven days	For a period exceeding seven days but not exceeding thirty days
(1)	(2)	(3)	(4)
		Rs. P.	Rs. P.
	(b) to carry more than three persons (other than the driver) but not more than five persons (other than the driver) for every person (other than the driver) which the vehicle is permitted to carry	25.00	75.00
	(c) vehicles permitted to ply as stage carriage and to carry more than six persons (other than the driver and conductor) for every person (other than the driver and conductor) which the vehicle is permitted to carry	30.00	90.00
	[1][(d) Vehicles permitted to ply solely as Contract Carriage (not being Stage carriage plying as Contract Carriages) and to carry more than five persons (other than the driver) in respect of Light Motor Vehicles and Medium Motor Vehicles, for every person (other than the driver) which the vehicle is permitted to carry	40.00	120.00
	(e) Heavy Passenger Motor Vehicles having seating capacity not exceeding 54 persons, including the driver, for every person other than the driver considered as "Deluxe Contract Carriage"	75.00	225.00
	(f) Heavy Passenger Motor Vehicles having seating capacity exceeding 54 persons, including the driver, for every person other than the driver considered as "ordinary Contract Carriage"	45.00	135.00]
	[2][5A. Vehicles carrying more than five persons other than the driver and conductor, classified as Tourist Vehicle permitted to ply under sub-section (9) of section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), for every person permitted to carry other than the driver and the attendant	100.00	300.00]

1 Substituted Vide Act No. 12 of 2002 w.e.f 01.04.2002 published in Extraordinary Gazette pt-II No.46 dated 29th November 2002.

2 Inserted Vide Act No. 12 of 2002 w.e.f 01.04.2002 published in Extraordinary Gazette pt-II No.46 dated 29th November 2002.

Sl. No.	Class of vehicles	Rate of taxes	
		For a period not exceeding seven days	For a period exceeding seven days but not exceeding thirty days
(1)	(2)	(3)	(4)
		Rs. P.	Rs. P.
6.	Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule ---		
	(a) weighing not more than 700 kgs. unladen	10.00	30.00
	(b) weighing more than 700 kgs. but not more than 1,500 kgs. unladen	20.00	60.00
	(c) weighing more than 1,500 kgs. but not more than 2,000 kgs. unladen	30.00	90.00
	(d) weighing more than 2,000 kgs. but not more than 3,000 kgs. unladen	40.00	120.00
	(e) weighing more than 3,000 kgs. unladen in respect of which private transport vehicle permit is not required under the Motor Vehicles Act	50.00	150.00
	(f) Additional tax payable in respect of vehicles referred to in item 4 and used for drawing trailers –		
	(i) for each trailer not exceeding 1 tonne in weight unladen	10.00	30.00
	(ii) for each trailer exceeding 1 tonne in weight unladen provided that two or more vehicles shall not be chargeable under this item in respect of the same trailer	20.00	60.00

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 5 OF 1967

The Madras Motor Vehicles taxation Act, 1931 (Madras Act No. 3 of 1931) has been made applicable to this Union Territory with suitable modifications under the Puducherry Motor vehicles taxation Act, 1966 (Act No.4 of 1966) with effect from 1-7-1966. In view of the fact that doubts have been expressed with regard to the vires of certain provisions of the said Act, it had been decided to exact afresh a consolidated Act with retrospective effect from 1-7-1966. The present Bill seeks to achieve the above object.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 24 OF 1970

The Puducherry Motor Vehicles Taxation Act, 1967 is based on the corresponding Act of Tamil Nadu and for collecting tax under the Act, the same rates as were obtaining in Tamil Nadu at that time have been adopted. Subsequently the Government of Tamil Nadu have revised the rates of tax in respect of certain classes of vehicles. Normally, out rates of tax must be slightly less than those which are prevalent in the neighbouring State in the interest of the residents of this Union territory. It is, therefore, proposed to enhance the present rates keeping them below the revised rates actually in vogue in Tamil Nadu.

2. A Notification was, therefore, issued by the Government on 26-3-1970 amending Schedules I and II to the Act to achieve the objects in view. This Bill is intended to give effect to the amendments specified in the above- said notification. Vide sub-section (2) of section 20 of the Act.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 9 OF 1973

Under Schedules I and II of the Puducherry Motor Vehicles Taxation Act, 1967, the maximum permitted laden weight for which tax prescribed was upto 10,500 kgs. for goods vehicles. This was due to the fact that sub-rule (1) of rule 6 (1) of the Delhi Motor Vehicles Rules 1940 as applicable to this Union territory of Puducherry restricted the maximum laden weight of a goods vehicles to 12 tons. Due to the advance in the manufacturing techniques of motor vehicles to withstand higher load capacity and due to improvement of roads, this restriction was removed by an amendment to the said rule in 1971 in line with other States. This necessitated fixation of tax slab rates for the goods vehicles whose permitted laden weights exceeded 10,500 kgs.

A notification was therefore issued by the Government altering the Schedules I and II to the Act to achieve the objects in view. This bill is intended to give effect to the amendments specified in the abovesaid notification.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 1 of 1974

Under schedules I and II of the Puducherry Motor vehicles Taxation Act, 1967, the maximum permitted laden weight for which tax prescribed was upto 10, 500 kgs. For goods vehicles. This was due to the fact that sub-rule (i) of rule 6.1 of the Delhi Motor Vehicles rules 1940 as applicable to this Union territory of Puducherry restricted the maximum laden weight of a good vehicles to 12 tons. Due to the advance in the manufacturing techniques of motor vehicles to withstand higher load capacity and due to improvement of roads, this restriction was removed by an amendment to the said rule in 1971 in line with other States, this necessitated fixation of tax sub rates for the goods vehicles whose permitted laden weights exceeded 10,500 kgs.

A notification was therefore issued by the government altering the schedules I and II to the Act to achieve the objects in view. This bill is intended to give effect to the amendments specified in the above said notification.

_____

STATEMENT OF OBJECTS AND REASONS FOR ACT 7 OF 1977

The proposed amendment to the Puducherry Motor Vehicles Taxation Act, 1967 is aimed to amend the Act on three scores. In the first instance, a definition of "Urban area" is proposed, to be inserted in Section 2, so that the demand of the tax based on the specific slab for vehicles plying within the urban area is duly protected by law. In the second instance, a proviso in section 3 (1) is proposed, to enable adjustment of tax paid among the different category of public carrier permits viz. Regional, Zonal and National permits. Thirdly, a revision of the existing tax rates contained in Schedule I of the Act is proposed in order to suitably revise the taxes on certain categories of motor vehicles.

The amendment seeks to achieve the above objects.

_____

STATEMENT OF OBJECTS AND REASONS FOR ACT 9 OF 1980

In Schedule I, attached to the Puducherry Motor Vehicles Taxation Act, 1967, (Act 5 of 1967) under sub-item (iii) of item 4, the rate of tax for contract carriages used for tourist purposes is provided.

The present rate of Rs.100 per seat is meant for mere contract carriages which are permitted to ply within the Union territory of Puducherry and to ply outside the State under section 63 (6) of the Motor Vehicles Act. But an omni bus which is permitted under All India Tourists Motor Vehicles (Puducherry) Rules, 1977 has a vast scope of operation throughout India and thus has better earning capacity than the ordinary contract carriages. It is, therefore, proposed now to fix the rate of tax applicable to such omni buses covered by permits for all India operation as Rs.150 per seat while maintaining the present rate of tax for the ordinary contract carriages. This revision involves additional revenue to the State. No increase in the rate of tax is proposed for tourist taxis covered by All India Tourist Permits, since those tax are normally working on petrol.

The amendment seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT 8 OF 1985

In schedule I, attached to the Puducherry Motor Vehicles Taxation Act, 1967 (Act 5 of 1967), under sub-item (iii) of item 4, the rate of tax for contract carriages used for tourist purposes has been provided.

The present rate of Rs.100/- per seat is meant for mere contract carriages having seating capacity if more than five persons but not more than twelve persons other than the driver and which are permitted to ply within the Union territory of Puducherry and to ply outside the state under section 13 (6) of the Motor Vehicles Act, 1939. The present rate of Rs.150/- is meant for contract carriages having seating capacity of more than twelve persons (other than the driver) and which are permitted to ply within the Union territory of Puducherry and to ply outside states under section 63 (6) of the Motor Vehicles Act. As the tourist taxi/motor cab which is permitted under the All India Tourist Motor Vehicles (Puducherry) Rules, 1977 having seating capacity of more than five persons (other than the driver) is having vast scope of operation throughout India and thus has better earning capacity than the ordinary contract carriage which are permitted to ply within the Union territory of Puducherry only and hence the present rate of Rs.150/-. per seat is fixed. An omni bus which is permitted under the All India Tourist Motor Vehicles (Puducherry) Rules, 1977 is also having vast scope of operation and having better earning capacity. It is, therefore, proposed to fix the rate of tax as Rs.180/- per seat while maintaining the present rate of tax of Rs.150/- per seat for ordinary contract carriages which are permitted to ply in the Union territory of Puducherry only.

The Bill seeks to active the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT 13 OF 1988

The Puducherry Motor Vehicles Taxation Act, 1967 (No.5 of 1967) provides in sections 3 and 4, payment of tax on motor vehicles using public roads in Puducherry quarterly, half-yearly or annually, The Conference of Transport Ministers have recommended that the registered owners of non- transport vehicles may be required to pay tax in respect of their vehicles in one go. Collecting one time tax is considered to be beneficial and convenient both to Government and the Public. For the purposes of collecting one time tax, the life of the vehicle is taken as 15 years and a rebate of 10% is allowed on account of the advance payment of tax. When a vehicle is transferred to another State, provisions should be made for refund of tax. For these purposes, it is proposed to amend sections 3 and 4 of the Act and also add a new section 4A providing for refund of tax. It is also necessary to amend the Schedule I and insert the new Schedule IA prescribing the Schedule of one time tax and Schedule lB prescribing the rate of refund of tax.

The Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT 4 OF 1989

The Puducherry Motor Vehicles Taxation Act, 1967 was amended by Act No.13 of 1988 providing for payment of tax in advance in lumpsum by the registered owner of the non-transport motor vehicles. The payment of this one-time tax is made compulsory and this has caused inconvenience and hardship to many. It is therefore proposed to make the payment of one-time tax optional and such one-time tax shall be collected only where the registered owner makes an application in writing in that behalf. It is necessary to amend the second proviso to sub-section (2) of section 3 of the Act to achieve the above purpose and also to make other consequential and incidental amendments in the Puducherry Motor Vehicles Taxation Act. It is also necessary to take powers to prescribe the period within which tax is to be paid.

The Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT .9 OF 1990

For the purpose of augmenting and generating funds to the exchequer, rates of tax on transport vehicles are proposed to be enhanced. Also in the levy of tax on stage carriages, the quantum of tax to be collected on stage carriages which are not covered in inter-State agreement has not been prescribed in Schedule-I. This has to be rectified. In the case of All India Tourist Omni bus, even through the Central Motor Vehicles Rules, 1989 provides for seating arrangement to an attendant, the taxation Schedule does not provide for exemption for the attendant from the levy of tax. This has to be specifically provided for in the Act. These necessitated amendment to Schedule I and Schedule II of the Puducherry Motor Vehicles Taxation Act, 1967 (hereinafter referred to as the principal Act).

In the above circumstances, a notification was issued in Welfare Secretariat (Transport) G.O.Ms. No.42/90-Wel. (Tr.)., dated 24th September, 1990 making amendment to schedules I and II of the principal Act. Thereafter, a notification under sections 3 and 4 of the said Act was issued prescribing the revised rates of tax to be effective from the quarter commencing on the 1st July, 1990 in Welfare Secretariat (Transport) G.O.Ms.43/ 90-Wel.(Tr.), dated 24th September, 1990. The amendment to the notification and the levy of the revised rates of tax from 1st July, 1990 has to be regularised and validated by introducing a Bill in the Legislative Assembly as required under sub-section (2) of section 20 of the principal Act. It is also pointed out that before the issue of the said notification in G.O.Ms. No.43/90-Wel.(Tr.), dated 24th September, 1990, there was no appropriate entry in Schedule I to levy tax on vehicles permitted to ply as stage carriages and to carry more than six persons (excluding the driver) and plying on inter-State routes not covered by any inter-State agreement for the levy of single point tax. However, the Government has been collecting from 1st October, 1983 for such vehicles, taxes at the rate covered by inter-State tax. This has to be validated by making the amendment to the entry against sub-item 2(c) of item 4 of the First Schedule to the principal Act to be effective from 1st October, 1983. There are a few other formal amendments required to the Act consequent on the enactment of the Motor Vehicles Act, 1988 and the change in the nomenclature of goods vehicles into goods carriage. Necessary amendments to these effects have to be made in the principal Act together with a suitable provision for validation.

3. The Bill seeks to achieve the above object.

STATEMENT OF OBJECTS AND REASONS FOR ACT 4 OF 1992

For the purpose of augmenting and generating funds to the chequer, the rates of tax on transport vehicles are proposed to enhanced. In schedules I, IA, and IB, to the Puducherry Motor Vehicles Taxation Act, 1967, the classification of personalized vehicles has been shown according to the horse power of the vehicles. This classification is required to be changes according to the cubic capacity of the vehicles as the Motor Vehicles Act, 1988, stresses importance on cubic capacity. The revision tax and classification of personalized vehicles necessitate amendment to Schedules I, IA, TB, and II of the Puducherry Motor Vehicles Taxation Act, 1967 (hereinafter referred to as the principal Act)

A notification was issued in Chief Secretariat (Transport) G.O.Ms. No. 13/92-Wel. (Tr.), dated 1st April 1992, making amendments to Schedules I and II of the principal Act. Thereafter another notification under section 3 and 4 of the said Act was used prescribing the revised rates of tax to be effective from the quarter commencing on the 1st day of April 1992. There are a two other formal amendments requires to the schedules IA, and IB the principal Act based on the changes proposed to be made the classification of vehicles. Necessary amendments to these effects have to be made to the principal Act.

This Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT 6 OF 1993

In deference to the demand of Puducherry Lorry Owners' Association who have been representing for reduction of quarterly tax levied on goods carriages, it is proposed to revert to the rates which were existing prior to April, 1002 in respect of goods carriages. The revision in tax and classification of goods carriages according to laden weight necessitate amendment to Schedules I and II of the Puducherry Motor Vehicles Taxation Act, 1967 (hereinafter referred to as the principal Act).

A notification was issued in chief secretariat (Transport) G.O.Ms. No. 16/93-Wel.(Tr.), dated 1st April, 1993, making amendments to Schedules-I and II of the principal Act. Thereafter another notification under sections 3 and 4 of the said Act was issued prescribing the revised rates of tax to be effective from the quarter commencing on the 1st day of April, 1993, vide H.G.O.Ms. No. 17/93-Wel. (Tr), dated 1st April, 1993. Necessary amendments to these effects have to be made to the principal Act.

This Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT 6 OF 1996

In order to mobilize the additional resources of revenue to this Additional ministration in the interest of public and to rationalise the tax, some of the provisions of the Puducherry Motor Vehicles Taxation Act. 1967 need change. To achieve the above object insertion of certain new provisional and modification in the Schedules to the Act are very much necessitated. It had been proposed to enhance the rate of tax on several categories of vehicles.

The Bill seeks to achieve the above object.

STATEMENT OF OBJECTS AND REASONS FOR ACT 4 OF 1997

In order to mobilise the additional resources of revenue to this Administration and to rationalise the tax, it has been proposed to enhance quarterly tax in respect of autorickshaw, taxi, vikram three wheelers, stage carriages of certain categories and to enhance the annual tax in respect of certain motor vehicles.

2. A notification was issued in G.O.Ms.No. 28/97-Wel.(Tr.), dated the 1st April, 1997 of the Chief Secretariat (Transport) making amendments to Schedule-I to the Puducherry Motor Vehicles Taxation Act, 1967. Simultaneously another notification under section 3 of the said Act was issued prescribing the revised rates of tax to be effective from the quarter commencing on and from the 1st day of April, 1997, vide G.O.Ms. No.27/97- Wel. (Tr.), dated the 1st April, 1997 of the chief Secretariat (Transport). Necessary amendments to these effects have to be made to the Principal Act.

STATEMENT OF OBJECTS AND REASONS FOR ACT 6 OF 1999

In order to mobilize the additional resources of revenue to Administration and to rationalize the tax, it has been proposed to enhanced quarterly tax in respect of stage carriages of certain categories

2. A notification was issued in G.O.Ms. No.9/99-Wel(Tr), dated 1st April, 1999 of the Chief Secretariat (Transport), Puducherry make amendments to schedule I to the Puducherry Motor Vehicles Taxation 1967. Simultaneously another notification under section 3 of the said was issued prescribing the revised rates of tax to be effective from the quarter commencing on and from the 1st say of April 1999, vide G.O.Ms.No. 8 Wel. (Tr), dated 1st April, 1999 of the Chief Secretariat, Puducherry. Necessary amendments to these effectives have to be made to the principal.

3. The Bill seeks to achieve the above object.

STATEMENT OF OBJECTS AND REASONS FOR ACT 12 OF 2002

In order to mobilize the additional resources of revenue to this Administration and to rationalise the tax, it has been proposed to enhance quarterly tax in respect of Goods Carriages, Omni Buses, Tourist Vehicles, Stage Carriages and Contract Carriages.

2. Notifications were issued in G.O.Ms. No.29/2002 (Tr.), dated 24th May 2002 and G.O.Ms. No.31/2002 (Tr.), dated 24th May, 2002 of the Transport Department (Secretariat Wing), Puducherry making amendments to Schedule I and Schedule II to the Puducherry Motor Vehicles Taxation Act, 1967. Simultaneously notifications under sub-section (1) of section 20 and clause (c) of sub-section (1) of section 4 of the Puducherry Motor Vehicles Taxation Act, 1967 were issued prescribing the revised rates of tax to be effective from the quarter commencing on and from 1st April, 2002 in G.O.Ms.No.30/2002 (Tr.), dated 24th May, 2002 and G.O.Ms. No.32/2002 (Tr.), dated 24th May, 2002 of the Transport Department (Secretariat Wing), Puducherry. Necessary amendments to these effects have to be made to the principal Act.

3. This Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT 6 OF 2003

The Puducherry Motor Vehicles Taxation Act, 1967 provides for the levy of taxes on motor vehicles in the Union Territory of Puducherry.

2. It is found that the existing provisions of the Puducherry Motor Vehicles Taxation Act, 1967 do not help much to control the number of the tax defaulters which has been on the steady increase. It has therefore been proposed to amend the provisions of the said Act to provide for the prompt levy of taxes by including certain provisions in the said Act, whereby applications for fitness certificate and duplicate certificate of registration will not be entertained unless the tax due in respect of the vehicle is paid. The validity of the permit in respect of a transport vehicle shall also become ineffective if tax is not paid within the prescribed period. The amendment also proposed to provide for the recovery of tax which escaped assessment and to provide for fixing responsibility and liability in respect of offences committed by companies. It is also proposed to provide for the remission of both prospectively and retrospectively, the tax or penalty or both in respect of notified cases under prescribed circumstances and conditions. Further, it is proposed to levy tax in respect of motor vehicles kept for use in Puducherry also by amending section 3 of the Puducherry Motor Vehicles Taxation Act, 1967.

3. The Bill seeks to achieve the above objects.

———

THE PUDUCHERRY GENERAL SALES TAX ACT, 1967
(No. 6 of 1967)

Repealed by the Puducherry Value Added Tax Act, 2007 (Act No. 9 of 2007).

———

THE PUDUCHERRY MUNICIPAL DECREE (AMENDMENT) ACT, 1967
(No. 7 of 1967)

Repealed by the Puducherry Municipalities Act, 1973 (Act No. 9 of 1973).

———

THE PUDUCHERRY SURVEY AND BOUNDARIES ACT, 1967

(No. 8 of 1967)

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Government to appoint survey officers.

CHAPTER II

SURVEY OF LANDS

4. Government may direct the survey of land or of any boundary of such land.
5. Notification to be published by survey officers.
6. Survey Officer to carry out the survey in the prescribed manner.
7. Cost to be charged to persons interested in the lands surveyed.
8. Power of survey officer to determine and record an undisputed boundary.
9. Power of survey officer to determine and record a disputed boundary.
10. Appeals against orders under section 8 or 9.
11. Completion of demarcation to be notified.
12. Institution of a suit in civil court within three years to establish rights claimed in respect of the boundary of the property surveyed.
13. Registered holders responsible for the maintenance of survey marks.
14. Duties of village officers.

CHAPTER III

LAND RECORDS

15. Preparation of record of rights. omitted
16. Publication of the record of rights. omitted
17. Jurisdiction of civil courts to decide disputes. omitted
18. Correction of bona fide mistake in register. omitted
19. Register of mutations. omitted
20. Penalty for neglect to afford information. omitted
21. Assistance in preparation of maps. omitted
22. Certified copies. omitted
23. Maps and other records open to inspection. omitted

CHAPTER IV

MISCELLANEOUS

24. Power to enter upon, examine and clear obstruction on lands.
25. Power to summon witnesses and require production of documents.
26. Reference to arbitration.
27. Registered holder may recover expenses paid by him from the owner of the land may acquire a charge upon the land to that extent.
28. Power to make rules.
29. Protection of action taken.
30. Power to remove difficulties.
31. Repeal and saving.

———

THE PUDUCHERRY SURVEY AND BOUNDARIES ACT, 1967

(No. 8 of 1967)

AN ACT

to amend the law relating to survey of land and settlement of boundary disputes in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Eighteenth year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Survey and Boundaries Act, 1967.

(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 areas.

Definitions

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

(a) 'Collector' means any officer appointed by the Government to exercise and perform all or any of the powers and functions of a Collector under this Act;

(b) 'Controller' means an officer of the Contributions Department competent to assess all direct and indirect taxes;

(c) 'Government' means the Administrator appointed by the President under article 239 of the Constitution;

(d) 'prescribe' means prescribed by rules framed under this Act;

(e) 'Registered holder' of any land means the person in whose name the land in question is registered in the Government accounts of the village:

* The Act came into force from 1st March, 1968 vide EG. No.10 dated 17.02.1968.

Provided that when any person other than the registered holder is in lawful management of land otherwise than as agent or servant of the registered holder or as mortgagee or lessee, such person shall be deemed to be the registered holder in respect of such land;

(f) 'Registered holder' in case of joint registration means where the land is registered in the names of two or more persons jointly, the person who is recognised by the other joint holders as the manager or who, in case of disputes, is recognised by the Collector as senior joint holder;

(g) 'Revenue Officer' means any officer appointed by Government in this behalf and includes all officers of the Contributions Department not below the rank of Karnam (Surveillant de Domaine);

(h) 'Survey' includes all operations incidental to the determination, measurement and record of a boundary or boundaries, or any part of a boundary and includes a resurvey;

(i) 'Survey mark' means any mark or object erected, made, employed or specified by a survey officer to indicate or determine or assist in determining the position or level of any point or points;

(j) 'Survey Officer' means any person appointed to be a survey officer under section 3;

(k) 'Union territory' means the Union territory of Puducherry;

(l) 'Village Headman' and 'Village Accountant' include "Agent de Recettes" and "Surveillant de Domaine".

Government to appoint survey officers

3. (1) The Government may, by notification in the Official Gazette, appoint any person either by name or by virtue of his office to be a survey officer for all or any of the purposes of this act.

(2) Subject to the control of the Government and of any officer or authority appointed by it in this behalf, every person so appointed shall exercise and perform the powers and duties of a survey officer within such local limits and for such periods of time as the Government may direct.

(3) The Government may delegate its powers under sub-sections (1) and (2) to such officer or authority as it thinks fit.

CHAPTER II

SURVEY OF LANDS

Government may direct the survey of land or of any boundary of such land

4. The Government or, subject to the control of the Government, any officer or authority to whom his power may be delegated by it may, by notification, order a survey of any land or of any boundary of such land.

Notification to be published by survey officers

5. (1) When any survey is ordered under section 4, the survey officer shall publish a notification in the prescribed manner inviting all persons having any interest in the land or in the boundaries of which the survey has been ordered to attend either in person or by agent at a specified place and time and from time to time thereafter when called upon for the purpose of pointing out boundaries and supplying information in connection therewith.

(2) A notification published under sub-section (1) shall be held to be a valid notice to every person having any interest in the land or in the boundaries of which the survey has been ordered.

Survey officer to carry out the survey in the prescribed manner

6. The survey officer shall carry out the survey in the prescribed manner.

Cost to be charged to persons interested in the lands surveyed

7. (1) The cost, if any, of the labour employed and of the survey marks used in any survey notified under section 4 shall be determined or apportioned in the prescribed manner among the persons who have any interest in the land or in the boundaries of which the survey has been ordered and shall be recoverable from such persons as an arrear of land revenue under the law for the time being in force in that behalf. Notice of such determination and apportionment shall be given in the prescribed manner to the persons aforesaid.

(2) Any person affected by a decision under sub-section (1) may appeal to the prescribed officer whose decision, with reasons therefor, shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal.

(3) An appeal under sub-section (2) shall be preferred within three months from the date of service of notice under sub-section (1), after excluding the time taken for obtaining a copy of the decision.

(4) Any appeal may be admitted after the period of limitation mentioned in sub-section (3) when the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

Explanation. --- The fact that notice under sub-section (1) was not served personally on the appellant shall be deemed to be good and sufficient cause within the meaning of this sub-section.

(5) A copy of the order under sub-section (2) shall be furnished to any person interested in such order on his application and on payment of the prescribed cost.

Power of survey officer to determine and record an undisputed boundary

8. (1) The survey officer shall have power to determine and record as undisputed any boundary in respect of which no dispute is brought to his notice.

(2) Notice of every decision of the survey officer under sub-section (1) shall be given in the prescribed manner to the registered holders of the lands, the boundaries of which may be affected by the decision.

Power of survey officer to determine and record a disputed boundary

9. (1) Where a boundary is disputed, the survey officer, after making such enquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision. The survey officer shall record in writing the reasons for his decision.

(2) Notice of every decision of the survey officer under sub-section (1) shall be given in the prescribed manner to the parties to the dispute and other registered holders of the lands, the boundaries of which may be affected by the decision.

Appeals against orders under section 8 or 9

10. (1) Any person affected by a decision under section 8 or 9 may appeal to the prescribed authority. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the survey officer's decision, ordered by the appellate authority, shall be noted in the record prepared under section 8 or 9, as the case may be.

(2) A copy of the order and a copy of the map recording the boundaries as determined under section 8, 9 or sub-section (1) of this section shall be furnished to any person interested in such order or map, as the case may be, on his application and on payment of the prescribed cost.

(3) An appeal under sub-section (1) shall be preferred within three months from the date of service of notice under section 8 or 9:

Provided that in computing the period of limitation the time taken for obtaining a copy of the decision and of the map shall be excluded.

(4) Any appeal may be admitted after the period of limitation mentioned in sub-section (3) when the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

Explanation. – The fact that notice under section 8 or 9 was not served personally on the appellant shall be deemed to be good and sufficient cause within the meaning of this sub-section.

(5) No appeal shall be admitted under sub-section (4) after the issue of the notification specified in section 11.

Completion of demarcation to be notified

11. When the survey of any land or boundary which has been notified under section 4 has been completed in accordance with the orders passed under section 8, 9 or 10, the survey officer shall notify the fact in the Official Gazette and a copy of such notification shall be pasted in the village chavadi, if any, of the village to which the survey relates; unless the survey so notified is modified by a decree of a civil court under the provisions of section 12, the record of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded.

Institution of a suit in civil court within three years to establish rights claimed in respect of the boundary of the property surveyed

12. (1) Any person aggrieved by the determination of any boundary under section 8, 9 or 10 may, subject to the provisions of parts II and III of the Limitation Act, 1963 (No. 36 of 1963), institute a suit within three years from the date of the notification under section 11 to set aside or modify the said determination and the survey shall, if necessary, be altered in accordance with the final decree in the suit and the alteration, if any, shall be noted in the record.

(2) The plaintiff in such suit shall join as parties to it all persons whom he has reason to believe to be interested in the boundary which is the subject of the suit.

Registered holders responsible for the maintenance of survey marks

13. (1) Subject to such conditions as may be prescribed in this behalf, every registered holder of land shall be bound to maintain, renew and repair the survey marks on or within the boundaries of his holding and in default of his doing so the survey officer or the Collector may, at the cost of the Government, maintain, renew and repair such survey marks determine and apportion the cost of so doing, and recover such cost as an arrear of land revenue. Such cost may include the cost of all operations incidental to such renewal or repair but not any charges on account of survey officers and supervising establishment.

(2) Before a survey officer or Collector maintains, renews or repairs any survey marks, he shall serve a notice in writing on the registered holder in the prescribed manner giving particulars of the survey marks in respect of which default has been committed and calling upon him to maintain, renew or repair the same within the time to be specified in such notice which shall be not less than 15 days from the date of service thereof.

(3) If the notice under sub-section (2) cannot be served personally on the registered holder, a copy of the same shall be served also on the cultivator or other person interested in the land.

Duties of village officers

14. It shall be the duty of every village headman and of every village accountant ---

(i) to prevent the destruction, injury, removal or alteration of any survey mark on or within the limits of his jurisdiction; and

(ii) when he becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact to the prescribed officer.

*[CHAPTER III]
CHAPTER IV
MISCELLANEOUS

Power to enter upon, examine and clear obstruction on lands

24. For the purposes of any survey, inquiry or other proceedings under this Act, the survey officer or the Collector or any of the subordinates of such officers shall have power to enter upon, examine and measure any land under survey, to carry out inspection of current land utilisation and crops and to clear by cutting down or removing any trees, jungle fences, standing crops or other material obstructions, the boundaries or other lines the clearance of which may be necessary for the purposes of the survey.

Power to summon witnesses and require production of documents

25. Any survey officer generally or specially authorised in that behalf, or the Collector or any officer to whom an appeal is preferred under any of the provisions of this Act, may for the purpose of rendering assistance in the survey of any land, summon and enforce the attendance of any person who has an interest therein and may for the purposes of any survey, inquiry or other proceedings under this Act, summon and enforce the attendance of any person for giving evidence and for the production of documents and the procedure prescribed in the law relating to civil procedure for the time being in force in that behalf shall be followed as far as it can be applicable.

Reference to arbitration

26. (1) The Collector or the survey officer may, with the consent of all the parties concerned, refer to arbitration any dispute as to a boundary.

*Chapter III (sections 15 to 23) deleted by Act 28 of 1970 w.e.f 11.01.1971 vide Notification in Gaz. No.1 dated 05.01.1971.

(2) The decision of the Collector or the survey officer passed in accordance with such award shall be conclusive between the parties to such arbitration and those claiming under them.

Registered holder may recover expenses paid by him from the owner of the land, may acquire a charge upon the land to that extent

27. (1) In the absence of a contract to the contrary, a registered holder of land under survey who incurs any expenses or from whom any expenses are recovered under this Act, in respect of such survey, shall, if he be not the owner thereof, acquire the charge on such land to the extent of the expenses so incurred or recovered from him with interest thereon at the rate of 9 per cent per annum.

(2) It shall be lawful for any person claiming an interest in land under survey to pay the charges payable under this Act in respect of the survey of such land, though he be not the registered holder thereof; and all such sums, if paid by a tenant or lessee, may be deducted from any rent then or afterwards due by him in respect of such land and if paid by any other person interested or bona fide claiming an interest in the land, shall be a charge upon such land. Such sums shall bear interest at 9 per cent per annum.

(3) Where a person entitled under this section to a charge on land is a co-owner of such land, such charge shall extend only to so much of the amount recovered from or expended or paid by him as is due in respect of the share of the other co-owners in such land with interest at the rate aforesaid.

Power to make rules

28. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe ---

(a) the unit of survey, the sub-divisions thereof and the description of the survey marks; and the maintenance, renewal and repair of such marks;

(b) the collection and record of any information in respect of any land which has been or is about to be surveyed;

(c) the classes of officers to be appointed and the powers to be exercised by such officers;

(d) the procedure to be followed by these officers in the conduct of proceedings;

(e) the publication of all notifications, the form, issue and service of all orders, communications and notices to be issued, communicated, given or served;

(f) furnishing of survey marks, labour and other matters necessary to surveys and the recovery of charges incidental thereto where they are recoverable;

(g) the apportionment of all charges, directed to be apportioned by this Act and for the determination of the cost of labour employed and of the survey marks used in any such survey;

(h) the fees payable for processes issued and copies granted;

[1][(i) *** *** ***

(j) *** *** ***

(k) *** *** ***]

(l) the manner in which arbitrators are to be appointed and the procedure to be followed by them; and

(m) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, 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 it is so laid or the session immediately following, the Assembly makes any modifications 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.

1. Omitted by Act 8 of 1978, section 2, w.e.f. 31-5-1978.

Protection of action taken

29. No suit 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 or any rule made thereunder.

Power to remove difficulties

30. If any difficulties arises in giving effect to the provisions of this 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 this Act.

Repeal and saving

31. All laws in force in the Union territory corresponding to the provisions of this Act shall stand repealed as from the commencement of this Act:

Provided that anything done or any action taken, including any notification, instruction or direction issued under the law 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.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.8 OF 1967

The survey of Puducherry was done in 1889 and of Karaikal and Mahe in 1912 and 1929. It has been decided to undertake resurvey of the holdings in the Union Territory of Puducherry on the lines of the system obtaining in the State of Madras. The present Bill has been drafted on the lines of the Madras Survey and Boundaries Act, 1923. The Bill gives effect to the above proposal and also provides for preparation of records of tenants and for attaching presumptive evidence value to such records.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 28 OF 1970

Chapter-III of the Puducherry Survey and Boundaries Act, 1967 (Act No.8 of 1967) contained provisions for the preparation and publication of the Record of Rights of land-holders, their tenants and others interested in the lands and corrections thereto as a result of claims and objections. The Puducherry Settlement Act, 1970 (Act No.28 of 1970) which was passed by the Legislature subsequently made similar provisions and also deleted sections 15 to 20 in the said Chapter-III. It is necessary to delete clauses (i), (j), and (k) of sub-section (2) of section 28 of the Puducherry Survey and Boundaries Act, 1967 which deals with the rule making power of the Government in regard to the preparation, publication and correction of the Record of Rights.

The present bill seeks to achieve this objects.

———

THE MAHE LAND REFORMS ACT, 1968

(No. 1 of 1968)

ARRANGEMENT OF SECTIONS

CHAPTER I

Preliminary

SECTION

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

Provision regarding tenancies

3. Exemptions.
4. Certain persons occupying land honestly believing to be tenants, to be deemed tenants.
4A. Certain persons occupying land for not less than ten years to be deemed tenants.
4B. Certain persons occupying lands under leases granted by incompetent persons to be deemed tenants.
4C. Certain persons who have paid amounts for occupation of land shall be deemed to be tenants.
4D. Certain surrendered documents to be inadmissible in evidence.
5. Certain persons who were cultivating land on varam arrangements to be deemed tenants.
6. Certain mortgagees and lessees of mortgagees to be deemed tenants.
6A. Certain persons who were holding land on or after 1st July, 1958, to be deemed tenants.
6B. Certain mortgagees holding property in consideration of payment of customary dues etc. to be deemed tenants.
7. Right to prove real nature of transaction.
8. Right of tenants to fixity of tenure.
8A. Restoration of possession of persons dispossessed on or after 22nd March, 1968.
8B. Restoration of possession of certain holding sold for arrears of rent.
8C. Cancellation of certain sales for arrears of rent.
8D. Cancellation of certain sales for damages.
9. Resumption for extension of places of public religious worship.
10. Resumption for construction of residential buildings.
11. Resumption for personal cultivation from tenant holding more than ceiling area.
11A. Resumption by small holder from tenants holding more than the celling area.
12. Resumption by small holder.
13. Cases where resumption permissible.

14. Priority for resumption.
15. Procedure for resumption.
16. Tenants from whom land is resumed to be paid compensation for improvements and solatium.
17. Tenant may remove buildings, works or trees not deemed improvements.
18. Improvements producing an increase in the value of the annual net produce.
19. Trees or plants spontaneously grown.
20. Other kinds of improvements.
21. Value of improvement to be ascertained in the way most favourable to the tenant.
22. Improvement consisting in protection and maintenance of trees and plants.
23. Power to frame tables of maximum and minimum rates of compensation.
24. Power to prepare tables of prices of produce, etc.
25. Values how ascertained when no table has been prepared or the presumption is rebutted.
26. Tables to be published.
27. Compensation when area is over planted.
28. Contracts affecting tenant's right to make improvements.
29. Tenant's right to sue for restoration of possession of land.
30. Limitation for application for restoration under section 29.
31. Effect of an order of restoration.
31A. Contract rent in the case of certain tenants.
31B. Determination of proportionate rent.
32. Recovery of arrears of rent by summary procedure.
33. Fair rent.
34. Exclusion of certain lands, from liability to fair rent.
35. Preparation of record of rights and bar of proceedings under Chapter XII of the Code of Criminal Procedure.
35A. Bar of proceedings under Chapter X of the Code of Criminal Procedure in certain cases.
35B. Disputes regarding right to cultivate land.
36. Rent payable by an intermediary.
36A. Jenmikaram payable where rent payable to kanam tenant is reduced.
37. Determination of fair rent by Land Tribunal.
38. Bar of suits for eviction etc., pending application for determination of fair rent.
39. Agreement as to fair rent.
40. Refund of payments is certain cases where fair rent is fixed.
41. Rent payable when Land Tribunal has not determined fair rent.

42. Mode of payment of rent.
43. Liability for assessment.
44. Remission of rent.
45. Abatement or reduction of rent.
46. Invalidity of claims of dues other than rent payable.
47. Arrears of rent to bear interest.
48. Priority of claim for arrears of rent.
49. Publication of prices of commodities.
50. Publication of statistics relating to gross produce of lands.
51. Tenant's right to obtain receipt.
51A. Adjustment of rent paid after 1st March, 1970.
52. Application to Land Tribunal when landlord refuses to accept a tender.
53. Procedure on application under section 52.
54. Apportionment of rent on severance of interest of landlord or tenant.
55. Notice to landlord and intermediary when the interest in the holding of the tenant is acquired.
56. Rights of tenant to be heritable and alienable.
56A. Extent of tenant's right to use his holding.
57. Surrender by tenant.
58. Abandonment by a tenant.
59. Landlord not to enter on surrendered or abandoned land.
60. Rights as to timber trees.
61. Cultivating tenant's right to purchase landlord's rights.
62. Application for purchase of landlord's rights by cultivating tenants.
63. Purchase price.
64. Purchase price to be distributed among landowner and intermediaries.
65. Procedure before Land Tribunal.
66. Purchase price payable in instalments or in lump.
67. Deposit of purchase price and issue of certificate of purchase.
68. Interest on defaulted instalments.
69. Cultivating tenant to pay rent pending determination of purchase price.
70. Recovery of instalments of purchase price on default.
71. Payment of purchase price, amount of encumbrance, maintenance or alimony.
72. Payment of purchase price to the landowner, or intermediary to be full discharge.
73. Special provisions relating to religious, charitable and educational institutions of a public nature.
74. Procedure for vesting of rights of religious, charitable or educational institutions in Government and for determination of annuity.
75. Payment of annuity.

76. Vesting of the rights of religious, charitable or educational institutions in the Government not to operate as bar to the purchase of landlord's rights by cultivating tenants.
77. Government entitled to purchase price in certain cases.
78. Institution entitled to rent for certain period.
79. Tenant holding under institution to continue as tenant under the Government.
80. Vesting of landlord's rights in Government.
80A. Compensation to landlords for vesting of their rights in Government.
80B. Cultivating tenant's right to assignment.
80C. Right of landloard to apply for assignment and compensation.
80D. Assignment where the application is not made by cultivating tenant.
80E. Purchase price.
80F. Rent of holdings vested in Government but not assigned to cultivating tenants.
80G. Constitution of village committees.
80H. Land Tribunal to issue notices and determine the compensation and purchase price.
80I. Apportionment of compensation by the Land Tribunal.
80J. Part payment of compensation, discharge of encumbrances etc., by Land Tribunal.
80K. Determination and payment of balance compensation.
80L. Payment of compensation to landowner and intermediary to be full discharge.
80M. Issue of certificate of purchase.
80N. Purchase price payable in instalments or in lump.
80O. Deposit of purchase price.
80P. Assignment by mutual agreement.
80Q. Special provisions relating to institutions which have opted for annuity purchase price.
80R. Rent paid by cultivating tenant to be adjusted towards purchase price and compensation in certain cases.
80S. Applications under section 62 and proceedings relating thereto to abate on the date notified under section 80.
80T. Vesting of landlords' right not to affect right to recover arrears of rent.
80U. Special provisions regarding jenmikaram.
80V. Liability for assessment after the date of vesting under section 80.
81. Discharge of arrears of rent.
82. Prohibition of future tenancies.
83. Kudikidappukaran to have fixity.
84. Rent payable by Kudikidappukaran.
85. Procedure to enforce shifting of kudikidappu in certain cases.

86. Right of Kudikidappukaran to be heritable but not alienable except in certain cases.
87. Right of Kudikidappukaran to maintain repair, etc., homestead or hut.
87A. Customary and other rights of kudikudappukaran.
88. Register of Kudikidappukars.
88A. Right of kudikidappukaran to purchase his kudikidappu.
88B. Procedure for purchase by kudikidappukaran.
88C. Deposit of purchase price and issue of certificate of purchase.
88D. Interest on defaulted instalments of purchase price.
88E. Payment of purchase price, amount of encumbrance, maintenance or alimony.
88F. Payment of purchase price to landowner etc., to be full discharge.
88G. Contribution towards purchase price.
89. Prevention of eviction of Scheduled Castes.
90. Stay of suits or other proceedings for eviction.

CHAPTER III

Restriction on ownership and possession of land in excess of ceiling area and disposal of excess lands

91. Exemptions
92. Ceiling area.
93. No person to hold land in excess of the ceiling area.
94. Certain voluntary transfers to be null and void.
95. Surrender of excess lands.
95A. Certain persons to file statements.
96. Vesting of excess lands in Government.
97. Excess land obtained by gift, etc. to be surrendered.
98. Persons surrendering land entitled to compensation.
99. Payment of advance towards compensation.
100. Preparation of compensation roll.
101. Payment compensation.
102. Payment of compensation and amount of encumbrance.
103. Payment of compensation to be full discharge.
104. Omitted.
105. Application for assignment of land.
106. Assignment of lands by Land Board.
107. Payment of purchase price.
108. Management of surrendered lands till assignment.
108A. Interpretation.

CHAPTER IV

Miscellaneous

109. Constitution of Land Tribunal.
109A. Constitution of appellate authority.
110. Constitution of Land Board.
110A. Constitution of Land Reforms Review Board.
110B. Powers of the Land Reforms Review Board.

111. Power of the Land Board and Land Tribunal.
112. Appeal to appellate authority.
113. Revision by High Court.
114. Proceedings by or against joint families, etc.
115. Authorised officer empowered to obtain information from persons.
115A. Appointment of officers for certain purposes.
116. Special provisions relating to leases for commercial or industrial purposes.
116A. Special provisions relating to buildings used by kudikidappukars for commercial or industrial purposes.
117. Costs.
118. Special provisions for application of the Act.
118A. Constitution of Agriculturist Rehabilitation Fund and Kudikidappukars Benefit Fund.
118B. Solatium to small holders.
119. Restoration of possession of land to certain evicted tenants.
119A. Mortgage money not to be returned in certain cases.
120. Apportionment of land value in cases of acquisition.
121. Prices published under section 49 to be deemed to be market rates.
122. Appearance before Land Tribunal or Land Board.
123. Court fees.
124. Members of Land Board and Land Tribunal to be deemed public servants.
125. Penalty for disturbance of customary, easement and other right of kudikidappukars.
126. Penalty for failure to furnish return.
126A. Penalty for failure to furnish statement under section 95A.
127. Penalty for furnishing false returns or information.
128. Penalty for making false declaration.
128A. Registering officer not to register in certain cases.
129. Penalty for contravention of any lawful order.
130. Penalty for eviction.
131. Penalty for cutting trees or for removing any machinery, etc.
131A. Offences by companies.
132. Cognizance of offences.
133. Protection of action taken under Act.
134. Bar of Jurisdiction of civil courts.
135. Construction of references to acres and cents.
136. Act to override other laws, etc.
137. Power to remove difficulties.
137A. Wrong or excess payments recoverable under Revenue recovery Act.
138. Power to make rules.
139. Limitation.
140. Repeal and savings.

———

THE MAHE LAND REFORMS ACT, 1968

(Act No. 1 of 1968)

AN ACT

to enact a comprehensive legislation relating to land reforms in Mahe region of the Union territory of Puducherry.

WHEREAS it is expedient to enact a comprehensive legislation relating to land reforms in the Mahe region of the Union territory of Puducherry;

BE it enacted by the Legislative Assembly of Puducherry in the Nineteenth year of the Republic of India as follows:-

CHAPTER – I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Mahe Land Reforms Act, 1968.

(2) It extends to the whole of Mahe region of the Union territory of Puducherry.

[1] (3) The provisions of this Act, except this section which shall come into force at once, shall come into force on such date as the Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act, and any reference to the commencement of this Act in relation to any such provision, shall be construed as a reference to the coming into force of that provision.

---

1. The Act came into force from 22nd March, 1968 vide Extraordinary Gazette No. 23, dated 22nd March, 1968.

Definitions

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

*[(1) "adult unmarried person" means an unmarried person who has attained eighteen years of age;]

*[(1A)] "Agricultural labourer" means a person whose principal means of livelihood is the income he gets as wages, in connection with the agricultural operations he performs;

(2) "Agricultural year" means the year commencing with the 1st April in any year and ending with the 31st March of the year next succeeding, provided that the Collector may, with respect to any crop, area or category of land, by notification in the Official Gazette, specify the year between such other dates, as he may deem fit, as an agricultural year;

*[(2A) "appellate authority" means an appellate authority constituted under section 109A];

(3) "ceiling area" means the extent of land specified in section 92 as the ceiling area;

(4) "Collector" means the chief officer in charge of the revenue administration of the Union territory of Puducherry, and includes in relation to any function to be performed by the Collector under this Act, such other officer not below the rank of a gazetted officer as the Government may, by notification in the Official Gazette, appoint for the purpose;

(5) "commercial site" means any land *[(not being a kudiyiruppu or kudikidappu or karaima)] which is used principally for the purposes of any trade, commerce, industry, manufacture or business;

(6) "court" means where a particular court is not specifically mentioned, the court having jurisdiction, under the law for the time being in force relating to civil procedure, to entertain the suit for the possession of the holding or part thereof to which any legal proceeding under this Act relates;

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(7) "cultivate" with its grammatical variations means cultivate either solely by one's own labour or with the help of the members of his family or hired labourers or both, or personally direct or supervise cultivation by such members or hired labourers or both, provided that such members or hired labourers have not agreed to pay or to take any fixed proportion or the produce of the land they cultivate as compensation for being allowed to cultivate it or as remuneration for cultivating it *[and in the case of a member of the Armed Forces or a seaman, "cultivation" includes cultivation on his behalf by any other person].

Explanation. – For the purposes of this clause, "members of family" shall mean, --

(i) in the case of lands held by a joint family, members of such family; and

(ii) in any other case, wife or husband, as the case may be, and the lineal descendants;

(8) "cultivating tenant" means a tenant who is in actual possession of, and is entitled to cultivate, the land comprised in his holding;

(9) "customary dues" means anything, other than rent, michavaram or renewal fees, --

(i) payable in cash or in kind by a tenant to his landlord; or

(ii) allowed to be taken by the landlord form the holding.

periodically or on the happening of any event or on the occasion of any festival, and includes onakazhcha, utsavakoppu, perunnalkazhcha, nombacharam and vishoukazhcha;

(10) "double-crop nilam" means nilam on which more than one crop of paddy is ordinarily raised in an agricultural year;

(11) "dry land" means land which is not nilam, garden or palliyal land;

(12) "eviction" means the recovery of possession of land from a tenant or the recovery of a kudikidappu from the occupation of the kudikidappukaran;

(13) "fair rent" means the rent payable by a cultivating tenant under section 33 or section 37 or section 39;

(14) "family" means husband, wife and their unmarried minor children or such of them as exist;

(15) "garden" means land used principally for growing coconut tree, arecanut trees or pepper vines, of any two or more of the same;

(16) "Government" means the Administrator of the Union territory of Puducherry appointed by the President of India under article 239 of the Constitution;

(17) "gross produce", in the case of a nilam means the normal produce of than nilam less the cost of harvesting and, in the case of a garden or dry land, means the normal produce of that garden or dry land:

*[omitted]

*[(18) "holding" means a parcel or parcels of land held under a single transaction by a tenant from a landlord and shall include any portion of a holding as above defined which the landlord and the tenant have agreed or are bound to treat as a separate holding.

Explanation I. – Where by act of parties or by operation of law, the interest of the tenant in his holding has been severed before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, splitting up the holding into two more parts, or where a portion of the holding has been sub-leased, before the commencement of this Act, each such part or, as the case may be, each of the portions retained by the tenant and sub-leased, shall be deemed to be a separate holding.

Explanation II. – Any land in respect of which a person is deemed to be a tenant under section 4, section 4A, section 4B, section 5, section 6, section 6A or section 6B shall be a holding for the purposes of this Act;

(19) "improvement" means any work or product of a work which adds to the value of the holding, and includes ---

(a) the erection of dwelling houses, building, appurtenant thereto and farm buildings;

(b) the construction of tanks, wells, channels, dams and other works for the storage or supply of water for agricultural or domestic purposes;

(c) the preparation of land for irrigation;

(d) the conversion of single-crop into double-crop land;

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(e) the drainage, reclamation from rivers or other waters or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or of waste-land which is culturable;

(f) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes;

(g) the renewal or reconstruction of any of the foregoing works, or alternations therein or additions thereto; and

(h) the planting or protection and maintenance of fruit trees, timber trees and other useful trees and plants;

(20) "intermediary" means any person who, not being a landowner, has an interest in the land and is entitled, by reason of such interest, to possession thereof, but has transferred such possession to any other person.

Explanation. – Where such a person has transferred possession only of a portion of the land which he is so entitled to possess, he shall be deemed to be an intermediary in respect of that portion];

(21) "joint family" means a Hindu undivided family, a marumakkathayam tarwad or tavazhi, an aliasanthana kutumba or kavaru or a nambudiri illam;

*[(21A) "kaipad system of cultivation" means the system of cultivation, by whatever name called, under which paddy is cultivated on land which is saline either throughout the year or during any part of the year, by raising small mounds of earth and sowing seeds or planting seedlings thereon, whether the mounds are demolished after such sowing or planting or not]:

*[(22) "kanam" means ---

(a) the transfer for consideration, in money or in kind or in both, by a person of an interest in specific immovable property to another person, and described in the document evidencing the transaction as kanam or kanapattam, the incidents of which transfer include –

(i) a right in the transferee to hold the said property liable for the consideration paid by him or due to him;

(ii) the liability of the transferor to pay to the transferee interest on such consideration unless otherwise agreed to by the parties; and

(iii) payment of michavaram or customary dues, or renewal on the expiry of any specified period; or

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(b) the transfer for consideration in money or in kind or in both by a person of an interest in specific immovable property to another person for the latter's enjoyment, whether described in the document evidencing the transaction as otti, karipanayam, Panayam, pattapanayam, nerpanayam or by any other name, and which has the incidents specified in items (i) and (ii) of sub-clause (a) and also one or more of the following incidents: --

(A) renewal on the expiry of any specified period;

(B) payment of michavaram;

(C) payment of customary dues;

Explanation. – For the purposes of this clause, where there has been no stipulation in the document evidencing the transaction for renewal on the expiry of any specified period, but there has been a renewal or payment of renewal fees, it shall be deemed that there had been a provision for such renewal in the document;]

*[(23) "Kanam-kuzhikanam" means a transfer by a landlord to another person of garden lands or of other lands or of both --

(i) with all or any of the trees, if any, standing thereon at the time of the transfer; or

(ii) without such trees,

for the purpose of planting trees or pepper vines or both thereon and for the enjoyment of the trees transferred, if any, the incidents of which transfer includes --

(a) a right in the transferee to hold the said lands liable for the consideration paid by him or due to him, which consideration is called 'kanartham'; and

(b) the liability of the transferor to pay to the transferee interest on the kanartham unless otherwise agreed to by the parties;]

*[(23A) "karaima" means a transfer of lands in consideration of ground rent, principally for the purpose of erecting a homestead, and described as karaima in the document, if any, evidencing the transfer;

(23B) "karinilam" means lands, by whatever name known, --

(i) reclaimed from swampy areas called "kari" with black and loose peaty soil, the sub-soil of which consists of partially decomposed organics matter;and '

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(ii) in which paddy is cultivated;]

*[(24) "kudikidappukaran" means a person who has neither a homestead nor any land exceeding in extent five cents in possession either as owner or as tenant, on which he could erect a homestead, and ---

(a) who has been permitted with or without an obligation to pay rent by a person in lawful possession of any land to have the use and occupation of a portion of such land for the purpose of erecting a homestead; or

(b) who has been permitted by a person in lawful possession of any land to occupy, with or without an obligation to pay rent, a hut belonging to such person and situate in the said land; and "kudikidappu" means the land and the homestead or the hut so permitted to be erected or occupied together with the easements attached thereto.

Explanation I. – For the purposes of this clause, ---

(a) "hut" means any dwelling house constructed by a person other than the person permitted to occupy it ---

(i) at a cost, at the time of construction, not exceeding seven hundred and fifty rupees; or

(ii) which could have at the time of construction yielded a monthly rent not exceeding seven rupees and fifty paise, and includes any such dwelling house reconstructed by the kudikidappukaran in accordance with the provisions of section 87; and

(b) "homestead" means, unless the context otherwise requires, any dwelling house erected by the person permitted to have the use and occupation of any land for the purpose of such erection, and includes any such dwelling house reconstruction by the kudikidappukaran in accordance with the provisions of section 87.

Explanation II. – Notwithstanding any judgment, decree or order of any court, a person, who, on the 22nd day of March, 1968, was in occupation of any land and the dwelling house thereon (whether constructed by him or any of his predecessors-in-interest or belonging to any other person) and continued to be in such occupation till the 24th January, 1971, be deemed to be a kudikidappukaran:

Provided that no such person shall be deemed to be a kudikidappukaran, if---

(a) in cases where the dwelling house had not been constructed by such person or by any of his predecessors-in-interest, if ---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(i) such dwelling house was constructed at a cost at the time of construction, exceeding seven hundred and fifty rupees; or

(ii) such dwelling house could have, at the time of construction, yielded a monthly rent exceeding seven rupees and fifty paise, or

(b) if he has a building or is in possession of any land exceeding in extent five cents either as owner or as tenant, on which he could erect a building.

Explanation III. - Where any kudikidappukaran secures any mortgage with possession over the land in which the kudikidappu is situate, his kudikidappu rights shall revive on the redemption of the mortgage, provided that he has at the time of the redemption no other homestead or any land exceeding five cents in possession either as owner or as tenant, on which he could erect a homestead.

Explanation IV. - Where a mortgagee with possession erects for his residence a homestead, or resides in a hut already in existence, on the land to which the mortgage relates, he shall, notwithstanding the redemption of the mortgage, be deemed to be a kudikidappukaran in respect of such homestead or hut, provided that at the time of redemption ---

(a) he has no other kudikidappu or residential building belonging to him, or any land exceeding five cents in possession either as owner or as tenant, on which he could erect a homestead; and

(b) his annual income does not exceed two thousand rupees.

Explanation V. - Where a kudikidappukaran transfers his rights in the kudikidappu to another person, such person shall be deemed to be a kudikidappukaran if ---

(a) he has no other homestead or any land in possession, either as owner or as tenant, on which he could erect a homestead; and

(b) his annual income does not exceed two thousand rupees;

Explanation VI. – For the removal of doubts it is hereby declared that a person occupying a homestead or hut situate on a land held or owned by the Government of the Union territory of Puducherry or the Government of any State in India or the Government of India shall not be deemed to be a kudikidappukaran;]

(25) "kudiyiruppu" means a holding or part of a holding consisting of the site of any residential building, the site or sites of other buildings appurtenant thereto, such other lands as are necessary for the convenient enjoyment of such residential building and easements attached thereto, but does not include a kudikidappu;

*[(25A) "kuzhichuvaipum kudiyiruppum" means a transfer by a landlord to another person of garden lands or of other lands or of both, reserving the right to enjoy the fruit-bearing trees standing thereon at the time of the transfer, for the purpose of making improvements thereon, and described as such in the contract of tenancy:

(26) "kuzhikanam" means a transfer by a landlord to another person of garden lands or of other lands or of both with all or any of the trees, if any, standing thereon at the time of the transfer, or without such trees, for the purpose of planting trees or pepper vines or both thereon, and for the enjoyment of the trees transferred, if any;]

(27) "landlord" means a person under whom a tenant holds *[omitted], and includes a landowner;

(28) "landowner" or "owner" means a person entitled to the absolute proprietorship of land and includes ---

(a) a trustee in respect thereof; and

*[(b)a kanam tenant];

(29) "Land Board" means the Land Board constituted under section 110;

(30) "Land Tribunal" means a Land Tribunal constituted under section 109;

(31) "licensee" means any person who is in occupation of any nilam belonging to another and who, under any local custom or usage or under an agreement, cultivates that nilam with paddy for a remuneration and with the risk of cultivation, but does not include a person who cultivates the nilam of another merely as an agent or servant;

*[(31A). "local authority" means a local authority as defined in the Puducherry Municipalities Act, 1973(Act No.9 of 1973)];

*[(32) "Mahe" means the sub-taluk of Mahe in the Union territory of Puducherry];

(33) "member of the Armed Forces" means a person in the service of the Air Force, Army or Navy of the Union of India;

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

*[(34) "michavaram" means the money or produce or both specified as michavaram in the document evidencing the transfer by a person of an interest in specific immovable property to another person, and includes the balance of money or produce or both payable periodically under the document evidencing such transfer after deducting from the money or produce or both due to the transferor, the interest due on the amount advanced to the transferor, but does not include customary dues;

(34A) "minor" means a person who has not attained the age of eighteen years];

(35) "net income" means income derived from any property after deducting thereform the cultivation expenses or charges for maintaining fruit trees, timber trees or other useful trees and plants, and taxes and cesses due to the Government or any local authority.

(36) "nilam" means land adapted for the cultivation of paddy;

*[(36A) "normal produce" in respect of any land means the produce which would be raised on that land if the rainfall and the seasons were of a normal character:

Provided that the normal produce in respect of any nilam irrigated with water for the first time after the commencement of the tenancy in respect of that nilam from an irrigation work constructed, repaired or maintained wholly at the cost of the Government or the local authority or a co-operative society within the meaning of the Puducherry Co-operative Societies Act, 1972, or by the tenant shall be determined as if the nilam had not been so irrigated:

Provided further that in determining the normal produce in the case of any double-crop nilam, account shall be taken as though only a single paddy crop which shall be the principal crop has been raised on the land if it had been converted from single-crop into double-crop nilam at the tenant's expense and as though two paddy crops have been raised on the land in other cases.

Explanation. – In ascertaining the normal produce, the yield of the second crop shall be deemed to be half of that of the principal crop which shall be deemed to be the first crop:

(36B) "Ottikuzhikanam" means a transfer for consideration by a person to another of any land other than nilam for the enjoyment of that land and for the purpose of making improvements thereon, but shall not include a mortgage within the meaning of the Transfer of Property Act, 1882 (Central Act 4 of 1882)];

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(37) "palliyal land" means land which is used ordinarily for raising seedlings of paddy and includes land so used and known as pallimanayal, myal, potta nijal, njattadi or banabettu;

(38) "pay" with its grammatical variations includes deliver:

(39) "person" shall include a company, family, joint family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property;

*[(40) "possession" in relation to land includes occupation of land by a person deemed to be a tenant under section 4, section 4A, section 4B, section 5, section 6 or section 6A;]

(41) "prescribed" means prescribed by rules made under this Act;

(42) "rent" means whatever is lawfully payable in money or in kind or in both by a person permitted to have the use and occupation of any land to the person so permitting, and includes michavaram, but does not include customary dues;

(43) "resumption" means the recovery of possession of land from a tenant;

(44) "Scheduled Castes" means the Scheduled Castes in relation to the Union territory of Puducherry as specified in the Constitution (Puducherry) Schedule Castes Order, 1964;

(45) "seaman" means every person (including a master, pilot or apprentice) employed or engaged as a member of the crew of a ship or a sailing vessel to which the Merchant Shipping Act, 1958 (Central Act 44 of 1958) applies;

(46) "small holder" means a landlord who does not have interest in land exceeding eight standard acres or *[ten acres] in extent, whichever is less, as owner, intermediary, or cultivating tenant, or in two or more of the above capacities, so, however, that the extent of non-resumable land in his possession as owner, or as cultivating tenant, or partly as owned and partly as cultivating tenant, does not exceed ---

(i) *[two and a half standard acres]; or
(ii) four acres in extent,

whichever is greater.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Explanation. – For the purposes of this clause, a person who was in possession of, or had interest in, land exceeding the limits specified in this clause immediately before the 28th April, 1962, but such extent of land was reduced to the said limits or below by partition or transfer effected after the date mentioned above, shall not be deemed to be a small holder; nor shall such partition or transfer entitle the allottee or transferee to exercise the rights of a small holder in respect of the land allotted or transferred to him;

(47) "standard acre" means, in relation to any class of land specified in Schedule I, the extent of land specified against it in that Schedule;

*[(48) "tenant" means any person who has paid or has agreed to pay rent or other consideration for his being allowed to possess and to enjoy any land by a person entitled to lease that land, and includes ---

(a) the heir, assignee or legal representative of, or any person deriving rights through, any such person who has paid or has agreed to pay rent or other consideration,

(b) an intermediary,

(c) a kanamdar,

(d) a kanam-kuzhikanamdar,

(e) a kuzhikanamdar,

(f) an ottikuzhikanamdar,

(g) a varamdar,

(h) a verumpattamdar,

(i) the holder of a kudiyiruppu,

(j) a person holding lands under a kuzhichuvaipum kudiyiruppum,

(k) the holder of a karaima, and

(l) a person who is deemed to be a tenant under section 4, section 4A, section 4B, section 5, section 6, section 6A or section 6B;]

(49) "timber trees" means trees, the yield or income from which has not to be taken into account for the determination of fair rent;

(50) "to hold land" means to be in possession of land as owner or as tenant or partly as owner and partly as tenant *[or, in respect of any land owned by the Government, to be in occupation either as lessee or otherwise];

(51) "Union territory" means the Union territory of Puducherry;

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(52) "usufructuary mortgage" means a transaction wherein the mortgagor delivers possession or expressly or by implication binds himself to deliver possession of the mortgaged property to the mortgagee, and authorizes him to retain such possession until payment of the mortgage-money, and to receive the rents and profits accruing from the property or any part of such rents and profits and to appropriate the same in lieu of interest, or in payment of the mortgage-money, or partly in lieu of interest or partly in payment of the mortgage-money;

(53) "varam" means an arrangement for the cultivation of nilam with paddy and sharing the produce, made between the owner or other person in lawful possession of the nilam and the person who undertakes cultivation under such arrangement, and includes the arrangements known as pathivaram, pankuvaram and pankupattam; and "varamdar" means the person who undertakes cultivation under a varam arrangement;

(54) "verumpattamdar" means a lessee or sub-lessee of immovable property, whether called verumpattamdar, or venpattamdar, who has expressly or impliedly contracted to hold the same under a lease with or without security for rent, but does not include a kanamdar, kanam-kuzhikanamdar, or kuzhikanamdar.

*[(55) "village officer or karnam" means the person appointed as a village officer in respect of a village;

(56) "wakf" means the permanent dedication by a person professing Islam of any movable or immovable property for any purpose recognised by the Muslim Law or any other law in force as pious, religious or charitable, and includes a wakf by user, but does not include a wakf such as is described in section 3 of the Musalman Wakf Validating Act, 1913 (Central Act 6 of 1913) under which any benefit is for the time being claimable for himself by the person by whom the wakf was created or by any member of his family or descendants.]

CHAPTER - II
PROVISION REGARDING TENANCIES

Exemptions

3. Nothing in this Chapter shall apply to --

(i) leases of lands or of buildings or of both, belonging to or vested in the Government of the Union territory of Puducherry, the Government of India, the Government of any State in India, a local authority, or a Corporation owned or controlled by any of the said Governments or authority; *[omitted]

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

*[**Explanation I. –** Lands, the right, title and interest in respect of which have vested in the Government under sub-section (9) of section 74 or section 80, shall not be deemed to be lands belonging to or vested in the Government of the Union territory of Puducherry for the purposes of this clause.

Explanation II. – For the purpose of this clause, lands held under leases whether current or time expired at the time when such lands came to belong to or vested in a local authority shall not be deemed to be lands belonging to or vested in a local authority if the lessee or his successor-in-interest was continuing in possession of such lands at the commencement of this Act; or]

(ii) leases only of buildings, including a house, shop or warehouse, and the site thereof, with the land, if any, appurtenant thereto.

Explanation. – Permission given to a kudikidappukaran to occupy a hut shall not be deemed to be a lease of building for the purposes of this clause; or

(iii) leases of land or of buildings or of both specifically granted for industrial or commercial purposes; or

(iv) tenancies of land or of buildings or of both created by the Administrator-General or the Official Trustee or an Official Receiver of officer appointed by a court under the provisions of any law, or by the court of wards, or by any person holding under or deriving title from any of the officers or the court aforesaid:

*[Provided that the provisions of this clause shall not apply to ---

(a) a tenancy created in favour of a person who was a tenant under a lease whether current or time-expired on the date on which the land or building or both came under the control of any of the said officers or the court of wards; or

(b) a tenancy renewed in favour of any such person; or

(c) a tenancy created not less than thirty years before the commencement of the Mahe Land Reforms (Amendment) Act, 1980 (whether subsequently renewed or not), by an officer appointed by a court under the provisions of any law, if such officer was, before the commencement of the legal proceedings in which he was so appointed, entitled to lease the land to which the tenancy relates:

Provided further that the provisions of this clause shall not apply or shall cease to apply to ---

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(a) a tenancy created by the court of wards, where the landlord on whose behalf the tenancy was created has not terminated or does not terminate the tenancy by registered notice within a period of six months from the date on which the property was released from the superintendence of the court of wards; or

(b) any tenancy created by an officer appointed by a court under the provisions of any law, where the person declared or found by the court to be entitled to possess the land or any person acting on his behalf has not instituted or does not institute legal proceedings to put him in possession of such land within a period of five years from the date on which such declaration or finding became final; or;]

(v) tenancies in respect of land or of buildings or of both created by mortgages in possession or by persons deriving title from such mortgages; *[omitted].

*[provided that nothing in this clause shall apply to such tenancies —

(i) created before the commencement of this Act; or

(ii) created before the commencement of this Act, where the lessee is entitled to fixity of tenure under section 6; or

(iii) where the mortgagee or his successor-in-interest, has acquired or acquires equity of redemption; or;]

(vi) tenancies in respect of land or of buildings or of both created by persons having only life interest or other limited interest in the land or in the buildings or in both:

*[Provided that the provisions of this clause shall not apply to a tenancy created by a nissanthathi kavaru in respect of lands or of buildings or of both over which the nissanthathi kavaru has only a life interest.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Explanation. - For the purposes of this proviso, --

(i) 'nissanthathi kavaru' means a kavaru which is not a santhathi kavaru;

(ii) 'santhathi kavaru' means a kavaru of which at least one member is a female who has not completed the age of fifty years;

(iii) (a) 'kavaru', used in relation to a female, means the group of persons consisting of that female, her children and all her descendants in the female line;

(b) 'kavaru', used in relation to a male, means the kavaru of the mother of that male:

Provided further that the provisions of this Chapter other than sections 61 to 80V shall apply to tenancies falling under clauses (v) and (vi) so long as the mortgage or, as the case may be, the life interest or other limited interest subsists;]

(vii) tenancies in respect of sites, tanks and premises of any temple, mosque or church *[(including sites belonging to a temple, mosque or church on which religious ceremonies are conducted)] and sites of office buildings and other buildings attached to such temple, mosque or church, created by the owner, trustee or manager of such temple, mosque or church:

Provided that nothing in this clause shall affect the rights to which a tenant was entitled immediately before the commencement of this Act under the contract of tenancy or under any law then in force; or

(viii) lands transferred for felling trees; or

(ix) any transaction relating only to the usufruct of trees or to the tapping of coconut or other palm trees or to the tapping of rubber trees.

Certain persons occupying land honestly believing to be tenants, to be deemed tenants

*[4. (1) Notwithstanding anything to the contrary contained in section 52 or any other provision of the Transfer of Property Act, 1882, or any other law, or in any contract, custom or usage, or in any judgment, decree or order of court, any person in occupation at the commencement of the Mahe Land Reforms (Amendment) Act, 1980, of the land of another shall be deemed to be a tenant if he or his predecessor-in-interest was continuously in occupation of such land honestly believing himself to be a tenant for not less than two years within a period of twelve years immediately preceding the 22nd day of March, 1968.

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Explanation. – Notwithstanding anything contained in the Indian Evidence Act, 1872, where a person has been continuously in occupation of any such land for two years within the said period of twelve years, it shall be presumed until the contrary is proved that he has been in such occupation honestly believing himself to be a tenant.

(2) Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment, decree or order of court, where on or after the 28th April, 1962, a tenant holding land less in extent than the ceiling area, had executed a deed surrendering his leasehold right to the landlord, but had not actually transferred possession of the land to the landlord before the commencement of this Act, such deed shall be deemed to be invalid and such person shall be deemed to be a tenant.

Certain persons occupying land for not less than ten years to be deemed tenants

4A. Notwithstanding anything to the contrary contained in section 52 or any other provision of the Transfer of Property Act, 1882, or any other law, or in any contract, custom or usage, or in any judgment, decree or order of court, a person shall be deemed to be a tenant in respect of the land of another in his occupation if -

(a) he or his predecessor-in-interest occupied such land believing it to be the property of the Government;

(b) subsequent to such occupation such land has become the property of such other person as a consequence of any judgment, decree or order of any civil court; and

(c) such land has been in the continuous occupation of such person for a period of not less than ten years preceding the commencement of the Mahe Land Reforms (Amendment) Act, 1980.

Explanation I. – In computing the period of occupation of a person for the purposes of clause (c), the period during which the predecessor-in-interest or predecessors-in-interest of such person was or were in occupation shall also be taken into account.

Explanation II. – For the purposes of this section, a person shall be deemed to be in continuous occupation notwithstanding any order of court for delivery of possession to another person or any court record of dispossession.

Certain persons occupying lands under leases granted by incompetent persons to be deemed tenants

4B. (1) Notwithstanding anything to the contrary contained in any law, or in any contract custom or usage, or in any judgment, decree or order of court, any person in occupation of the land of another at the commencement of the Mahe Land Reforms (Amendment) Act, 1980, on the basis of a registered deed purporting to be a lease deed, shall be deemed to be a tenant if he or his predecessor-in-interest was in occupation of such land on the 28th day of April, 1962, on the basis the lease was granted by a person who had no right over the land or who was not competent to lease the land.

(2) Notwithstanding anything to the contrary contained in any law, or in any contract custom or usage, or in any judgment, decree or order of court, any person who on the 28th day of April, 1962, was in occupation of the land of another and continued to be in occupation of such land till the commencement of the Mahe Land Reforms (Amendment) Act, 1980, shall be deemed to be a tenant if the court has delivered a judgment or passed an order before the date of publication of the Mahe Land Reforms (Amendment) Bill, 1980, in the Official Gazette that the occupation by such person was on the basis of an oral permission or any unregistered deed purporting to be a lease deed granted by a person who had no right over the land or who was not competent to lease the land.

Certain persons who have paid amounts for occupation of land shall be deemed to be tenants

4C. Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment, decree or order of court, any person who is in occupation of the land of another at the commencement of the Mahe Land Reforms (Amendment) Act, 1980, shall be deemed to be a tenant if he or his predecessor-in-interest has paid within a period of ten years immediately preceding such commencement any amount in consideration of such occupation or for the use and occupation of such land and has obtained a receipt for such payment from any person entitled to lease that land or his authorised agent or a receiver appointed by a court describing the payment as modavaram or nashtavaram or modanashtavaram.

Certain surrendered documents to be inadmissible in evidence

4D. Where any tenant has executed before the 22nd day of March, 1968, a deed surrendering or purporting to surrender to his landlord his leasehold rights in any land, such deed if unregistered shall, notwithstanding anything contained in the Indian Evidence Act, 1872, be inadmissible in evidence if any dispute regarding possession of such land between such tenant or any person claiming under or through him and such landlord or any person claiming under or through him.]

Certain persons who were cultivating land on varam arrangements to be deemed tenants

5. Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment decree or order of court, any person who, by virtue of the provisions of the Mahe Stay of Eviction Proceedings Order, 1962 (published with the notification No.G.S.R. 615, dated 28-4-1962 of the Government of India in the Ministry of External Affairs was entitled to cultivate any nilam after the 28th April, 1962 and was cultivating the nilam at the commencement of this Act shall be deemed to be a tenant, notwithstanding the expiry of the term fixed under the varam arrangement.

Certain mortgagees and lessees of mortgagees to be deemed tenants

***[**6. (1) Notwithstanding anything to the contrary contained in any law or in any contract, custom or usage, or in any judgment, decree or order of court, a mortgagee with possession of land, or the lessee of a mortgagee of such land be deemed to be a tenant, if ---

(a) the mortgagee or lessee was holding the land comprised in the mortgage for a continuous period of not less than fifty years immediately preceding the commencement of the Mahe Land Reforms (Amendment) Act, 1980; or

(b) the mortgagee or lessee has constructed a building for his own residence in the land comprised in the mortgage and he was occupying such building for such purpose for a continuous period of not less than twenty years immediately preceding such commencement:

Provided that a mortgagee or lessee falling under this clause shall not be deemed to be a tenant if he, or, where he is a member of a family, such family was holding any other land exceeding two acres in extent on the date of publication of the Mahe Land Reforms (Amendment) Bill, 1980, in the Official Gazette; or

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(c) the land comprised in the mortgage was waste land at the time of mortgage, and:-

(i) the mortgagee or lessee was holding such land for a continuous period of not less than thirty years immediately preceding the commencement of the Mahe Land Reforms (Amendment) Act, 1980; and

(ii) the mortgagee or lessee has effected substantial improvements on such land before such commencement.

Explanation I.– For the purposes of this sub-section, in computing the period of continuous possession or occupation by a lessee, the period during which the mortgagee was in possession or occupation, as the case may be, shall also be taken into account.

Explanation II. – In computing the period of fifty years referred to in clause (a) or the period of thirty years referred to in clause (c), the period during which the predecessor-in-interest or predecessors-in-interest of the mortgagee or lessee was or were holding the property shall also be taken into account.

Explanation III. – For the purposes of clause (b), --

(i) "mortgagee" or "lessee" shall include a predecessor-in-interest of the mortgagee or lessee, as the case may be;

(ii) "building" includes a hut.

Explanation IV. – In computing the period of twenty years referred to in clause (b), occupation of the building by any member of the family of the mortgagee or lessee for residential purpose shall be deemed to be occupation by the mortgagee or lessee, as the case may be, for such purpose.

Explanation V. – In calculating the extent of and held by a family for the purposes of clause (b), all the lands held individually by the members of the family or jointly by some or al of the members of such family such be deemed to be held by the family.

Explanation VI. – For the purposes of sub-clause (ii) of clause (c), --

(i) improvements made by the mortgagee shall be deemed to be improvements made by the lessee;

(ii) "mortgagee" or "lessee" shall include a predecessor-in-interest of the mortgagee or lessee, as the case may be.

Explanation VII. – For the purposes of clause (c), --

(i) improvements shall be deemed to be substantial improvements if the value thereof on the date of commencement of the Mahe Land Reforms (Amendment) Act, 1980, is not less than twenty-five per cent of the market value of the land on that date;

(ii) a land shall be deemed to be waste land notwithstanding the existence of scattered trees thereon.

(2) Nothing contained in sub-section (1) shall apply to a lessee if the lease was granted on or after the commencement of this Act.

Certain persons who were holding land on or after 1st July, 1958, to be deemed tenants

6A. Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment, decree or order of court, a person in possession of immovable property, whether as mortgagee or otherwise, shall be deemed to be a tenant if ---

(a) the property in his possession consists of agricultural land;

(b) he or any of his predecessors-in-interest was holding the property as a tenant on or after the 1st day of July, 1958; and

(c) the tenancy was terminated after the 1st day of July, 1958 and before the commencement of this Act, but his predecessors-in-interest or himself continued in possession of the property, without interruption, whether as a mortgagee with possession or otherwise, from the date of such termination till the commencement of this Act.

Explanation I. – For the purposes of clause (b), "tenant" means a tenant as defined in the Malabar Tenancy Act, 1929, as in force on the 1st day of November, 1956.

Explanation II. - An interruption for a period not exceeding an agricultural year immediately following the termination of the tenancy shall not be deemed to be an interruption for the purposes of clause (c).

Certain mortgagees holding property in consideration of payment of customary dues etc. to be deemed tenants

6B. Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment, decree or order of court, a mortgagee with possession of immovable property at the commencement of the Mahe Land Reforms (Amendment) Act, 1980, shall be deemed to be a tenant if ---

(a) he was holding such property in consideration of payment of customary dues or any amount specified as michavaram in the document evidencing the transaction; or

(b) there is a provision in such document for renewal on the expiry of a specified period;]

Right to prove real nature of transaction

7. *[(1) Notwithstanding anything in the Indian Evidence Act, 1872, (Central Act 1 of 1872) or in any other law for the time being in force, or in any judgment, decree or order of court, any person interested in any land may prove that a transaction purporting to be a mortgage, otti, karipanayam, panayam or nerpanayam or licence of that land is in substance a transaction by way of kanam, kanamkuzhikanam, kuzhikanam, verumpattam or other lease, under which the transferee is entitled to fixity of tenure in accordance with the provisions of section 8 and to the other rights of a tenant under this Act.

(2) Where under sub-section (1), the Land Tribunal holds that the transferee is entitled to fixity of tenure in accordance with the provisions of section 8, it shall be lawful for the Land Tribunal to pass an order containing directions regarding the application of the sum, if any, advanced to the landlord and making other suitable alterations in the terms recorded in the instrument executed by the parties].

(3) Notwithstanding anything in the Indian Evidence Act, 1872, (Central Act 1 of 1872) or in any other law for the time being in force a person described as an agent or servant in a document evidencing the contract for the cultivation of any nilam may prove that he is a licensee.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Right to tenants to fixity of tenure

8. (1) Notwithstanding anything to the contrary contained in any law, custom, usage or contract, or in any decree or order of court, every tenant shall have fixity of tenure in respect of his holding, and no land from the holding shall be resumed except as provided in section 9 to 17.

(2) Nothing in sub-section (1) shall confer fixity of tenure on a tenant holding under a landlord ---

(i) who is a member of the Armed Forces or is a seaman, if the tenancy was created by such landlord within a period of three months before he became a member of the Armed Forces or a seaman or while he was serving as such member or seaman; or

(ii) who is the legal representative of the landlord referred to in clause (i):

Provided that no such landlord shall resume any land from his tenant, if he is already in possession of an extent of land not less than the ceiling area; and where he is in possession of an extent of landless than the ceiling area, the extent of land that may be resumed shall not, together with the land in his possession, exceed the ceiling area:

*[Provided further that a tenant holding under any such landlord shall have fixity of tenure in respect of his holding if the landlord does not claim resumption of the land comprised in the holding within six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980:

Provided also that where any such landlord is prevented is prevented by sufficient cause from not claiming resumption within the said period of six months and he claims resumption at any time before the date notified under section 80, the right of such tenant to fixity of tenure in respect of the holding or part thereof to which the claim for resumption relates shall cease from the date of the application claiming resumption:

Provided also that such tenant shall have fixity of tenure in respect of his holding or part thereof from the date of the final rejection of such application in full or in part, as the case may be;

(3) Notwithstanding anything to the contrary contained in any law, or in any contract, but subject to the provisions of sub-section (2), the landlord referred to in clause (i) or clause (ii) of sub-section (2) shall be entitled to apply for the resumption from his tenant of the whole or part of his holding within six months from the commencement of Mahe Land Reforms (Amendment) Act, 1980, or if such landlord is prevented by sufficient cause from applying for resumption within such period, at any time before the date notified under section 80.]

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Restoration of possession of persons dispossessed on or after 22nd March, 1968

*[8A. (1) Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment, decree or order of court, where any person has been dispossessed of the land in his occupation on or after the 22nd day of March, 1968, such person shall, if he would have been a tenant under this Act as amended by the Mahe Land Reforms (Amendment) Act, 1980, at the time of such dispossession, be entitled subject to the provisions of this section to restoration of possession of the land;

Provided that nothing in this sub-section shall ---

(a) apply in any case where the said land has been sold to a **bona fide** purchaser for consideration before the date of publication of the Mahe Land Reforms (Amendment) Bill, 1980, in the Official Gazette; or

(b) entitle any person to restoration of possession of any land which has been resumed under the provisions of this Act.

(2) Any person entitled to restoration of possession under sub-section (1) may, within a period of six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, apply to the Land Tribunal for the restoration of possession of the land.

(3) The Land Tribunal may, after such inquiry as it deems fit, pass an order allowing the application for restoration and directing the applicant to deposit the compensation, if any, received by the applicant under any decree or order of court towards value of improvements or otherwise and the value of improvements, if any, effected on the land after the dispossession as may be determined by the Land Tribunal, within such period as may be specified in the order.

(4) On the deposit of the compensation and value of improvements as required in the order under sub-section (3), the Land Tribunal shall restore the applicant to possession of the land, if need be, by removing any person who refuses to vacate the same.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Restoration of possession of certain holdings sold for arrears of rent

8B. (1) Notwithstanding anything to the contrary contained in any law, or in any judgment, decree or order of court, where any holding has been sold in execution of any decree for arrears of rent, and the tenant has been dispossessed of the holding after the 22nd day of March, 1968 and before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, such sale shall stand set aside and such tenant shall be entitled to restoration of possession of the holding, subject to the provisions of this section:

Provided that nothing in this sub-section shall apply in any case where the holding has been sold to a **bona fide** purchaser for consideration after the date of such dispossession and before the date of publication of the Mahe Land Reforms (Amendment) Bill, 1980, in the Official Gazette.

(2) Any person entitled to restoration of possession of his holding under sub-section (1) may, within a period of six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, deposit the purchase money together with interest at the rate of six per cent per annum in the court and apply to the court for setting aside the sale and for restoration of possession of his holding.

(3) The court shall, if satisfied after such summary enquiry as the court deems fit, set aside the sale and restore the applicant to possession of his holding.

(4) The court may also order the applicant to deposit in court such amount as may be specified by the court towards costs of the decree holder or the auction purchaser and the value of improvements, if any, effected on the holding after the sale.

Explanation. – For the purposes of this section, the term "holding" includes a part of a holding.

Cancellation of certain sales for arrears of rent

8C. (1) Notwithstanding anything to the contrary contained in any law, or in any judgment, decree or order of court, where any holding has been sold in execution of any decree for arrears of rent accrued due before the 22nd day of March, 1968, or any portion of such arrears, but the tenant has not been dispossessed, such tenant may, within six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, deposit in court an amount equal to the amount which he is liable to pay under section 81 and apply to the court for setting aside the sale.

Explanation. – Where a tenant has been dispossessed by a receiver appointed by a court, such dispossession shall not be deemed to be dispossession for the purposes of this sub-section.

(2) The court shall, if satisfied after such summary enquiry as the court deems fit, set aside the sale and may also order the applicant to deposit the costs, if any, payable to the decree-holder.

(3) Where the amount deposited under sub-section (1) is not found sufficient, the court shall not pass an order under sub-section (2) unless the deficit amount is deposited in court within such period as the court may direct.

Cancellation of certain sales for damages

8D. (1) Notwithstanding anything to the contrary contained in any law, or in any judgment, decree or order of court, where any holding has been sold after the 22nd day of March, 1968 and before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, for recovery of damages for committing waste on the holding, but the tenant has not been dispossessed, such tenant may, within six months from such commencement, deposit in court an amount equal to the purchase money together with interest at the rate of six per cent per annum and apply to the court for setting aside the sale.

(2) The court shall, if satisfied after such summary enquiry as the court deems fit, set aside the sale and may also order the applicant to deposit the costs, if any, payable to the decree-holder

(3) Where the amount deposited under sub-section (1) is not found sufficient, the court shall not pass an order under sub-section (2) unless the deficit amount is deposited in court within such period as the court may direct.

(4) Where the holding has been sold to a purchaser other than the decree-holder, such person shall be entitled to an order from the court for repayment of his purchase money, with or without interest as the court may direct, against any person to whom it has been paid].

Resumption for extension of places of public religious worship

9. Trustee or owner of a place of public religious worship may resume from a tenant the whole or any portion of his holding when the same is needed for the purpose of extending the place of public religious worship and the Collector certifies that the same is so needed.

Resumption for construction of residential buildings

10. A landlord (other than a sthani or the trustee or owner of a place of public religious worship) who is not in possession of *[any land other than nilam or is in possession of less than two acres in extent of such land] and who needs the holding for the purpose of constructing a building bona fide for his own residence or for that of any member of his family may resume from his tenant ---

(i) an extent of land not exceeding twenty cents, where resumption is sought on behalf of one person; and

(ii) an extent of land not exceeding fifty cents, where resumption is sought on behalf or two or more persons:

*[Provided that, by such resumption, the total extent of land other than nilam in the possession of the landlord shall not be raised above two acres and the total extent of land in the possession of the tenant shall not be reduced below twenty cents:]

*[omitted]

*[Explanation - For the purposes of this section and section 11, "member of family" shall mean,

(i) in the case of a landlord who has granted a lease on behalf of a joint family, member of such family; and

(ii) in any other case, wife or husband, as the case may be, or a lineal descendant of the landlord.]

Resumption for personal cultivation from tenant holding more than ceiling area

11. A landlord (other than a sthani or the trustee or owner of a place of public religious worship) who requires the holding bona fide for cultivation by himself, or any member of his family, may resume form his tenant, who is in possession of land exceeding the ceiling area, the whole or a portion of the holding, subject to the condition that, by such resumption, the total extent of land in the possession of the landlord is not raised above the ceiling area and the total extent of land in the possession of the cultivating tenant is not reduced below the ceiling area.

Explanation I - In this section, references to the ceiling area in relation to the landlord or the tenant shall, where such landlord or tenant is a member of a family be construed as references to the ceiling area in relation to that family.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

*[**Explanation II -** The provisions of section 92 shall, so far as may be, apply to the calculation of the ceiling area for the purposes of this section and section 11A, provided that if no date has been notified under section 93, the date of the application for resumption shall be deemed to be the date notified under section 93.]

Resumption by small holder from tenants holding more than the ceiling area

11A. (1) Notwithstanding anything contained in section 12 or section 13, a small holder (other than a sthanee or the trustee or owner of a place of public religious worship) may resume from his tenant, who is in possession of land exceeding the ceiling area, the whole or a portion of the holding, subject to the condition that by such resumption the total extent of land in the possession of the cultivating tenant is not reduced below the ceiling area and the total extent of land in the possession of the small holder is not raised above five acres:

Provided that no small holder shall be entitled to resume under this section any land in the possession of a tenant who is a member of a Scheduled Caste.

Explanation. – In this section, reference to the ceiling area in relation to the tenant shall, where such tenant is a member of a family, be construed as reference to the ceiling area in relation to that family.

(2) An application under sub-section (1) shall be made within a period of six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980.

(3) Where more small holders than one apply for resumption of land from the same tenant and the extent of land in the possession of the tenant in excess of the ceiling area is less than the aggregate of the extent of land applied to be resumed by the small holders, the Land Tribunal shall allow resumption by all the small holders equitably having regard to all circumstances.]

Resumption by small holder

12. Without prejudice to the right of resumption under section 11, a small holder (other than a sthani or the trustee or owner of a place of public religious worship) may resume from his tenant a portion of the holding not exceeding one-half:

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that, by such resumption, the total extent of land in the possession of the small holder shall not be raised above *[two and a half standard acres or five acres] in extent, whichever is greater and that in the possession of the tenant shall not be reduced below twenty cents:

Provided further that, *[omitted] no land shall be resumed under this section from a tenant who was entitled to fixity of tenure in respect of his holding immediately before the 28th April, 1962, under any law then in force.

Cases where resumption permissible

13. *[Resumption of land under section 9, 10, 11 and 12 shall also be subject to the following conditions and restrictions, namely: --

(i) in respect of tenancies subsisting at the commencement of this Act, no application for resumption shall be made after a period of one year from such commencement:

Provided that where the landlord is:-

(a) a minor; or
(b) a person of unsound mind; or
(c) a member of the Armed Forces or a seaman and the tenant is entitled to fixity of tenure; or
(d) a legal representative of such member or seaman, and such member or seaman was the landlord of the land in respect of which resumption is claimed,

the application for resumption may be made within six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980.

Provided further that in the case of a landlord referred to in clause (c) or clause (d) of the foregoing proviso, the application for resumption may be made after the expiry of the said period of six months and before the date notified under section 80, if such landlord was prevented by sufficient cause from making the application within the said period of six months;

(ii) the right of resumption in respect of a holding shall be exercised only once, and the order of the Land Tribunal allowing resumption shall be given effect to only at the end of an agricultural year;
(iii) no kudiyiruppu shall be resumed;
(iv) no land in the possession of tenant who is a member of a Schedule Caste shall be resumed].

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Priority for resumption

14. Where in respect of any holding there are more landlords than one, the landlords mentioned below and in their order of priority shall be entitled to resumption: -

(a) small holder;
(b) any person, other than small holder, entitled to fixity of tenure in respect of the holding immediately before the 28th April, 1962, under any law then in force;
(c) kanamdar not falling under item (a) or item (b);
(d) landowner, not being a small holder:

Provided that where there are more landlords than one falling under the same category, the landlord nearer the cultivating tenant shall have preferential right over the landlord more remote.

Procedure for resumption

15. (1) A landlord desiring to resume any land shall apply to the Land Tribunal for an order of resumption. The application shall be in such form and shall contain such particulars as may be prescribed.

*[**Explanation. –** For the purposes of this sub-section, "landlord" shall include a landlord referred to in clause (i) or clause (ii) of sub-section (2) of section 8;]

(2) The Land Tribunal shall duly enquire into the application and pass appropriate orders, thereon, and where the order allows resumption, it shall specify the extent and location of the land allowed o be resumed, the rent payable in respect of the portion, if any, that would be left after resumption and such, other particulars as may be prescribed and directing the landlord to make, within such time and in such manner as may be prescribed, payments to extinguish the rights of the cultivating tenant and the intermediaries, if any, who would be affected by such resumption.

(3) The Land Tribunal may, for sufficient reasons, extend the time prescribed under sub-section (2) for making payments by the landlord.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

*[(4) The cultivating tenant shall be entitled to opt for the location of the portion of the holding which may be allowed to be resumed, and where the tenant has not so opted, the location of the portion to be resumed shall be decided by the Land Tribunal having regard to the nature, fertility and other conditions of the portion of the land which may be allowed to be resumed and the portion left with the cultivating tenant.]

(5) Where the application is made under section 11 for resumption from a tenant who is in possession of land exceeding the ceiling area and there are other landlords under whom the tenant holds, the Land Tribunal shall give notice of the application to all other landlords entitled to claim resumption under section 13 on the date of such application, so ar as known to it, specifying a date of such application, so far as known to it, specifying a date within which they may apply for resumption of any land from such tenant. The Land Tribunal shall consider all applications from landlords for resumption from such tenant received within the specified time together, and, where the extent of land in the possession of the tenant in excess of the ceiling area is less than the aggregate of the extent of land applied to be resumed by the landlord s equitably having regard to all circumstances.

(6) Where any land in resumed after making the payments as directed by the Land Tribunal all the rights of the cultivating tenant and the intermediaries, if any, holding between the landlord resuming the land and the cultivating tenant in respect of the land, shall stand extinguished.

*[(7) Where a landlord deposits the amounts in accordance with the directions of the Land Tribunal, the Land Tribunal shall put the landlord in possession of the land allowed to be resumed, if need be by removing any person who refuses to vacate the same.]

(8) Where a landlord fails to deposit the amounts in accordance with the directions of the Land Tribunal, the order of resumption shall be treated as cancelled and the landlord shall have no further right for resumption.

Tenants form whom land is resumed to be paid compensation for improvement, and solatium

16. *[(1) A tenant from whom land is resumed under the provisions of this Act shall be entitled to ---

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(i) compensation for the improvements belonging to him; or

(ii) a solatium of an amount equal to value of the gross produce from the land resumed for a period of two years.

whichever is greater.]

(2) The compensation payable under clause (i) of sub-section (1) shall be determined in accordance with the provisions of sections 17 to 28 of this Act.

Tenant may remove buildings, works or trees not deemed improvements

17. Whenever a court passes a decree or order for eviction against a tenant and such tenant has erected any building, constructed any work or planed any tree which the court finds it not an improvement for which compensation can be claimed, but which the court finds can be removed without substantial injury to the holdings, such tenant may remove such building, work or tree within a time to be fixed by the court in its decree or order.

Improvement producing an increase in the value of the annual net produce

18. (1) When the improvement is not an improvement to which section 22 applies and has caused an increase in the value of the annual net produce of the holding, the court shall determine, as nearly as may be, the average net money value of such increase and shall award as compensation for the improvement three-fourths of the amount arrived at by capitalising such net money value at twenty times.

Explanation 1. – The value of the net produce means the amount remaining after deducting from the value of the gross produce the cost of cultivation and the Government assessment and local taxes.

Explanation 2. – In determining the net money value of the increase, regard shall also be had to the condition of the improvement and probable duration if its effect and the labour and capital required for making such improvement.

(2) Nothing in sub-section (1) shall apply to improvements of the nature of embankment, reclamation and other similar works.

Trees or plants spontaneously grown

19. When the improvement is not an improvement to which, sub-section (1) of section 18 applies, but consists of timber trees or of other useful trees or plants spontaneously grown during the period of the tenancy or sown or planted by any of the persons mentioned in section 16, the compensation to be awarded shall be three-fourths of the sum which the trees or plants might reasonably be expected to realise if sold by public auction to be cut and carried away.

Other kinds of improvement

20. When the improvement is not an improvement to which sub-section (1) of section 18 or section 19 applies the compensation to be awarded shall be cost of the labour including supervision thereof and of the materials together with other expenditure if any, which would at the time of the valuation, be required to make the improvement, less a reasonable deduction on account of the deterioration, if any, which may have taken place from age or other cause.

Value of improvement to be ascertained in the way most favourable to the tenant

21. Notwithstanding anything contained in section 18 or 19 or 20, the amount of compensation to be awarded for an improvement shall be ascertained in the way prescribed by any of the said sections which is most favourable to the tenant.

ILLUSTRATIONS. : --

(a) The compensation to be awarded for a jack tree as a fruit tree is ascertained under section 18 to be Rs.7, but for the same tree as a timber tree it is ascertained under section 19 to be Rs. 10.

(b) The compensation to be awarded for an immature casuarinas plantation is ascertained under section 19 to be Rs. 20 but under section 20 to be Rs. 100.

In each case, the court shall award the higher amount.

Improvement consisting in protection and maintenance of trees and plants

22. When the improvement consists in the protection and maintenance of timber or fruit trees or of other useful trees or plants not sown or planted by any of the persons mentioned in section 16, or of such trees or plants spontaneously grown prior to the commencement of the tenancy, the compensation to be awarded shall be the proper cost of such protection and maintenance ascertained as provided in section 20.

Power to frame tables of maximum and minimum rates of Compensation

23. The Government may prepare tables showing the maximum and minimum rates of compensation to be awarded under this Act for all or any class of improvements and when such tables have been published, the amount awarded as compensation under section 18 or 19 or 20 or 21 shall not ordinarily exceed such maximum rates nor shall it in any case be less than such minimum rates.

Power to prepare tables of prices of produce, etc.

24. (1) For the purpose of determining the amount of compensation to be awarded under this Act, the Government may prepare tables, showing all or any of the following matters, namely: -

(a) the price of coconuts, arecanuts, cashewnuts, mangoes, pepper and paddy;

(b) the cost of ---

(i) cultivating and harvesting a crop of paddy;

(ii) planting, protecting and maintaining a coconut tree, an arecanut tree, a jack tree, a cashewnut tree, a mango tree, such other tree as may be notified by the Government from time to time and a pepper vine, until the tree or vine is in bearing;

(iii) protecting and maintaining a coconut tree, an arecanut tree, a jack tree, a cashewnut tree, a mango tree, such other tree as may be notified by the Government from time to time and a pepper vine for one year when in bearing.

(2) The tables, prepared under this section shall, on publication, be receivable in evidence and the rates and amounts therein specified shall be presumed to be the proper rates, and amounts until the contrary is proved:

Provided that, in so far as such tables prescribe prices of products, the presumption shall not be rebuttable except by proof of the average price as provided in section 25.

Values how ascertained when no table has been prepared or the presumption is rebutted

25. In respect of any product for which no table showing the price has been published and whenever the presumption under section 24 as to the price is sought to be rebutted, the court shall adopt as the money value for the purpose of awarding compensation under sub-section (1) of section 18, the average price in Mahe, as nearly as may be ascertainable, for a period of 10 years immediately preceding the institution of the suit.

Tables to be published

26. (1) The tables prepared under this Act shall be published in English and Malayalam in the Official Gazette and shall be kept publicly posted in the civil court in Mahe.

(2) The Government may, by like publication, cancel or vary, from time to time, the tables so published.

Compensation when area is overplanted

27. When trees are planted in excess of the following scale, the court, if satisfied that, in the circumstances of the particular case, the land is over- planted, may, notwithstanding anything herein before contained, either refuse to grant any compensation or may grant compensation at a lower rate, for a so many of the trees as are in excess of the scale and are immature: -

Coconut trees	...	100	per acre.
Arecanut trees	...	720	per acre.
Jack trees	...	60	per acre.

Explanation. --- In the case of a mixed garden, each tree shall be allowed a proportionate fraction of an acre according to the above scale.

Contracts affecting tenant's right to make improvements

28. Nothing in any contract entered into whether before or after the commencement of this Act shall take away or limit the right of a tenant to make improvements and to claim compensation for them in accordance with the provisions of this Act.

Tenant's right to sue for restoration of possession of land

29. (1) In any case in which any land has been resumed on the ground specified in section 9 or section 10 or section 11 or section 12, if, within three years of such resumption, the person who resumed the land fails without reasonable excuse to use the and for the purpose for which it was resumed, the cultivating tenant shall, subject to the provisions of section 30 be entitled to apply to the Land Tribunal for the restoration to him of the possession of the land or a portion of the land which was resumed and to hold it with all the rights and subject to all the liabilities of a cultivating tenant:

Provided that a cultivating tenant shall not be entitled to restoration under this sub-section if he is in possession of land equal to or exceeding the ceiling area, nor shall a cultivating tenant be entitled to restoration or an extent of land which together with the extent of land in his possession will exceed the ceiling area.

(2) The provisions of section 15 shall, *mutatis mutandis* be applicable to the form and procedure in regard to the application for restoration and the manner of execution of the orders of restoration.

Limitation for application for restoration under section 29

30. An application for restoration under section 29 shall be made within one year from the expiry of three years after the resumption.

Effect of an order of restoration

31. (1) Where restoration of any land resumed is ordered under section 29, the cultivating tenant shall hold the land directly under the landlord from whom restoration has been ordered, and the rights of the intermediaries extinguished under sub-section (6) of section 15 shall not revive.

(2) On such restoration, the cultivating tenant shall pay to the person who resumed the land ---

(i) the amounts paid by such person to the cultivating tenant and to the intermediary, if any towards the value of the improvements effected by them and existing at the time of restoration;

(ii) the value of the improvements, if any, effected *bona fide* by such person between the date of resumption and the date of the application; and

(iii) any amount other than solatium received by the cultivating tenant form such person on account of the resumption.

(3) The rent payable by the cultivating tenant after the restoration of the holding shall be the fair rent.

Contract rent in the case of certain tenants

*[31A. (1) Where a person who is a tenant for the purposes of this Act as amended by the Mahe Land Reforms (Amendment) Act, 1980, was, before the commencement of the said Amendment Act, not under an obligation to pay rent, the contract rent for the purposes of this Act shall be deemed to be, --

(a) where there has been a stipulation in the document for the periodical payment of any amount by such person, such amount;

(b) in the case of a varamdar, the average of the share of the landlord in the paddy produce for the three years immediately preceding the commencement of this Act or where the varamdar was not cultivating the land continuously for the said period of three years, the share of the landlord for the year in which the varamdar cultivated the land last immediately before such commencement;

(c) in any other case, four rupees per acre.

(2) In the case of a cultivating tenant referred to in sub-section (3) of section 31, the contract rent for the purposes of this Act shall be the contract rent or the proportionate contract rent in respect of the holding or part thereof which is resumed under this Act, at the time of resumption.

Determination of proportionate rent

31B. Where by act of parties or by operation of law, the interest of the tenant in his holding has been severed, splitting up the holding into two or more parts, or where a portion of the holding has been sub-leased, and there is dispute as to the contract rent payable in respect of any such part or, as the case may be, the portion retained by the tenant or the portion sub-leased, the Land Tribunal may, on application by any person interested, determine the contract rent payable in respect of each such part or portion, as the case may be, on the basis of the normal produce from each such part or portion].

Recovery of arrears of rent

*[32. (1) A landlord or any person claiming under him may apply to the Land Tribunal in such form as may be prescribed for recovery of arrears of rent due to him from his tenant.

(2) The Land Tribunal shall, after such enquiry as may be prescribed, determine the amount payable to the landlord and the person liable to pay the same:

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that where the amount claimed in the application does not exceed five hundred rupees the Land Tribunal shall follow the procedure prescribed for the trial of small cause suits.

(3) The Land Tribunal may, on application by the person entitled to the amount determined under sub-section (2) at any time with in one year from the date on which the order of the Land Tribunal under that sub-section has become final, recover the amount in such manner as may be prescribed and pay the same to the applicant.

(4) Notwithstanding anything contained in any law for the time being in force, no court or other authority or officer other than the Land Tribunal shall have jurisdiction to entertain any claim for arrears of rent.

Fair rent

33. (1) The fair rent in respect of a holding shall be the rent payable by the cultivating tenant to his landlord.

(2) The fair rent shall be, ---

(a) in the case of nilams, 50 per cent of the contract rent, or 75 per cent of the fair rent determined under any law in force immediately before the 22nd day of March, 1968, or the rent calculated at the rates specified in Schedule II applicable to the class of lands comprised in the holding, whichever is less;

(b) in the case of other lands, 75 per cent of the contract rent, or the fair rent determined under any law in force immediately before the 22nd day of March, 1968, or the rent calculated at the rates specified in Schedule II applicable to the class of lands comprised in the holding, whichever is less:

Provided that the tenant may, by notice sent to the landlord by registered post, opt to pay ---

(i) in the case of any nilam, 50 per cent of the contract rent, or 75 per cent of the fair rent determined under any law in force immediately before the 22nd day of March, 1968, or the rent calculated at the rates specified in Schedule II applicable to the class of lands comprised in the holding;

(ii) in the case of other lands, 75 per cent of the contract rent, or the fair rent determined under any law in force immediately before the 22nd day of March, 1968, or the rent calculated at the rates specified in Schedule II applicable to the class of land comprised in the holding, and where the tenant has so opted, such rent shall be deemed to be the fair rent for all purposes of this Act with effect from the beginning of the agricultural year in which such notice was sent to the landlord.

Explanation I. – Where in the case of a holding consisting of nilam and lands other than nilam, the rent for the nilam and the other lands is not separately specified in the contract of tenancy, the contract rent for the purposes of this sub-section in respect of the nilam and the other lands shall be determined on the basis of the normal produce from the nilam and the normal produce from the lands other than nilam.

Explanation II. – For the purposes of this section, "nilam" includes a nilam converted into garden by the tenant's labour".]

Exclusion of certain lands from liability to fair rent

34. Notwithstanding anything contained in section 33, where any land included in a holding is set apart for communal purposes, and is used for such purposes, the extent of the land so set apart shall not be taken into account when determining the fair rent of the holding in accordance with that section.

Preparation of record of rights and bar of proceedings under Chapter XII of the Code of Criminal Procedure

35. (1) Any cultivating tenant may, at any time within four years from the commencement of this Act or such further period as the Government may, from time to time, by notification in the Official Gazette, specify in this behalf, apply to the Land Tribunal for the preparation of a record of rights in respect of his holding; and the Land Tribunal shall admit such application if it is *prima facie* satisfied that the application has been made ***bona fide***.

(2) Notwithstanding anything contained in sub-section (1), the Government may, *suo motu,* direct the Land Tribunal for the preparation of a record of rights in respect of any holding.

(3) Where an application for the preparation of a record of rights is admitted or when directed by the Government to prepare such record, the Land Tribunal shall direct such officer as the Collector may, by general order, specify in this behalf, to prepare record of rights in respect of the holding.

(4) The record of rights shall be prepared in such manner as may be prescribed, after giving an opportunity to the landlord and all other interested persons to be heard and such record of rights shall contain –

(a) the description and extent of the holding;

(b) the name and address of the owner;

(c) the nature of the applicant's interest in the holding;

(d) the names and addresses of the intermediaries in respect of the holding and the nature of the interest of each of such intermediaries; and

(e) such other particulars as may prescribed.

(5) The officer specified under sub-section (3) shall for the purposes for proceedings under this section, have all the powers of a civil court while trying a suit under the law for the time being in force relating to civil procedure in respect of the following matters, namely: --

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit; and

(d) issuing commissions for the examination of witnesses or for local investigation.

(6) The record of rights prepared under this section shall be admissible in evidence before any court or tribunal.

(7) Where an application for the preparation of a record of rights in respect of a holding is admitted, no application under section 37 for the determination of fair rent in respect of that holding shall be disposed of till the record of rights is prepared under this section.

(8) *[omitted]

Bar of proceedings under Chapter X of the Code of Criminal Procedure in certain cases

*[35A. (1) Where a person claiming to be a tenant applies for the preparation of a record of rights or for the determination of the fair rent or for the purchase of the right, title and interest of the landowner and the intermediaries, if any, in respect of the land cultivated by him, then, notwithstanding anything contained in any other law, no magistrate shall have jurisdiction under Chapter X of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), in respect of a dispute between that person and any other person claiming to be in possession of that land relating to that land, pending disposal of the application.

(2) Where, in respect of any land, proceedings under Chapter X of the Code of Criminal Procedure, 1973, were initiated while proceedings for the determination of the fair rent in respect of that land were pending and the possession of the land was handed over to the landlord in the proceedings under the said Chapter X, and a suit to declare the right to possession of such land was pending in any civil Court of competent jurisdiction on the date of publication of the Mahe Land Reforms (Amendment) Bill, 1980, in the Official Gazette, then, notwithstanding anything contained in Chapter X of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), or order of any court of any record regarding possession, the person who applied for the determination of the fair rent or his successor-in-interest shall,---

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(a) if he was actually in possession on such date, be entitled to continue in possession of such land subject to the final decision in such suit; and

(b) if he was not in possession on such date, be entitled to restoration of possession and to continue such possession till the final decision in such suit.

(3) Any person who is entitled to be restored to possession of any land under sub-section (2) may make an application in writing within a period of six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, to the Deputy Collector (Revenue), Mahe, for the restoration of possession of such land.

(4) The Deputy Collector (Revenue), Mahe, shall, on receipt of an application under sub-section (3), make or cause to be made necessary enquiries in respect of such application and if he is satisfied that the applicant is entitled to restoration of possession under sub-section (2), eh shall by order direct the person in possession of the land to deliver possession of the same to the applicant within a period of thirty days from the date of service of the order:

Provided that no order under this sub-section shall be made, unless the person who is in possession of the land has been given an opportunity of being heard in the matter.

(5) Every order made under sub-section (4) shall be served in such manner as may be prescribed.

(6) Any person aggrieved by an order of the Deputy Collector (Revenue), Mahe, under sub-section (4) may, within a period of thirty days from the date of service of the order, prefer an appeal to the Collector, and the order of the Collector on such appeal shall be final.

(7) Where an order made under sub-section (4) has not been complied with, and ---

(a) no appeal has been preferred within the time allowed for such appeal; or

(b) an appeal having been preferred has been dismissed, the Deputy Collector (Revenue), Mahe, shall cause the land to be delivered to the applicant by putting him in possession of the land, and if need be, by removing any person who refuses to vacate the same.

Disputes regarding right to cultivate land

35B. (1) Any person claming to be the cultivating tenant of any land, if prevented or obstructed from cultivating that land, may apply to the Deputy Tahsildar for an order that he is entitled to cultivate the land.

(2) The Deputy Tahsildar shall, or receipt of an application under sub-section (1) and after such enquiry as he seems necessary and after issue of notice to the opposite party, by order, decide whether the applicant is entitled to cultivate the land, and if the applicant is entitled to cultivate, and is not in possession of, the land, the Deputy Tahsildar shall also restore him cultivate that land.

(3) In any suit relating to any land in respect of which an application has been presented before the Deputy Tahsildar under sub-section (1) instituted by he opposite party after the date of such application, the court shall not grant an injunction restraining the applicant from cultivating the land, till the final decision in such suit.]

Rent payable by an intermediary

36. Where in respect of a holding there is an intermediary at the commencement of this Act and as a result of the determination of the fair rent, there has been a reduction *[omitted] in the rent payable by the cultivating tenant, the rent payable by the intermediary to his landlord shall be reduced *[omitted]in the same proportion as the rent to which he was entitled was reduced. *[omitted]

Jenmikaram payable where rent payable to kanam tenant is reduced

*[36A. Notwithstanding anything to the contrary contained in any other law, where in respect of a holding the landowner is a kanam tenant and as a result of the determination of the fair rent in respect of that holding there has been a reduction in the rent payable to such landowner, the jenmikaram payable by such landowner in respect of that holding and accrued due after the 22nd day of March, 1968, shall be reduced in the same proportion as the rent to which he was entitled was reduced.]

Determination of fair rent by Land Tribunal

37. (1) The cultivating tenant or any landlord may apply in such form as may be prescribed, to the Land Tribunal for determining the fair rent in respect of a holding.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(2) On receipt of an application under sub-section (1), the Land Tribunal shall issue notices to all persons interested and after enquiry determine by an order ---

(i) the fair rent in respect of the holding;

(ii) if there is an intermediary or intermediaries, the rent payable by such intermediary or intermediaries to his landlord or to their respective landlords.

(iii) the instalments, if any, in which the rent shall be payable; and

(iv) the date or dates on which the said rent or instalment shall be payable.

(3) In determining the fair rent under sub-section (2) the Land Tribunal may take into account the statistics published under section 50.

Bar of suits for eviction, etc., pending application for determination of fair rent

38. During the pendency of an application for determination of fair rent before a Land Tribunal, no court shall entertain any suit for eviction of the applicant from the *[land] to which the application relates, or pass any order or injunction prohibiting him from entering the *[land] or pass any order staying the proceedings before the Land Tribunal.

Agreement as to fair rent

39. Notwithstanding anything contained in the foregoing sections, it shall be competent for the landlord and the tenant to agree as to what shall be the fair rent payable in respect of the holding and, where such an agreement signed by the landlord and the tenant, is filed with the Land Tribunal, the Tribunal shall pass orders determining such agreed rent as the fair rent in respect of the holding:

Provided that the agreed rent shall not exceed the fair rent under section 33, in respect of the holding:

Provided further that where there are intermediaries or other persons having an interest in the holding, the landowner, the cultivating tenant and all the intermediaries and other persons interests shall be parties to such an agreement:

Provided also that this section shall not apply to a case where the landlord is a religious, charitable or educational institution of a public nature.

Refund of payment in certain cases where fair rent is fixed

40. Any order determining the fair rent under section 37 or section 39, and the rent payable by an intermediary consequent on such determination, shall take effect from the beginning of the agricultural year immediately following the commencement of this Act, and any amount paid by the tenant before such determination, which is in excess of the fair rent that may be payable to the landlord in accordance with the provisions of section 37, shall be adjusted towards the payment of future rent or the purchase price payable under section 63, as the case may be, and, where the amount of rent paid to the landlord is less than the rent so determined, the balance payable by the tenant shall be paid at the time of or before the payment of the rent that first accrues after such determination or at such time and in such manner as the Land Tribunal may specify.

Rent payable when Land Tribunal has not determined fair rent

41. (1) Where in a case the rent payable in respect of a holding has not been determined by the Land Tribunal, either under section, 37 or section or section 39, the landlord shall be entitled to receive and *[the tenant shall be bound to pay at his option, ---

(a) in the case of nilams, 50 per cent of the contract rent, or 75 per cent of the fair rent, if any, determined under any law in force immediately before the 22nd day of March, 1968;

(b) in the case of other lands, 75 per cent of the contract rent, or the fair rent, if any, determined under any law in force immediately before the 22nd day of March, 1968].

(2) The provisions contained in sub-section (1) shall be without prejudice to the provisions contained in section 40.

Explanation. *[omitted]

Mode of payment of rent

42. (1) Where the rent is payable in kind, it shall be paid either in kind or in money at the option of the tenant.

*[(2) The money value of the rent payable in kind, unless it is specified in the document evidencing the contract of tenancy, shall be commuted with reference to the rates published in the Official Gazette under section 49 for the date on which the rent is payable and if no such rate is published for that date, at the rate for the nearest previous date for which a rate is so published:

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that where in respect of any commodity the price has not been published in the Official Gazette, the money value of such commodity shall be calculated at the market rate prevailing on the date on which the rent is due.]

(3) The tenant shall be entitled to send by money order the rent payable by him to his landlord.

Liability for assessment

43. (1) As between the tenant and the landlord, the former shall be liable for any cess or special charges leviable by the Government for special or additional crops, raised, where such special or additional crops have not been taken into account in fixing the fair rent.

(2) A tenant making any payment to the Government or any local authority towards land revenue or any tax in respect of the land comprised in the holding and payable by the landlord, shall be entitled to deduct the same from the rent payable by him to the landlord:

Provided that no such deduction shall be made if the rent payable by the tenant to the landlord is equal to or less than the land revenue or other tax so payable.

Remission of rent

44. (1) Where there has been a damage to, or a failure of crops owing to causes beyond the control of the tenant in any holding the tenant shall be entitled to a remission of the rent payable by him in proportion to the extent of such damage or failure.

*[(2) The Deputy Tahsildar, may, either **Suo motu** or on application by a tenant, determine after such enquiry as may be prescribed, the extent of damage to, or failure of, crops under sub-section (1) and order such remission of rent as appears to him just and proper.

(3) Any person aggrieved by the order of the Deputy Tahsildar or the other officer under sub-section (2) may, within a period of sixty days from the date of the order, appeal against such order to the Deputy Collector (Revenue), Mahe, who may pass such order on the appeal as he thinks fit.

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(3A) The order of the Deputy Collector (Revenue), Mahe, under sub-section (3) and the order of the Deputy Tahsildar or the other officer under sub-section (2) in cases where no appeal has been preferred under sub-section (3) within the time specified therefor, or the appeal preferred has been dismissed, shall be final and the tenant shall be entitled to get the benefit of the remission so ordered.

(3B) If in any proceeding under sub-section (2) or sub-section (3), any question arises as to whether a person is or is not a tenant, it shall be competent for the Deputy Tahsildar or the other officer or the Deputy Collector (Revenue), Mahe, as the case may be, to decide such question for the purposes of this section;]

(4) Where, in respect of a holding, there is an intermediary and the rent to which the intermediary is entitled is reduced as a result of the remission grated under *[sub-section (2) or sub-section (3),] the rent payable by the intermediary to his landlord shall be reduced in the same proportion.

Explanation. – For the purposes of this section, the term "crops" shall include cereal as well as cash crops.

Abatement or reduction of rent

45. (1) The fair rent determined under this Act shall not be liable to alteration or revision except on the application made by the cultivating tenant to the Land Tribunal on the grounds specified in sub-sections (2) and (3).

(2) Where a portion of the land comprised in the holding is acquired under any law for the time being in force for the compulsory acquisition of land for public purposes, the tenant shall be entitled to an abatement in the rent in the same proportion as the yield from the portion acquired bears to the yield from the entire holding.

(3) Where any material part of the holding is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was let by fire or flood or any other act of God, the rent payable shall be proportionately reduced.

(4) Where in respect of a holding, there is an intermediary and the rent to which the intermediary is entitled is reduced as a result of the abatement in the rent granted under sub-section (2), or reduction of rent granted under sub-section (3), the rent payable by the intermediary to his landlord shall be reduced in the same proportion.

Invalidity of claims of dues other than rent payable

46. Notwithstanding any contract to the contrary, express or implied, no tenant shall be liable to pay to his landlord any customary dues or renewal fees or anything more or anything else than the rent payable under this Act.

Arrears of rent to bear interest

47. Arrears of rent shall bear interest at the rate of six per cent per annum or at the contract rate, whichever is less.

Priority of claim for arrears of rent

48. Arrears of rent due to the landlord, together with interest thereon, shall be a charge on the interest of the tenant, from whom they are due, in the holding and shall, subject to the priority of the rights of the Government and any local authority for arrears of land revenue, tax, cess or other dues, be a first charge on such interest of the tenant.

Publication of prices of commodities

49. The *[Deputy Collector (Revenue), Mahe], shall cause to be published every quarter, in such manner as may be prescribed, prices prevailing in Mahe of paddy, coconut, arecanut, pepper, groundnut, tapioca, cashewnut and any other crop which may be specified by the Government, by notification in the Official Gazette, for the purpose:

Provided that, before publishing such prices, the *[Deputy Collector (Revenue), Mahe], shall cause notice to be given to the public, in such manner as he thinks fit, of the prices proposed to be published and consider objections, if any, received within two weeks from the date of the notice.

Publication of statistics relating to gross produce of lands

50. The *[Deputy Collector (Revenue), Mahe], shall cause to be published statistics of gross produce of different crops for different classes of land for different areas.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Tenant's right of obtain receipt

51. (1) Every tenant paying any rent shall be entitled to receive and the landlord shall be bound to grant a receipt containing such particulars as may be prescribed.

(2) If any landlord fails to grant a receipt as provided under subsection (1), the tenant shall be entitled to send by money order after deducting the charges for doing so, --

(i) the money, if the rent is payable in money; and

(ii) the money value of the rent, if it is payable in kind.

Adjustment of rent paid after 1st March, 1970

*[51A. (1) Where, after the 1st day of March, 1970, and before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, any tenant has paid or deposited any amount by way of rent, and such amount has been appropriated towards arrears of rent accrued due for the period prior to the 22nd day of March, 1968, the, notwithstanding anything contained in any law, or in any contract, custom or usage, or in any judgment, decree or order or any court or Land Tribunal, such amount shall be adjusted towards the rent accrued due for the period commencing on the 22nd day of March, 1968.

(2) Where, in any judgment, decree or order of any court or Land Tribunal passed after the 1st day of March, 1970, any amount paid or deposited by way of rent has been allowed or ordered to be appropriated towards arrears of rent accrued due for the period prior to the 22nd day of March, 1968, such judgment, decree or order shall, on application within sixty days from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, be re-opened by the court or Land Tribunal, as the case may be, which passed such judgment, decree or order, and disposed of in accordance with the provisions of sub-section (1)].

Application to Land Tribunal when landlord refuses to accept a tender

52. *[(1) The tenant may apply to the Land Tribunal in the prescribed manner for permission to pay the arrears of rent due by him for any period through the Land Tribunal:

Provided that no such application shall be made, if an application or other proceeding for the recovery of such arrears is pending before the Land Tribunal.]

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(2) Along with the application under sub-section (1), the tenant shall deposit with the Land Tribunal, the said due together with interest, if any, accrued thereon.

Procedure on application under section 52

53. *[(1) When an application and deposit have been made under section 52, the Land Tribunal shall cause written notice thereof to be given at the cost of the applicant to every person who, in the opinion of the Land Tribunal, is entitled to be heard thereon and after hearing such of them as appear, by order determine --

(a) the amount of arrears due from the tenant for the period specified in the application under sub-section (1) of section 52 together with interest upto the date of deposit and costs, if any; and

(b) the person or persons who is or are entitled or bound to receive such amount.

(2) If the amount deposited by the tenant under sub-section (2) of section 52 is less than the amount referred to in clause (a) of sub-section (1), the tenant shall deposit the balance amount due within such time as may be directed by the Land Tribunal.

(3) If the tenant fails to deposit any amount under sub-section (2) within the time allowed by the Land Tribunal in that behalf, the application shall be dismissed.

(4) The Land Tribunal may also make such directions regarding costs, if any, awarded to the applicant and such other matters as the Land Tribunal may deem fit.

(5) The deposit of arrears of rent and interest and costs, if any, in accordance with the provisions of this section and section 52 shall be a full discharge of the liability of the tenant for the rent due by him for the period specified in the application.

(6) Nothing in sub-section (5) shall affect the right of any person to recover the amount deposited by the tenant towards arrears of rent and interest from the person to whom it is paid by the Land Tribunal.]

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Apportionment of rent on severance of interest of landlord or tenant

54. (1) Where, by act of parties or by operation of law, the interest of the landlord or of the tenant in the land demised has been severed or a portion of the land demised has been sub-leased, the landlord or the tenant may apply to the Land Tribunal for the apportionment of the rent and the security for rent, if any.

(2) The application shall be in such form as may be prescribed.

(3) The Land Tribunal shall, after giving an opportunity to all persons interested to be heard, pass an order on such application apportioning the rent and the security for rent if any, and directing the execution of a lease deed on the basis of such apportionment within a specified period and make such order as to the costs of the application as it may deem fit.

(4) If, within the time fixed by the Land Tribunal, such deed is not executed, The Land Tribunal shall, on the application of the person in whose favour such deed is to be executed and on the deposit by such person of such amount as the Land Tribunal may direct, execute the deed on behalf of the person in default; and the Land Tribunal shall by order, direct that the cost of the execution of the deed may be realised by the application from the person in default.

(5) *[omitted]

Notice to landlord and intermediary when the interest in the holding of the tenant is acquired

55. (1) Any person driving an interest in the holding or part of the holding of a tenant by virtue of a title acquired by act of parties or by operation of law shall, where such interest is acquired after the commencement of *[the Mahe Land Reforms (Amendment) Act, 1980], within sixty days from the day of such acquisition, give registered notice of his interest in the holding or part of the holding to the landlord and the intermediaries, if any. The said notice shall contain particulars of the property, its extent, the nature of the interest acquired and the date of acquisition of such interest.

(2) Where default is made by tenant in the payment of rent, his landlord shall give registered notice of the default to the persons who have acquired interest in the holding or part of the holding prior to the date of such default and who have notified the existence of their interest under sub-section (1). The persons having interest in the holding shall be entitled to pay the arrears and the landlord shall, be bound to receive such payment:

---

* Omitted vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that a person who has acquired interest only in a part of the holding shall be bound to pay only so much of the rent or arrears of the same, as will on apportionment fall on such portion of the holding.

(3) Where there has been no agreement among the person interested as to the apportionment referred to in the proviso to sub-section (2), the person who has acquired interest in the part of the holding may, within sixty days from the date of service of the notice of default, apply to the Land tribunal for the apportionment, and the Land Tribunal shall, by order, make the apportionment.

(4) *[omitted]

Rights of tenant to be heritable and alienable

56. Subject to the provisions of this Act, all rights which a tenant has in his holding shall be heritable and alienable.

Extent of tenant's right to use his holding

*[56A. (1) Notwithstanding anything contained in any law or contract, or in any judgment, decree or order of court, a tenant entitled to fixity of tenure shall have the right to use his holding in any manner he thinks fit:

Provided that nothing contained in this section shall be deemed to empower the tenant to use the holding in contravention of any order issued under the Essential Commodities Act, 1955.

(2) Notwithstanding anything contained in any law or contract, or in any judgment, decree or order of court, where the tenant in respect of a nilam is a varamdar and the fishing right in that nilam is exercised by the landlord, such right of the landlord shall cease to exist and the tenant shall be entitled to exercise such right].

Surrender by tenant

57. (1) Notwithstanding anything contained in this Act, a tenant may terminate the tenancy in respect of any land held by him at any time by surrender of his interest therein:

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that no such surrender shall be made in favour of any person other than the Government:

Provided further that such surrender shall not be effective unless it is made in writing and is admitted by the tenant before the Land Tribunal and is registered in the office of the Land Tribunal in the prescribed manner.

(2) The Government shall pay to the landlord fair rent of the tenancy surrendered to it under sub-section (1).

(3) The Government may let any land surrendered to it under sub-section (1) to any person, in accordance with such rules as may be made under this Act.

(4) The tenant to whom any land is let under sub-section (3) shall pay their fair rent thereof directly to the landlord and the Government's liability under sub-section (2) with regard to the payment of the rent of that land shall, on and from the date of induction of the tenant on such land, cease.

Abandonment by a tenant

58. (1) No landlord shall enter on any land which has been abandoned by a tenant.

*[(2) If a tenant abandons his holding and ceases to cultivate the holding either by himself or by some other person, the Government may, after notice to the tenant and the landlord and after hearing objections, if any, take possession of the land comprised in the holding.

(3) The Government shall pay to the landlord fair rent for the land possession of by it under sub-section (2), from the date on which it lets out the land to another tenant under sub-section (4)].

(4) The Government may let to another tenant any land, possession of which has been taken under sub-section (2), in accordance with such rules as may be made under this Act.

(5) The tenant to whom any land is let under sub-section (4) shall pay the fair rent thereof directly to the landlord and the Government's liability under sub-section (3) with regard to the payment of the fair rent for such land shall, on and from the date of induction of the tenant on the land, case.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Landlord not to enter on surrendered or abandoned land

59. If any landlord enters into the possession of any abandoned land or any land which has not been surrendered in accordance with the provisions of section 57, he shall be deemed to have contravened the provisions of section 89 of this Act and shall be punished accordingly.

Rights as to timber trees

60. (1) Notwithstanding any law, custom or contract to the contrary, all timber trees planted by the cultivating tenant or his predecessor-in-interest or spontaneously sprouting and growing in the holding after the commencement of the tenancy in favour of the cultivating tenant or his predecessor-in-interest, shall belong to the cultivating tenant.

*[(2) Subject to the provisions of sub-section (3) and (5), in the case of timber trees standing in the holding of a cultivating tenant at the commencement of his tenancy, the cultivating tenant shall have the right to cut and remove such trees, and the landlord or the intermediary shall not have the right to cut and remove such trees.]

(3) Where the cultivating tenant exercises his right under sub-section (2) he shall be liable to pay to the landowner or the intermediary, as the case may be one-half of the market value of the timber trees so cut and removed.

(4) *[omitted]

(5) The right conferred by sub-section (2) shall not be exercisable unless reasonable notice thereof in writing is given to the party to be affected by the exercise of the said right.

(6) If any dispute arises as to the rights of the landowner, intermediary and cultivating tenant over timber trees, the Land Tribunal shall, on the application of the landowner, intermediary or cultivating tenant, by order, decide the question after hearing all the persons interested.

Cultivating tenant's right to purchase landlord's rights

61. (1) *[A cultivating tenant (including the holder of a kudiyiruppu and the holder of a karaima)], entitled to fixity of tenure under section 8, shall be entitled to purchase the right, title and interest of the landowner and the intermediaries, if any, in respect of the land comprised in his holding:

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that,---

(i) if the landlord is entitled to resume any portion of the holding under this Act and he applies for such resumption, the cultivating tenant shall be entitled to purchase the right, title and interest of the landowner and the intermediaries only in respect of the remaining portion of the holding.

(ii) no cultivating tenant shall be entitled to purchase the right, title and interest in respect of any land under this section if he, or if he is a member of a family, such family, owns an extent of land not less than the ceiling area;

(iii) where the cultivating tenant or, if he is a member of a family, such family, does not own any land or owns an extent of land which is less than the ceiling area, he shall be entitled to purchase the right, title and interest in respect of only such extent of land as will together with the land, if any, owned by him or his family, as the case may be, be equal to the ceiling area.

Explanation. – In calculating the extent of land owned by the cultivating tenant or, where he is a member of a family, by such family, for the purposes of clause (ii) or clause (iii), of the proviso to this sub-section, the portion of the land owned by such cultivating tenant or by the family, which is liable to be purchased by the cultivating tenant holding under such tenant or family, shall not be taken into account.

*[(2) The provisions of section 92 shall, so far as may be, apply to the calculation of the ceiling area for the purposes of sub-section (1):

Provided that if no date has been notified under section 93, the date of application by the cultivating tenant under section 62 shall be deemed to be the date notified under section 93].

Application for purchase of landlord's rights by cultivating tenants

62. (1) A cultivating tenant entitled to purchase the right, title and interest of the landowner and the intermediaries under section 61 may apply to the Land Tribunal for the purchase of such right, title and interest.

(2) The application for the purchase under sub-section (1), shall be in such form and shall contain such particulars as may be prescribed.

(3) *[omitted]

---

* Substitude vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(4) Where a cultivating tenant is entitled to purchase the right, title and interest in respect of only a portion of the land held by him, he may indicate in the application, his choice of the portion, the right, title and interest over which he desires to purchase.

Purchase price

63. The price payable by the cultivating tenant for the purchase of the right, title and interest of the landowner and the intermediaries, if any shall be the aggregate of ---

(i) sixteen times the fair rent in respect of the holding or part thereof to which the purchase relates;

(ii) the value of structures, wells and embankments of a permanent nature belonging to the landowner or the intermediaries, if any; and

(iii) one-half of the value of timber trees belonging to the landowner or the intermediaries, if any.

*[Provided that where the aggregate of the value of structures, wells, and embankments and one-half of the value of timber trees referred to in clauses (ii) and (iii) exceeds sixteen times the fair rent in respect of the holding or part thereof to which the purchase relates, such aggregate value shall, for the purpose of calculating the purchase price, be limited to sixteen times such fair rent]

Explanation. – For the purposes of this section, where the rent is payable in kind, the money value of the rent shall be computed at the average of the prices of the commodity for the six years immediately preceding the year of determination of the purchase price, and, in calculating the average of the prices, the prices, if any, published under section 49 may also be taken into account.

Purchase price to be distributed among landowner and intermediaries

64. (1) Where the right, title and interest of the landowner and the intermediaries in respect of a holding have been purchased by the cultivating tenant, the purchase price paid by the cultivating tenant shall be paid to the landowner or apportioned among the landowner and the intermediaries, as the case may be, in accordance with the provisions of sub-sections (2) and (3).

(2) Where there is no intermediary, the landowner shall be entitled to the entire purchase price paid by the cultivating tenant.

(3) Where there is an intermediary or there are intermediaries. ---

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(i) the amount of sixteen times the fair rent paid by the cultivating tenant shall be apportioned among the landowner and the intermediary or intermediaries in proportion to the profits derived by them for the holding; and

(ii) the value of structures, wells and embankments of a permanent nature and half the value of the timber trees paid by the cultivating tenant shall be payable to the landowner or the intermediary to whom such structures, wells, embankments and timber trees belong.

*[Provided that where the aggregate of the value of structures, wells and embankments and one-half of the value of timber trees has been limited to sixteen times the fair rent under the proviso to section 63, the amount payable under this clause to the landowner and the intermediary of intermediaries shall be sixteen times such fair rent apportioned among the landowner and intermediary or intermediaries in proportion to the value of the structures, wells, embankments and timber trees belonging to each of them]

Explanation. – "Profits derived from the holding" shall, for the purpose of this sub-section, mean, in the case of the landowner, the rent to which he is entitled and, in the case of an intermediary, the difference between the rent due to him from his tenant and the rent for which the intermediary is liable to his landlord *[and where there is no evidence as to the rent for which the intermediary is liable to his landlord, it shall be presumed that such rent is one-half of the rent payable to the intermediary by his tenant].

Procedure before Land Tribunal

65. (1) As soon as may be after the receipt of the application under section 62, the Land Tribunal shall give notice to the landowner, the intermediaries and other persons interested in the holding, to prefer claims or objections with regard to the application. *[omitted]

(2) The Land Tribunal shall, considering the claims and objections received and hearing any person appearing in pursuance of the notice issued under sub-section (1) and after making due enquiries, pass orders ---

(i) on the application, if any, *[pending before it] from the landowner or intermediary for resumption, in accordance with the provisions of section 15; and

(ii) on the application for purchase under section 62.

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(3) Where the cultivating tenant is entitled to purchase only a portion of the land left after resumption, the Land Tribunal shall, as far as possible, allow the purchase of the portion indicated in the application under sub-section (4) of section 62.

*[(3A) Where the right, title and interest of the landowner or the intermediary vested in the cultivating tenant form part of the security for any encumbrance or charge for maintenance or alimony, the Land Tribunal shall, for the purpose of discharging the same, apportion the entire encumbrance or the charge for the maintenance or alimony between the portion of the land, the right, title and interest over which vested in the tenant and the portion remaining after such vesting, in proportion to the values of the two portions of the property, and discharge only the liability pertaining to the portion to which the purchase relates.]

(4) An order under clause (ii) of sub-section (2) allowing the application shall specify –

(i) the purchase price payable by the cultivating tenant;

(ii) the amount due to the landowner and each of the intermediaries, if any, on the apportionment of the purchase price paid by the cultivating tenant;

(iii) the value of encumbrances subsisting or claims for maintenance or alimony charged on the right, title and interest of the landowner and the intermediaries, if any;

(iv) the amounts payable to the holder of the encumbrance or the person entitled to the maintenance or alimony *[and the order of the priority in which such amount is payable] and

(v) the amount payable to the landowner and each of the intermediaries after deducting the value of the encumbrance or the claims for maintenance or alimony.

(5) If the landowner or intermediary is liable to pay any amount to the cultivating tenant under this Act, the Land Tribunal shall, in passing orders on the application for purchase, set off such amount against the purchase price payable to the landowner or the intermediary.

(6) The Land Tribunal shall, as soon as may be, forward a copy of the orders under sub-section (2) to the Land Board.

Purchase price payable in instalments or in lump

66. The purchase price determined under section 65 shall be payable in sixteen equal annual instalments:

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that where the purchase price is less than Rs. 160 the number of instalments shall be so fixed by the Land Tribunal that the amount payable in each instalment shall not be less than Rs. 10:

Provided further that it shall be open to the cultivating tenant to pay the entire purchase price in a lump, in which case the amount payable shall be only seventy-five per cent of the purchase price.

Deposit of purchase price and issue of certificate of purchase

67. (1) Where an application under section 62 has been allowed and the purchase price determined under section 65 by the Land Tribunal, the cultivating tenant shall deposit with the Land Tribunal to the credit of the Land Board, --

*[(i) where the purchase price is proposed to be paid in a lump, the entire amount due within one year; or

(ii) where the purchase price is proposed to be paid in instalments, the first instalment thereof within six months,

from the date on which the order of the Land Tribunal under section 65 has become final:

Provided that the Land Tribunal may, on application by the cultivating tenant before the expiry of the said period of one year or six months, as the case may be, extend the period for making such deposit, so however that the period so extended shall not exceed three months.]

(2) On the deposit of the purchase price in a lump or of the first instalment of such price, the Land Board shall issue a certificate of purchase to the cultivating tenant and thereupon the right, title and interest of the landowner and the intermediaries, if any, shall vest in the cultivating tenant free from all encumbrances with effect *[from the date of the application under section 62]. The certificate of purchase shall be conclusive proof of the purchase by the tenant of the right, title and interest of the landowner and intermediary, if any, over the holding or portion thereof.

*[**Explanation. -** For the removal of doubts, it is hereby declared that on the issue of the certificate of purchase, the landowner or any intermediary shall have no right in the land comprised in the holding and all his rights including rights, if any, in respect of trees reserved for his enjoyment shall stand extinguished].

---

* Inserted vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(3) Where a cultivating tenant fails to deposit the purchase price in lump or the first instalment thereof on or before the due date, the order of the Land Tribunal under section 65 shall stand cancelled and the cultivating tenant shall continue as cultivating tenant.

(4) Where the purchase price is paid in instalments, the second and subsequent instalments shall be deposited in the Government treasury in the prescribed manner to the credit of the Land Board.

Interest on defaulted instalments

*[68. If the second or any subsequent instalment of the purchase price is not deposited on the due date the amount of such instalment shall bear interest at the rate of 4½ per cent per annum from that date till the date of deposit of that instalment.

Cultivating tenant to pay rent pending determination of purchase price

69. (1) Notwithstanding the filing of an application under section 62, a cultivating tenant shall, pending the determination of the purchase price under section 63 or, where there has been an appeal against the determination of the purchase price, pending orders on such appeal, deposit with the Land Tribunal an amount equal to the rent which would have been payable by him on the dates on which such rent would have become due if the land were not purchased:

Provided that the Land Tribunal may ---

(a) on application by the cultivating tenant for sufficient reason allow the applicant to make the deposit after the due date;

(b) allow any cultivating tenant to deposit the balance amount, if any, where the amount deposited is found to be less than the amount of rent.

(2) The Land Tribunal shall, after intimating the landlord, pay the amount deposited under sub-section (1) to the landowner and intermediaries, if any, as part payment of the purchase price on taking proper security in case it is found that they are entitled to such amount.

(3) The amount deposited under sub-section (1) shall be deducted from the purchase price payable by the cultivating tenant and he shall be liable to pay only the balance].

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Recovery of instalments of purchase price on default

70. For the purchase price payable by the cultivating tenant, there shall be a first charge on the land to which the purchase relates, subject to the charges for any dues payable to the Government. Where the second or any subsequent instalment is not deposited on the due date the Land Board may, on application from any person entitled to the instalment of the purchase price in default or any part thereof, pass an order directing the payment of the amount *[together with interest thereon] and the order of the Land Board may be executed through the court as if it were a decree passed by it:

Provided that where the right, title and interest of the landowner or intermediary which is a religious, charitable or educational institution of a public nature have vested in the Government under section 74, the instalment of the purchase price in default or any part thereof due to the Government *[together with interest thereon] shall be recoverable as an arrear of land revenue under the provisions of the law for the time being in force relating to the recover of land revenue.

Payment of purchase price, amount of encumbrance, maintenance or alimony

71. (1) The purchase price payable to the landowner and the intermediaries shall be distributed by the Land Board according to the provisions of sub-sections (2) to (9).

(2) Where the right, title and interest of the landowner or the intermediaries are not subject to any encumbrances or charge for maintenance or alimony, the purchase price paid by the cultivating tenant shall be paid to the landowner or apportioned among the landowner and the intermediaries in the manner specified in sub-section (2) or sub-section (3), as the case may be, of section 64.

*[(3) Where the right, title and interest of the landowner or any intermediary in respect of a holding are subject to any encumbrance or charge for maintenance or alimony, the purchase price paid by the cultivating tenant shall ---

(i) if there is no intermediary, be paid to the landowner after deducting the value of encumbrance or charge for maintenance or alimony:

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(ii) if there is an intermediary or there are intermediaries, be apportioned among the landowner and the intermediary or intermediaries in the manner specified in sub-section (2) or sub-section (3), as the case may be, of section 64, and the value of the encumbrances, maintenance or alimony shall be deducted from the purchase price payable to the landowner or the intermediary or intermediaries, as the case may be, and the balance amount shall be paid to the landowner or intermediary or intermediaries.]

If the total amount of such encumbrance, maintenance or alimony is equal to or more than the amount of the purchase price payable to the landowner or the intermediary, the whole amount shall be reserved for payment to the holder of the encumbrance, or the person entitled to the maintenance or alimony and no amount shall be paid to the landowner or the intermediary, as the case maybe.

(4) *[omitted]

(5) Where any amount has been deducted or reserved for payment to the holders of the encumbrances or the persons entitled to the maintenance or alimony, the same shall be paid in their order of priority to person entitled thereto.

(6) Where the cultivating tenant pays the purchase price in instalments, the amount of each instalment shall be distributed in the manner specified above. The interest on the purchase price paid by the cultivating tenant shall also be paid to the landowner, intermediary, holder of the encumbrance or the person entitled to the maintenance or alimony, as the case may be.

(7) Where a person entitled to the purchase price or the value of the encumbrances, maintenance or alimony dies before it is paid to him, it shall be paid to his legal representatives.

(8) Where the person entitled to receive the purchase price or the value of encumbrance is a private trust or endowment or a minor or a person suffering from some legal disability or a limited owner, the purchase price or the value of encumbrance may, notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of the person with such authority or bank as may be prescribed.

(9) Where before any court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the purchase price or the amount of encumbrance or maintenance or alimony payable under this Act, the court or authority may require the Land Board to place at its disposal the amount so payable and thereupon the same shall be disposed of in accordance with the orders of the court or authority.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Payment of purchase price to the landowner, or Intermediary to be full discharge

72. The payment of purchase price or the value of encumbrance, maintenance or alimony to the landowner or intermediary or other person entitled thereto in the manner specified in section 71 shall be a full discharge of the liability for payment of purchase price to the landowner and the intermediaries, and no further claims for payment of purchase price shall lie.

Special provisions relating to religious, charitable or educational institutions of a public nature

*[73. (1) Notwithstanding anything contained in sections 61 to 72, where, in respect of a holding the landowner or the intermediary is a religious, charitable or educational institution of a public nature, such institution may, by application to the Land Board, choose whether the right, title and interest of the institution in respect of the holding should be vested in the Government in consideration of the payment of an annuity in perpetuity by the Government or whether it should be paid such annuity by the Government instead of purchase price in case the holding is purchased by the cultivating tenant under the provisions of this Act:

Provided that no such application shall be entertained by the Land Board on or after the date notified by the Government under section 80.

Explanation. – In this sub-section, the expression "institution of a public nature" includes a public trust and a wakf.

(2) If any question arises as to whether an institution is a religious, charitable or educational institution of a public nature, the question shall be decided by the Land Board after such enquiry as it deems fit, and its decision thereon shall be final.

(3) The annuity payable to an institution in respect of a holding shall be, --

(a) where such institution is the landowner, an amount equal to the rent to which it would be entitled if fair rent were determined in respect of the holding, after deducting 2 ½ per cent thereof by way of collection charges;

(b) where such institution is the intermediary, an amount equal to the difference between the rent due to such institution from its tenant and the rent for which such institution is liable to its landlord if fair rent were determined in respect of the holding, after deducting 2 ½ per cent of such difference by way of collection charges.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Explanation I. – For the purchase of this sub-section, "fair rent" means the fair rent that would be determined under the provisions of this Act, as amended by the Mahe Land Reforms (Amendment) Act, 1980.

Explanation II. - Where the rent payable to an institution is in kind, the annuity payable shall be commuted into money at the average of the prices of the commodity for six years immediately preceding the year in which the annuity is determined.

Procedure for vesting of rights of religious, charitable or educational institutions in Government and for determination of annuity

74. (1) An application under sub-section (1) of section 73 shall specify all the holdings in respect of which the institution desires to be paid annuity.

(2) The application shall be in such form as may be prescribed.

(3) On receipt of such application, the Land Board shall direct the Land Tribunal, to determine the annuity payable to the institution.

(4) Notwithstanding anything contained in sub-section (3), the Land Board shall have power to reject an application referred to in sub-section (1) at any time before the date of the notification under sub-section (9), if it is found that the institution is not a religious, charitable or educational institution of a public nature or on any other ground to be recorded in writing:

Provided that, before rejecting the application, the institution shall be given an opportunity of being heard.

(5) On receipt of a direction under sub-section (3), the Land Tribunal shall, subject to such rules as may be made by the Government in this behalf, by order in the prescribed form, determine ---

(a) the fair rent in respect of the holding under the provisions of this Act as amended by the Mahe Land Reforms (Amendment) Act, 1980;

(b) the annuity payable to the institution in respect of the holding;

(c) where the right, title and interest of the institution in respect of the holding form security for any encumbrance, the amount of the encumbrance and where there are more encumbrances than one, the order of priority of each of such encumbrances; and

(d) such other matters as may be prescribed.

(6) The annuity determined under sub-section (5) shall be paid, ---

(a) in the case of a holding included in notification under sub-section (9), from the date specified in that notification;

(b) in the case of a holding, the right, title and interest of the landowner and intermediaries in respect of which have been purchased by the cultivating tenant, from the date on which the right, title and interest of the institution in respect of its other holdings have vested in the Government under sub-section (9) or section 80, which ever is earlier.

(c) in the case of any other holding, from the date notified under section 80.

(7) The fair rent in respect of a holding determined under sub-section (5) shall, subject to the provisions of sections 112 and 113, be the fair rent for the purposes of sections 80A and 80E.

(8) As soon as may be after the determination of the annuity under sub-section (5), the Land Tribunal shall forward a statement in the prescribed form together with a copy of the order under that sub-section to the Land Board, and the Land Board shall have the power to return such statement to the Land Tribunal for the purpose of correcting patent mistakes or error apparent on the face of the record.

(9) As soon as may be after the determination of the annuity in respect of all holdings specified in the application under sub-section (1) of section 73 (other than holdings in respect of which certificates of purchase have been issued), the Government shall issue a notification in the Official Gazette declaring that the right, title and interest of the institution in respect of such holdings shall vest in the Government with effect from a date to be specified in the notification and all such right, title and interest shall accordingly vest in the Government free from all encumbrances.

Payment of annuity

75. The Government shall pay the annuity payable to the institution every year in perpetuity on such date or dates and in such manner as may be prescribed:

Provided that no annuity in respect of a holding shall be paid if the purchase price in respect of that holding has been paid, or deposited in pursuance of sub-section (8) of section 71.

Provided further that where the right, title and interest of the institution are subject to any encumbrance on the date on which such right, title and interest have vested in the Government, ---

(i) the value of the encumbrance shall be paid to the holder of the encumbrance; and

(ii) five per cent of the value of the encumbrance shall be deducted from the annuity and the balance, if any, alone shall be paid to the institution:

Provided also that where the value of the encumbrance is more than sixteen times the annuity, ---

(i) if there is only one encumbrance, sixteen times the annuity shall be paid to the holder of the encumbrance; and

(ii) if there are two or more encumbrances, sixteen times the annuity shall be paid to the holders of the encumbrances in their order of priority, and in either case, no amount by way of annuity shall be payable to the institution.

Vesting of the rights of religious, charitable or educational institutions in the Government not to operate as bar to the purchase of landlord's rights by cultivating tenants

76. The filing of an application by a religious, charitable or educational institution of a public nature under sub-section (1) of section 73 or the vesting of the right, title and interest of the institution in the Government under sub-section (9) of section 74 shall not affect the right of the cultivating tenant purchase such right, title and interest in accordance with the provisions of sections 61 to 72.

Government entitled to purchase price in certain cases

77. Where the right, title and interest of a religious, charitable or educational institution of a public nature in respect of a holding are purchased by the cultivating tenant and the institution has, under sub-section (1) of section 73, expressed its choice for annuity instead of purchase price in respect of that holding, the Government shall, notwithstanding any order of any court of Land Tribunal, be entitled, subject to the provisions of section 78, to the purchase price payable to the institution.

Institution entitled to rent for certain period

78. Where the right, title and interest of a religious, charitable or educational institution of a public nature in respect of a holding are purchased by the cultivating tenant and the institution is entitled to annuity in respect of that holding, the institution shall also be entitled from and out of the purchase price to an amount equal to the rent to which it would have been entitled for the period commencing on the date of application for purchase by the cultivating tenant and ending with the date on which the institution is entitled to annuity, if fair rent had been determined for the holding under this Act as amended by the Mahe Land Reforms (Amendment), Act 1980, after deducting any amount received by the institution under sub-section (2) of section 69.

Tenant holding under institution to continue as tenant under the Government

79. (1) Where a cultivating tenant does not apply for the purchase of the right, title and interest in respect of his holding vested in the Government under sub-section (9) of section 74, the tenant holding directly under the religious, charitable or educational institution of a public nature shall continue as tenant under the Government.

(2) The rent payable by such tenant to the Government shall, on default, be recoverable as an arrear of land revenue under the Revenue Recovery Act for the time being in force.

Vesting of landlord's rights in Government

80. (1) On a +date to be notified by the Government in this behalf in the Official Gazette, all rights, title and interest of the landowners and intermediaries in respect of holdings held by cultivating tenants (including holders of kudiyiruppus and holders of karaimas) entitled to fixity of tenure under section 8 and in respect of which certificates of purchase under sub-section (2) of section 67 have not been issued, shall, subject to the provisions of this section, vest in the Government free from all encumbrances created by the landowners and intermediaries and subsisting thereon on the said date:

Provided that nothing contained in this sub-section shall apply to a holding or part of a holding in respect of which an application for resumption under the provisions of this Act is pending on such date before any court or tribunal or in appeal or revision.

(2) Where in the case of a holding or part of a holding mentioned in the proviso to sub-section (1), the order rejecting the application for resumption, either in part or in full, has become final, the right, title and interest of the landowner and the intermediaries, if any, of the holding or part of the holding, as

---

+1st day of April 1981 is notified date for the purposes of this said sub-section.

the case may be, in respect of which resumption has not been allowed shall, with effect from the date on which the application for resumption has been finally rejected, vest in the Government free from all encumbrances created by the landowner and the intermediaries, if any, and subsisting thereon on the said date.

(3) Where any land or portion of a land is restored to the possession of any person under the provisions of this Act after the date notified under sub-section (1), the right, title and interest of the landowner and intermediaries, if any in respect of such land or portion of land small, from the date of such restoration, vest in the Government free from all encumbrances created by the landowner and intermediaries and subsisting thereon on the said date.

(4) Where in the case of a holding or part of a holding, the landowner or an intermediary is a minor or a person of unsound mind or a member of the Armed Forces or a seaman or a legal representative of any member or seaman, or a small holder, the right, title and interest of the landowner and intermediaries, if any, in respect of such holding or part of a holding shall vest in the Government –

(a) on the expiry of six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, or on the date notified under sub-section (1), whichever is later, in cases where no application for resumption of the holding or part of the holding has been preferred;

(b) in any case where application for resumption has been preferred, on the date on which the order rejecting such application, either in part or in full, has become final or on the date notified under sub-section (1), whichever is later.

(5) Where an intermediary has resumed any land under the provisions of this Act, the right, title and interest of the landowner and the other intermediaries, if any, in respect of the said land shall vest in the Government free from all encumbrances created by the landowner and the other intermediaries with effect from the date of resumption or the date notified under sub-section (1), whichever is later.

Compensation to landlords for vesting of their rights in Government

80A. (1) Every landowner and intermediary whose right, title and interest in respect of any holding have vested in the Government under section 80 shall be entitled to compensation as provided in sub-sections (2), (3) and (4).

(2) the compensation payable to the landowner and intermediaries under sub-section (1) shall be the aggregate of:-

(a) sixteen times the fair rent of the holding or part thereof, the right, title and interest in respect of which have vested in the Government;

(b) the value of structures, wells and embankments of a permanent nature belonging to the landowner and the intermediaries, if any; and

(c) one-half of the value of timber trees belonging to the landowner and the intermediaries, if any:

Provided that where the aggregate of the value of structures, wells and embankments and one-half of the value of the timber trees referred to in clauses (b) and (c) exceeds sixteen times the fair rent in respect of the holding or part thereof, as the case may be, such aggregate value shall, for the purpose of calculating the compensation under this sub-section, be limited to sixteen times such fair rent.

Explanation I. – For the purposes of this section and section 80E "fair rent" means the fair rent that would be determined under the provisions of this Act as amended by the Mahe Land Reforms (Amendment) Act, 1980.

Explanation II. – For the purposes of this section, where the rent is payable in kind, the money value of the rent shall be commuted at the average of the prices of the commodity for the six years immediately preceding the year in which the right, title and interest of the landowner and the intermediaries have vested in the Government, and in calculating the average of the prices, the prices, if any, published under section 49 may also be taken into account.

(3) Notwithstanding anything contained in sub-section (2), where the total compensation due to a landlord in respect of holdings held by cultivating tenants, after deducting the value of encumbrances and claims for maintenance or alimony, is more than twenty thousand rupees, the compensation payable to such landlord shall be limited to the amount specified in the Table below.

TABLE

SCALES OF COMPENSATION

Total amount of compensation		Rate
On the first Rs. 20,000	...	100 per cent
On the next Rs. 10,000	...	95 per cent
On the next Rs. 10,000	...	90 per cent
On the next Rs. 10,000	...	85 per cent
On the next Rs. 10,000	...	80 per cent
On the next Rs. 10,000	...	75 per cent
On the next Rs. 10,000	...	70 per cent
On the next Rs. 10,000	...	65 per cent
On the next Rs. 10,000	...	60 per cent
On the next Rs. 10,000	...	55 per cent
On the next Rs. 10,000 and above	...	50 per cent

(4) Where the landowner or intermediary of a holding or part of a holding is entitled to receive fifty per cent of the compensation in respect of that holding or part in a lump under section 80J, the compensation payable to such landowner or intermediary, as the case may be, in respect of that holding or part shall, subject to the provisions of sub-section (3), be 75 per cent of the amount calculated under sub-section (2).

Cultivating tenants' right to assignment

80B. The cultivating tenant of any holding or part of a holding, the right, title and interest in respect of which have vested in the Government under section 80, shall be entitled to assignment of such right, title and interest:

Provided that ---

(a) no cultivating tenant shall be entitled to assignment of the right, title and interest in respect of any holding or part of a holding under this section if he, or if he is a member of a family, such family owns an extent of land not less than the ceiling area;

(b) where the cultivating tenant or, if he is a member of a family, such family, does not own any land or owns an extent of land which is less than the ceiling area, he shall be entitled to the assignment of the right title and interest in respect of only such extent of land as will, together with the land, if any, owned by him or his family, as the case may be, be equal to the ceiling area.

Explanation. -- In calculating the extent land owned by the cultivating tenant or, where he is a member of a family, by such family, for the purpose of clauses (a) and (b) of the foregoing proviso, the portion of the land owned by such cultivating tenant or by the family, which is liable to be assigned to the cultivating tenants holding under him or such family, shall not be taken into account.

(2) The provisions of section 92 shall, so far as may be, apply to the calculation of the ceiling area for the purposes of the proviso to sub-section (1):

Provided that if no date has been notified under section 93, the date notified under section 80 shall be deemed to be the date notified under section 93.

(3) Any cultivating tenant entitled to assignment of the right, title and interest in respect of a holding or part of a holding under sub-section (1) may apply to the Land Tribunal within two years from the date of vesting of such right, title and interest in the Government under section 80, or such further time as may be allowed by the Government in this behalf, for such assignment to him.

(4) An application under sub-section (3) shall contain the following particulars, namely: -

(a) the village, survey number and extent of the holding or part to which the assignment relates;

(b) the name and address of the landowner and intermediaries and also of every other person interested in the land and the nature of their interest so far as they are known to him;

(c) the particulars regarding the other lands owned or held by him or if he is a member of a family, by such family; and

(d) such other particulars as may be prescribed.

(5) Where a cultivating tenant is entitled to the assignment of the right, title and interest in respect of only a portion of the holding held by him, he may indicate in the application under sub-section (3) his choice of the portion to which the assignment shall relate.

Right of landlord to apply for assignment and compensation

80C. (1) Any landowner or intermediary whose right, title and interest in respect of any holding have vested in the Government may apply to the Land Tribunal for the assignment of such right, title and interest to the cultivating tenant and for the payment of the compensation due to him under section 80A.

(2) An application under sub-section (1), shall contain the following particulars, namely: --

(a) the village, survey number and extent of the holding to which the assignment relates

(b) the names and addresses of the cultivating tenant, landowner and intermediaries and also of every other person interested in the land and the nature of their interest, so far as they are known to the applicant;

(c) the particulars regarding the other lands held by the cultivating tenant, so far as may be known to the applicant;

(d) the fair rent, if any, fixed, and the contract rent, if any, of the holding;

(e) such other particulars as may be prescribed.

Assignment where the application is not made by cultivating tenant

80D. Notwithstanding anything contained in sub-section (3) of section 80B or section 80C the Land Tribunal may, subject to such rules as may be made by the Government in this behalf, at any time after the vesting of the right, title and interest of the landowners and intermediaries in the Government under section 80, assign such right, title and interest to the cultivating tenants entitled thereto, and the cultivating tenants shall be bound to accept such assignment.

Purchase price

80E. (1) The cultivating tenant shall be liable to pay purchase price to the Government on the assignment to him of the right, title and interest of the landowner and the intermediaries, if any.

(2) The purchase price referred to in sub-section (1) shall be the aggregate of –

(a) sixteen times the fair rent of the holding or part thereof, the right, title and interest in respect of which have been assigned to the cultivating tenant;

(b) the value of structures, wells and embankments of a permanent nature which belonged to the landowner and the intermediaries, if any, at the time of vesting in the Government;

(c) one-half of the value of timber trees which belonged to the landowner and the intermediaries, if any, at the time of vesting in the Government:

Provided that where the aggregate of the value of structures, wells and embankments and one-half of the value of timber trees referred to in clauses (b) and (c) exceeds sixteen times the fair rent in respect of the holding or part thereof, as the case may be, such aggregate value shall, for the purpose of calculating the purchase price under this sub-section, be limited to sixteen times such fair rent.

Explanation. - For the purposes of this section where the rent is payable in kind, the money value of the rent shall be commuted at the average of the prices of the commodity for the six years immediately preceding the year in which the right, title and interest of the landowner and intermediaries have vested in the Government, and in calculating the average of the prices, the prices, if any, published under section 49 may also be taken into account.

Rent of holdings vested in Government but not assigned to cultivating tenants

80F. Where in respect of any holding or part thereof, the right, title and interest of the landowner and intermediaries have vested in the Government under section 80 and the cultivating tenant is not entitled to the assignment of such right, title and interest by virtue of sub-section (1) of section 80B, the cultivating tenant shall be liable to pay to the Government the rent payable under this Act from the date of vesting under section 80.

Constitution of village committees

80G. (1) The Government shall, by notification in the Official Gazette, constitute a village committee for each village for the purpose of performing the functions of the village committee under this Act.

(2) The village committees shall consist the village officer and six other member nominated by the Government.

(3) The village officer shall be the convenor of the village committee.

(4) The village committee shall elect one of its members to be its chairman.

(5) Three members of the village committee shall constitute the quorum at any meeting of the committee. ‘

Land Tribunal to issue notices and determine the compensation and purchase price

80H. (1) As soon as may be after the right, title and interest of the landowner and the intermediaries, if any, in respect of a holding or part of a holding have vested in the Government under section 80, or, where an application under section 80B or section 80C has been received by the Land Tribunal, as soon as may be after the receipt of such application, the Land Tribunal shall publish or cause to be published a public notice in the prescribed form in such manner as may be prescribed, calling upon ---

(a) the landowner, the intermediaries, if any, and the cultivating tenant; and

(b) all other persons interested in the land, the right, title and interest in respect of which have vested in the Government,

to prefer claims and objections, if any, within such time as may be specified in the notice and to appear before it on the date specified in the notice with all relevant records to prove their respective claims or in support of their objections.

(2) The Land Tribunal shall also issue a notice individually to the landowner, each of the intermediaries and the cultivating tenant and also, as far as practicable, to the other persons referred to in clause (b) of sub-section (1) calling upon them to prefer claims and objections if any within such time as may be specified in the notice and to appear before it on the date specified in the notice with all relevant records to prove their respective claims or in support of their objections.

(3) Notwithstanding anything contained in sub-section (2), the publication of a notice in the manner referred to in sub-section (1) shall be deemed to be sufficient notice to the landowner, the intermediaries, if any, the cultivating tenant and all other persons interested in the land.

(4) The Land Tribunal shall furnish a copy of the public notice under sub-section (1) along with a statement containing the names, and addresses of the persons to whom individual notice have been issued under sub-section (2) and such other particulars as may be prescribed, to the village committee of the village in which the holding is situate or where the holding is situate in more than one village, the village committee of each such village and require the village committee or village committees, as the case may be, to advise the Land Tribunal on the matters mentioned in sub-section (5) before such date as may be specified in the requisition.

(5) On receipt of the copy of the public notice and the statement from the Land Tribunal under sub-section (4), the village committee, or each of the village committees shall, after such inquiry as may be prescribed advise the Land Tribunal in respect of the following matters, namely: --

(a) the names and addresses of the landowner, the intermediaries, if any, and the cultivating tenant;

(b) the names and addresses of all other persons interested in the land;

(c) such particulars as are necessary for identification of the land comprised in the holding as may be prescribed;

(d) the value of encumbrances subsisting or claims for maintenance or alimony charged on the right, title and interest of the landowner and intermediaries, if any;

(e) the amount due to the holders of encumbrances or the persons entitled to maintenance or alimony and the order of priority in which the amount is payable; and

(f) such other matters as may be prescribed.

(6) Any person interested in the land, to whom no notice under sub-section (2) has been issued, may apply to the Land Tribunal stating the nature of his claim or objection and the relief he requires.

(7) The Land Tribunal shall, after considering the claims and objections received in pursuance of the notice issued under sub-section (1) or sub-section (2) and the advice received from the village committee or village committees before the date specified therefor and hearing any person appearing in pursuance of the notice issued under sub-section (1) or sub-section (2) and after making due enquiries, pass an order specifying –

(a) the extent, survey number and such other particulars as may be prescribed, of the land, the right, title and interest in respect of which have vested in the Government under section 80;

(b) the compensation due to the landowner and intermediaries, if any;

(c) the amount due to the landowner and each of the intermediaries, if any, on the apportionment of the compensation ;

(d) the value of encumbrances subsisting or claims for maintenance or alimony charged on the right, title and interest of the landowner and the intermediaries, if any;

(e) the amount due to the holders of encumbrances or the persons entitled to maintenance or alimony, and the order of priority in which the amount is payable;

(f) the amount payable to the landowner and each of the intermediaries after deducting the value of encumbrances or claims for maintenance or alimony;

(g) the purchase price payable by the cultivating tenant;

(h) the rent payable by the cultivating tenant to the Government in the cases falling under section 80F;

(i) where the landowner or intermediary is a religious, charitable or educational institution of a public nature and is entitled to annuity instead of compensation the amount of such annuity; and

(j) such other particulars as may be prescribed.

(8) Where the right, title and interest of the landowner or the intermediaries in respect of a holding or part of a holding vested in the Government form part of the security for any encumbrance or charge for maintenance or alimony, the Land Tribunal shall, for the purpose of determining the value of the encumbrance or the claim for the maintenance or alimony relating to that holding or part, as the case may be, apportion the entire encumbrance or the charge for the maintenance or alimony between such holding or part and the remaining lands which form the security for the encumbrance or the charge for the maintenance or alimony, in proportion to the values of the two portions.

(9) If the landowner or any intermediary is liable to pay any amount to the cultivating tenant under this Act, the Land Tribunal shall, in passing orders under this section, set off such amount against the compensation payable to the landowner or that intermediary.

(10) Where the cultivating tenant is entitled to the assignment of the right, title and interest in respect only of a portion of the land held by him (whether included in one holding or not), the Land Tribunal shall, as far as possible, assign to the cultivating tenant the right, title and interest in respect of the portion of his choice.

Apportionment of compensation by the Land Tribunal

80I. (1) The compensation payable to the landowner and the intermediaries, if any, for the vesting of their right, title and interest in respect of a holding in the Government under section 80 shall be apportioned among the landowner and the intermediaries, as the case may be, in accordance with the provisions of sub-sections (2) and (3).

(2) The amount of sixteen times the fair rent of the holding or part, the right, title and interest in respect of which have vested in the Government, shall be apportioned among the landowner and the intermediary or intermediaries in proportion to the profits derived by them from the holding or part.

Explanation. – "Profits derived from the holding" shall, for the purposes of this sub-section, mean, in the case of the landowner, the rent to which he is entitled and, in the case of an intermediary, the difference between the rent due to him from his tenant and the rent for which the intermediary is liable to his landlord; and where there is no evidence as to the rent for which the intermediary is liable to his landlord, it shall be presumed that such rent is one-half of the rent payable to the intermediary by his tenant.

(3) The value of structures, wells and embankments of a permanent nature and one-half of the value of timber trees shall be payable to the landowner or the intermediary to whom such structures, wells, embankments and timber trees belong:

Provided that where the aggregate of the value of structures, wells and embankments and one-half of the value of timber trees has been limited to sixteen times the fair rent under the proviso to sub-section (2) of section 80A, the amount payable under this sub-section to the landowner and the intermediary or intermediaries shall be sixteen times such fair rent apportioned among the landowner and the intermediary or intermediaries in proportion to the value of the structures, wells, embankments and timber trees belonging to each of them.

(4) Where the right, title and interest of the landowner or an intermediary in respect of the holding were subject to any encumbrance, or charge for maintenance or alimony, the value of such encumbrance, maintenance or alimony shall be deducted from the compensation payable to the landowner or the intermediary, as the case may be, and the landowner, or the intermediary shall be entitled only to the balance amount; and if the total amount of such encumbrance, maintenance or alimony is equal to or more than the amount of the compensation payable to the landowner or the intermediary, the whole amount shall be reserved for payment to the holder of the encumbrance, or the person entitled to the maintenance or alimony, and the landowner or the intermediary, as the case may be, shall not be entitled to any amount by way of compensation.

Part payment of compensation, discharge of encumbrances etc., by Land Tribunal

80J. (1) The Land Tribunal shall pay to the landowner and each of the intermediaries of a holding fifty per cent of the compensation payable to them in respect of that holding in accordance with the provisions of this section.

(2) The amount of compensation payable under sub-section (1) in respect of a holding shall be paid in cash in lump within a period of one year of the date on which the order of the Land Tribunal under sub-section (7) of section 80H has become final.

(3) Where the amount of compensation is not paid on or before the expiry of the period of one year specified in sub-section (2), such amount shall bear interest at the rate of four per cent per annum from the date of expiry of the said period of one year.

(4) Where any amount has been deducted or reserved for payment to the holders of the encumbrances or the persons entitled to the maintenance or alimony, the same shall be paid by the Land Tribunal in their order of priority to the persons entitled thereto.

(5) Where a person entitled to compensation or the value of the encumbrance, maintenance or alimony dies before it is paid to him, it shall be paid to his legal representatives.

(6) Where the person entitled to receive the compensation or the value of encumbrance is a private trust or endowment or a minor or a person suffering from some legal disability or a limited owner, the compensation or the value of encumbrance may, notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of such person with such authority or bank as may be prescribed.

(7) Where before any court or authority, any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the compensation or the amount of encumbrance or maintenance or alimony payable under this Act, the court or authority may require the Land Tribunal to place at its disposal the amount so payable, and thereupon the same shall be disposed of in accordance with the orders of the court or authority.

Determination and payment of balance compensation

80K. (1) Every landowner or intermediary shall, as soon as may be, after the determination of the compensation in respect of all holdings held by cultivating tenants under him and in respect of which the right, title and interest of the landowner and intermediaries have vested in the Government, apply to the Land Board for the determination and payment of the compensation due to him after deducting the amount referred to in sub-section (1) of section 80J.

(2) An application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (1), the Land Board shall make such enquiries as may be prescribed and, after giving the applicant an opportunity of being heard, determine the amount of compensation due to the applicant after deducting the amount referred to in sub-section (1) of section 80J.

(4) Subject to such rules as may be made by the Government in this behalf, the amount of compensation determined under sub-section (3) shall be paid either in cash or in negotiable bonds redeemable after the expiry of sixteen years from the date of issue of such bonds and carrying interest at the rate of four and a half per cent per annum with effect from the date of such determination, or partly in cash and partly in such bonds.

(5) Where the compensation is proposed to be paid in cash, it shall be payable in eight equal annual instalments with interest at the rate of four per cent per annum on the instalment in default, the first instalment being payable on the date of expiry of one year from the date of determination of the amount of compensation under sub-section (3).

(6) Notwithstanding anything contained in sub-section (4) or sub-section (5), -

(a) where the cultivating tenant has opted to pay the purchase price payable by him under section 80N in a lump; or

(b) where the landowner or the intermediary is a small holder and the amount of compensation in respect of all holdings held by cultivating tenants under him does not exceed five thousand rupees,

the amount of compensation determined under sub-section (3) shall be paid in cash in lump within one year from the date of such determination and if not so paid shall bear interest at the rate of four per cent per annum from the date of expiry of that period.

(7) the provisions of sub-sections (5), (6) and (7) of section 80J shall, so far as may be, apply to the payment of the amount of compensation determined under sub-section (3).

Payment of compensation to landowner and intermediary to be full discharge

80L. The payment of compensation under sections 80J and 80K shall be a full discharge of the liability of the Government for payment of such compensation, and no further claims for payment of compensation shall lie against the Government:

Provided that nothing contained in this section shall affect the liability of any person who may receive the whole or any part of the compensation or the value of encumbrances, maintenance or alimony to pay the same to the persons lawfully entitled thereto.

Issue of certificate of purchase

80M. As soon as may be after the determination of the purchase price under section 80H, or the passing of an order under sub-section (3) of section 80P the Land Tribunal shall issue a certificate of purchase to the cultivating tenant, and thereupon the right, title and interest of the landowner and the intermediaries, if any, in respect of the holding or part thereof to which the certificate relates, shall vest in the cultivating tenant free from all encumbrances created by the landowner or the intermediaries, if any.

Explanation. – For the removal of doubts, it is hereby declared that on the issue of the certificate of purchase, the landowner or any intermediary shall have no right in the land comprised in the holding, and all his rights including rights, if any, in respect of trees reserved for his enjoyment shall stand extinguished.

(2) The certificate of purchase issued under sub-section (1) shall be conclusive proof of the assignment to the tenant of the right, title and interest of the landowner and the intermediaries, if any, over the holding of portion thereof to which the assignment relates.

(3) The purchase price payable by the cultivating tenant shall be a first charge on the land comprised in the holding or part thereof to which the assignment relates and shall be recoverable together with interest as provided in sub-section (3) of section 80O, under the provisions of the Revenue Recovery Act for the time being in force.

Purchase price payable in instalments or in lump

80N. The purchase price determined under section 80H shall be payable in sixteen equal annual instalments:

Provided that it shall be open to the cultivating tenant to pay the purchase price in a lump, in which case the amount payable, shall be only seventy-five per cent of the purchase price:

Provided further that the cultivating tenant shall exercise his option to pay the purchase price in a lump before the date of the order under sub-section (7) of section 80H, and such option shall be final.

Deposit of purchase price

80O. (1) Where the purchase price payable by the cultivating tenant is determined under section 80H, the cultivating tenant shall deposit with the Land Tribunal, --

(a) where the purchase price is opted to be paid in a lump, the entire amount due within nine months; or

(b) where the purchase price is to be paid in instalments, the first instalment thereof within three months,

from the date on which the order of the Land Tribunal under sub-section (7) of section 80H has become final.

(2) Where the purchase price is paid in instalments, the second and subsequent instalments shall be deposited with the Land Tribunal within such time and in such manner as may be prescribed.

(3) Where the purchase price or any instalment thereof is not deposited on the due date the amount in default shall bear interest at the rate of four and a half per cent annum from that date till the date of deposit.

Assignment by mutual agreement

80P. (1) Notwithstanding anything to the contrary contained in sections 80A to 80E and sections 80H to 80O, where the right, title and interest of the landowner and the intermediary or intermediaries, if any, in respect of a holding have vested in the Government under section 80, the cultivating tenant, the landowner, the intermediary or intermediaries, if any, the holders of encumbrances, if any, charged on such right, title and interest and the persons entitled to maintenance or alimony, if any, charged on such right, title and interest, may jointly apply to the Land Tribunal for an order assigning the right, title and interest of the landowner and intermediary or intermediaries, if any, to the cultivating tenant:

Provided that nothing in this sub-section shall apply in respect of a holding, if the landowner or any intermediary of that holding is a religious, charitable or educational institution of a public nature which has opted for annuity.

(2) An application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (1), the Land Tribunal may, after such inquiry as may be prescribed, pass an order assigning the right, title and interest of the landowner and the intermediary or intermediaries, if any, to the cultivating tenant.

(4) Before passing an order under sub-section (3), the Land Tribunal shall, so far as may be, follow the procedure laid down in sub-sections (1), (2) (4), (6) and (7) of section 80H.

(5) An order of the Land Tribunal under sub-section (3) shall be in such form and shall contain such particulars as may be prescribed.

(6) Where an order has been passed by the Land Tribunal under sub-section (3), the Government shall have no right to receive any purchase price from the cultivating tenant or liability for the payment of compensation or any other amount in respect of the holding to which the order relates.

(7) Any person affected by the order of a Land Tribunal under sub-section (3) may, within ninety days from the date of the order, apply to that Land Tribunal to set aside the order on the ground that he had no notice of the application under sub-section (1), and the Land Tribunal may either set aside the order and proceed under section 80H or reject the application:

Provided that no order shall be passed under this sub-section without giving the parties interested an opportunity of being heard.

(8) An appeal shall lie from any order passed by the Land Tribunal under sub-section (7) as if such order were an order under section 80H.

Special provisions relating to institutions which have opted for annuity purchase price

80Q. (1) Notwithstanding anything contained in sections 80J and 80K, where in respect of a holding the landowner or intermediary is a religious, charitable or educational institution of a public nature and ---

(a) an application from such institution for annuity is pending on the date notified by the Government under sub-section (1) of section 80; or

(b) the annuity payable to such institution has been determined, but no notification has been issued under sub-section (9) of section 74,

the Government shall pay to such institution the annuity that would have been payable to the institution under section 75, from the date notified under sub-section (1) of section 80, and the Government shall be entitled, subject to the provisions of section 78, to the purchase price payable by the cultivating tenant and, in the case of any holding, the right, title and interest in respect of which have not vested in the Government on the said date, also the rent to which such institutions entitled from the said date till its right, title and interest are vested in the Government:

Provided that nothing contained in this sub-section shall affect the power of the Land Board to decide whether an institution is a religious, charitable or educational institution of a public nature:

Provided further that nothing contained in this sub-section shall apply in the case of an institution, which is found by the Land Board not to be a religious, charitable or educational institution of as public nature.

(2) An application from a religious, charitable or education institution of a public nature for annuity pending or deemed to be pending on the date notified by the Government under sub-section (1) of section 80 shall, on the date of publication of the Mahe Land Reforms (Amendment) Act, 1980, in the Official Gazette, abate, and where any such application has been made after the date of such publication, that application shall abate on the date on which it is received by the Land Board.

(3) For the removal of doubts it is hereby clarified that the annuity payable to a religious, charitable or education institution of a public nature whose application abates under sub-section (2) shall be determined by the Land Tribunal under section 80H and that section 74 will not apply for such determination.

(4) Notwithstanding anything contained in sections 73 to 77, a religious, charitable or educational institution of public nature which has not expressed its choice for annuity instead of purchase price before the date notified under sub-section (1) of section 80 shall not be entitled to express such choice, and such institution shall be entitled only to the compensation under section 80A.

Rent paid by cultivating tenant to be adjusted towards purchase price and compensation in certain cases

80R. (1) Any amount paid by way of rent by the cultivating tenant in respect of his holding to the landowner or any intermediary or the Government for the period after the date of vesting of the right, title and interest of the landowner and the intermediaries in respect of the holding in the Government under section 80 shall be adjusted towards the purchase price payable by the cultivating tenant and such amount received by the landowner or any intermediary shall be adjusted towards the compensation payable to him under section 80J.

(2) Where consequent on the determination of the fair rent in respect of a holding, the rent payable by the cultivating tenant to the landowner or any intermediary has been reduced, the amount paid by the cultivating tenant in excess of the rent so determined to the landowner or the intermediary for the period commencing on the beginning of the agricultural year in which the cultivating tenant filed the application for such determination and ending with the date of such determination shall be adjusted towards the purchase price payable by the cultivating tenant and such amount received by the landowner or any intermediary shall be adjusted towards the compensation payable to him under section 80A.

Applications under section 62 and proceedings relating thereto to abate on the date notified under section 80

80S. (1) All applications under section 62 (other than those which have been rejected and such rejection has become final) and all proceedings in connection therewith, whether pending before the appellate authority or the High Court or the Land Board, shall, if the certificates of purchase have not been issued under sub-section (2) of section 67, abate with effect from the date notified under sub-section (1) of section 80, and no party shall be liable to pay the cost of any other party in any such proceedings.

(2) Where a certificate of purchase is issued under section 80M in respect of any holding or part thereof to which an application referred to in sub-section (1) relates, ---

(a) the right, title and interest of the landowner and intermediaries in respect of such holding or part shall be deemed to have vested in the cultivating tenant from the date of such application;

(b) any amount paid or deposited by the cultivating tenant by way of rent after the date of such application shall be adjusted towards the purchase price payable by him under section 80E;

(c) any such amount received or withdrawn by the landowner or any intermediary shall be adjusted towards the compensation payable to him under section 80J and if the amount of compensation payable under that section is not sufficient, the balance shall be adjusted towards the compensation payable to him under section 80K; and

(d) any purchase price deposited by the cultivating tenant shall be adjusted towards the purchase price payable by him under section 80E.

Vesting of landlords' right not to affect right to recover arrears of rent

80T. The vesting of the right, title and interest of a landowner or an intermediary in respect of any holding or part of a holding in the cultivating tenant under sub-section (2) of section 67 or in the Government under sub-section (9) of section 74 or section 80 shall not affect the right of the landowner or the intermediary to recover the arrears of rent due to him before the date of such vesting, and any such arrears may be recovered as if such vesting had not taken place, subject to the provisions of section 81.

Special provisions regarding jenmikaram

80U. Where the right, title and interest of a kanam tenant in respect of any holding or part of a holding have vested in a cultivating tenant, then, such cultivating tenant shall be liable to pay the jenmikaram in respect of such holding or part ---

(a) where such vesting is under sub-section (2) of section 67 or sub-section (2) of section 80S, from the date on which such right, title and interest are deemed to have vested in the cultivating tenant; and

(b) in other cases, from the date on which such right, title and interest have vested in the Government,

and the kanam tenant shall have no liability to pay such jenmikaram.

(2) Where the Government have paid any jenmikaram for or during the period commencing on the date on which the right, title and interest of the kanam tenant have vested in the Government under section 80 and ending with the date on which the certificate of purchase has been issued to the cultivating tenant, which the cultivating tenant is laible to pay under sub-section (1), such amount of jenmikaram may be recovered from the cultivating tenant as arrears of public revenue due on land.

Liability for assessment after the date of vesting under section 80

80V. Notwithstanding anything contained in any law for the time being in force, or in any contract, where the right, title and interest of the landowner and the intermediaries, if any, in respect of a holding have vested in the Government under section 80, the cultivating tenant of that holding shall be liable to pay the basic tax payable in respect of that holding under the said Act and other taxes and cesses due in respect of that holding.

Discharge of arrears of rent

81. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, or in any contract, or in any judgment, decree or order any court or tribunal, the landlord of a tenant specified in column (1) of the Table below shall be entitled to recover towards arrears of rent accrued due before the 1st day of March, 1971 and outstanding at the commencement of the Mahe Land Reforms (Amendment) Act, 1980, only the amount specified in the corresponding entry in column (2) of the Table:

Provided that where an intermediary has collected rent from his tenant for any period prior to the 1st day of March, 1971 and has not paid the rent payable by him to his landlord for the period for which he has so collected, he shall also be liable to pay the rent payable by him for such period to his landlord:

Provided further that, subject to the foregoing proviso, no intermediary shall be liable to pay to his landlord anything in excess of what he is entitled to receive under this sub-section.

TABLE

Class of tenant (1)	Amount of rent to be paid for discharge (2)
Tenant possessing not more than 5 acres of land in the aggregate, whether as owner, mortgagee, lessee or otherwise	One year's rent or the actual amount in arrears, whichever is less
Tenant possessing more than 5 acres but not more than 10 acres of land in the aggregate, whether as owner, mortgagee, lessee or otherwise	Two years' rent or the actual amount in arrears, whichever is less
Tenant possessing more than 10 acres of land in the aggregate, whether as owner, mortgagee, lessee or otherwise	Three years' rent or the actual amount in arrears, whichever is less:

Provided that where the tenant is in possession of more than fifteen acres of land in the aggregate, whether as owner, mortgagee, lessee or otherwise, and the landlord is a small holder, the tenant shall be liable to pay the actual amount in arrears.

Explanation. – For the purposes of this section, the rent for a year shall be deemed to be an amount equal to the rent payable for the year immediately preceding the commencement of the Mahe Land Reforms (Amendment) Act, 1980 and which was accrued due before such commencement.

(2) Where any suit, appeal, revision or application which involves a claim by a landlord for arrears of rent accrued due prior to the 1st day of March, 1971, is pending before any court or Land Tribunal, such court or Land Tribunal may, after such enquiry as it deems fit, pass an order specifying ---

(a) the amount to which the landlord is entitled under sub-section (1);

(b) the costs, if any, awarded to the landlord in connection with the conduct of the proceedings after the commencement of the Mahe Land Reforms (Amendment) Act, 1980;

(c) the costs, if any, awarded to the tenant in connection with the conduct of the proceedings after such commencement; and

(d) where such costs are awarded to the tenant, the amount due to the landlord after deducting such costs.

(3) Where any decree or order has been passed in favour of a landlord before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, by any court or Land Tribunal for the recovery of arrears of rent accrued due prior to the 1st day of March, 1971, such decree or order shall be enforceable only to the extent of the amount due to such landlord under sub-section (1); and to determine such amount, any of the parties to the decree or order may apply to the court or the Land Tribunal, as the case may be, which passed the decree or order, to amend such decree or order in accordance with the provisions of sub-section (1).

(4) On receipt of an application under sub-section (3), the court or the Land Tribunal, as the case may be, may, after such enquiry as it deems fit, reopen the decree or order and pass an order containing the particulars specified in sub-section (2).

(5) Any landlord who has not instituted a suit or applied under section 32 for recovery of arrears of rent accrued due prior to the 1st day of March, 1971, before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, may apply to the Land Tribunal under that section for recovery of the amount due to him under sub-section (1) of this section.

(6) Notwithstanding anything contained in section 32, on receipt of an application referred to in sub-section (5), the Land Tribunal may, after such enquiry as it deems fit, pass an order containing the particulars specified in sub-section (2).

(7) The tenant shall deposit the amount specified in an order under sub-section (2) or sub-section (4) or sub-section (6) as due from him in the court or Land Tribunal which passed the order within a period of six months from the date of the order.

(8) If the tenant fails to deposit any amount as required by sub-section (7), such amount shall, on a written requisition from the court or the Land Tribunal, as the case may be, to the Collector, be recovered under the provisions of the Puducherry Revenue Recovery Act, 1970, together with interest at the rate of six per cent per annum from the date of the order under sub-section (2) or sub-section (4) or sub-section (6), as the case may be.

(9) The assignment by a landlord of his right to receive arrears of rent to any other person shall not affect the benefits conferred on a tenant under this section.]

Prohibition of future tenancies

82. (1) After the commencement of this Act, no tenancy shall be created in respect of any land.

*[omitted]

(2) Any tenancy created in contravention of the provisions of sub-section (1) shall be invalid.

Kudikidappukaran to have fixity

83. *[(1) No Kudikidappukaran shall be liable to be evicted from his kudikidappu except on the following grounds, namely : ---

(i) that he has alienated his right of kudikidappu to a person other than ---

(a) a member of his family; or

(b) a person who has no other homestead or any land in possession, either as owner or as tenant, on which he could erect a homestead and whose annual income does not exceed two thousand rupees;

(ii) that he has rented or leased out his entire kudikidappu to another person for a period of not less than two years;

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(iii) that he has ceased to reside in the kudikidappu continuously for a period of two years; or

(iv) that he has another kudikidappu or has obtained ownership and possession of land which is fit for erecting a homestead.

Provided that the kudikidappu shall not be liable to be evicted on the ground mentioned in clause (iv) if the extent of the land over which he has obtained ownership and possession is not more than five cents:

Provided further that a kudikidappukaran shall be liable to be evicted, if he has obtained ownership and possession of land where the extent of such land exceeds twenty-five cents.

Explanation I. – For the purposes of this sub-section, 'member of family' shall mean, in the case of a joint family, any member of such family, and in other cases, wife or husband, as the case may be, and any of their lineal descendants.

Explanation II. – For the purpose of this sub-section, a kudikidappukaran shall not be deemed to have ceased to reside in a kudikidappu, notwithstanding the fact that he was not actually residing therein, if any of his near relatives who was residing with him in the kudikidappu continues to reside in the kudikidappu; and in such a case, the near relative who continues to reside in the kudikidappu shall be liable for the rent payable by the kudikidappukaran; and "near relative" shall mean husband or wife, children, grandchildren, father, mother, brother, sister or children of brother or sister.]

(2) Notwithstanding anything contained in sub-section (1), the person in possession of the land on which there is a homestead or hut (hereinafter in this sub-section referred to as the landholder) in the occupation of a kudikidappukaran may, if he *bonafide* requires the land—

*[(a) for constructing a building for his own residence or for the residence of any member of his family including major sons and daughters; or]

(b) for purposes in connection with a town planning scheme approved by the competent authority; or

(c) for any industrial purpose, require the kudikidappukaran to shift to a new site belonging to him, subject to the following conditions, namely: -

(i) the landlord shall pay to the kudikidappukkaran the price of the homestead, if any erected by the kudikidappukaran;

(ii) the new site shall be fit for erecting a homestead and shall be within a distance of one mile form the existing kudikidappu;

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

*[(iii) the extent of new site shall be the extent of the existing kudikidappu, subject to a minimum of five cents;]

(iv) the landlord shall transfer ownership and possession of the new site to the kudikidappukaran and shall pay to him the reasonable cost of shifting the kudikidappu to the new site.

*[(3) Notwithstanding anything contained in sub-sections (1) and (2), where the total extent of land held by a person, either as owner or as tenant, is less than one acre and there is a kudikidappu for constructing a building for his own residence, apply to the Government for the acquisition of land to which the kudikidappu may be shifted:

Provided that, after the expiry of a period of two years from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, an application shall not be made under this sub-section except with the consent of the kudikidappukaran.

Explanation. – For the purposes of this sub-section, ---

(a) the total extent of land held by a person shall be computed as on the 24th day of January, 1971;

(b) in calculating the total extent of land held by a person who is a member of a family, the extent of the land held by any member of his family or jointly by some or all of the members of such family shall also be taken into consideration.

(3A) In an application under sub-section (3), the applicant shall offer to deposit, whenever called for, eighty-seven and a half per cent of the amount of compensation payable for acquisition of land equal to the extent of the existing kudikidappu subject to a minimum of five cents.

(3B) An officer authorised by the Government in this behalf may, after collecting the amount referred to in sub-section (3A) from the applicant acquire the necessary land under the Land Acquisition Act, 1894, give possession of the land to the kudikidappukaran and require him to shift to the said land, and thereupon the kudikidappukaran shall be bound to shift to the new site.

(3C) Where the kudikidappukaran does not shift to the land acquired in pursuance of sub-section (3B) within a period of one month from the date of service on him of the requisition under that sub-section, the officer referred to in that sub-section shall cause him to be evicted from the existing kudikidappu.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(3D) The kudikidappukaran shall be entitled before he shifts as required under sub-section (3B) to receive from the person in possession of the land on which his kudikidappu is situate the expenses as determined by the officer referred to in that sub-section to be reasonably required to shift to the new site.

(3E) Where the kudikidappukaran shifts as required under sub-section (3B), or is evicted under sub-section (3C), he shall be entitled to the ownership and possession of the land to which he shifts or is bound to shift, as the case may be, and also to the registry of such land in his name.

(3F) Twelve and a half per cent of the amount of compensation payable for the acquisition under sub-section (3B) shall be met from the Kudikidappukars Benefit Fund constituted under section 118A.

(4) Where the person in possession of the land in which there is a kudikidappu considers that the kudikidappu is so located as to cause inconvenience to him, he may require the kudikidappukaran to shift to another part of land which is fit for the location of the kudikidappu:

Provided that the kudikidappukaran shall have the right to opt for the portion to which the kudikidappumay be shifted:

Provided further that the kudikidappukaran shall not be entitled to opt for any portion which is not adjoining the boundaries of the land, except with the consent of the person in possession of the land:

Provided also that if the kudikidappukaran refuses to opt, he shall be bound to shift to the portion to which he is required to shift by the person in possession of the land:

Provided also that the person in possession of the land shall transfer to the kudikidappukaran his rights over the land to which the kudikidappu is to be shifted, which shall be equal to the extent of the existing kudikidappu subject to a minimum of five cents and pay the price of the homestead, if any, erected by the kudikidappukaran and the cost of shifting the kudikidappu.]

(5) Where the owner of the land in which there is a kudikidappu considers that the kudikidappu is so located as to cause inconvenience to him, he may require the kudikidappukaran to shift to another part of the land:

Provided that the site to which the kudikidappu is required to be shifted is fit for the location of the kudikidappu.

Provided further that the owner of the land shall transfer to the kudikidappukaran ownership and possession of the land equal to the extent of the existing kudikidappu, subject to a minimum of three cents and a maximum of ten cents and pay the price of the homestead if any erected by the kudikidappukaran and the cost of shifting the kudikidappu.

Rent payable by kudikidappukaran

84. (1) All arrears of rent, if any, payable, by a kudikidappukaran on the date of the commencement of *[the Mahe Land Reforms (Amendment) Act, 1980] whether the same be payable under any law, custom or contract or under a decree or order of court, shall be deemed to be fully discharged if he pays one year's rent or the actual amount in arrears, whichever is less.

(2) On and after the commencement of this Act, notwithstanding any contract, decree or order of court, a kudikidappukaran shall not be required to pay more than six rupees yearly as rent in respect of his kudikidappu.

Provided that a kudikidappukaran who was not liable to pay any rent in respect of his kudikidappu immediately before the commencement of this Act shall not be liable to pay any rent; nor shall a kudikidappukaran be liable to pay any rent in excess of that which he was paying before the commencement of this Act.

Procedure to enforce shifting of kudikidappu in certain cases

*[85. (1) If the kudikidappukaran does not comply with the requisition made under sub-section (2) or sub-section (4) of section 83 by the person in possession of the land to shift to a new site, such person may apply to the Land Tribunal having jurisdiction to entertain an application under section 88B in respect of the kudikidappu to be shifted, to enforce compliance with such requisition:

Provided that no application under this sub-section shall be made without giving the kudikidappukaran one month's notice by registered post:

Provided further that the Land Tribunal shall not entertain any application under this sub-section in respect of a kudikidappu, if an order under sub-section (3) of section 88B allowing an application for the purchase of that kudikidappu has been passed and such order is in force.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(2) The Land Tribunal, after such inquiry as it deems fit, and on being satisfied that the applicant has complied with all the conditions mentioned in sub-section (2) or sub-section (4), as the case may be, of section 83, may pass an order requiring the kudikidappukaran to shift the kudikidappu before such date as may be specified in the order.

(3) If the kudikidappukaran does not shift the kudikidappu before the date specified in the order under sub-section (2), the Land Tribunal shall cause the kudikidappukaran to be evicted from the kudikidappu].

Right of kudikidappukaran to be heritable but not alienable except in certain cases

*[86. The rights of a kudikidappukaran in his kudikidappu shall be heritable but not alienable expect to any person mentioned in sub-clause (a) or sub-clause (b) of clause (i) of sub-section (1) of section 83.]

Right of kudikidappukaran to maintain, repair, etc., homestead or hut

87. The kudikidappukaran shall have the right to maintain, repair and reconstruct with the same or different materials, but *[without increasing by more than fifty per cent of the plinth area, as existing at the commencement of the Mahe Land Reforms (Amendment) Act, 1980,] the hut belonging to the person who permitted occupation by the kudikidappukaran, or the homestead at his own cost.

*[**Explanation. –** In this section and in section 87A "homestead" includes a dwelling house occupied by a person who is deemed to be a kudikidappukaran under **Explanation II** to clause (24) of section 2.]

Customary and other rights of kudikidappukaran

*[87A.(1) Notwithstanding anything contained in any law, or in any contract or in any judgment, decree or order of court, the kudikidappukaran shall be entitled to all rights accrued to him by custom, usage or agreement and which he was enjoying immediately before the commencement of this Act.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(2) Notwithstanding anything contained in any law, or in any judgment, decree or order of court but without prejudice to any rights to which a kudikidappukaran may be entitled under any other law for the time being in force or under any custom, usage or contract, a kudikidappukaran shall in respect of his kudikidappuhave all the rights and privileges conferred on the owner of a land under the Indian Easements Act, 1882, (Central Act 5 of 1882) as if the kudikidappukaran were the owner of his kudikidappu from the date on which the hut or homestead, as the case may be, was occupied or erected.

(3) Notwithstanding anything contained in any law, or in any judgment, decree or order of court, or in any contract, it shall not be necessary to obtain the consent of the owner or occupier or both of the land in which a kudikidappu is situate, to lay down or place any electric supply line or other work on, over or under such land for the purpose of supply of electrical energy to the kudikidappu for domestic consumption and use.

(4) Notwithstanding anything contained in any law, or in any judgment, decree or order of court, or in any contract, it shall not be necessary to obtain the consent of the owner or occupier of both of the land in which a kudikidappu is situate to lay down any pipe or to carry out any other work on, over or under such land for the purpose of supply of water to the kudikidappu for domestic consumption and use.

Explanation. – For the purposes of this section, enjoyment of any benefit or concession for a continuous period of three years immediately preceding the commencement of this Act shall be deemed to be enjoyment of a right accrued to the kudikidappukaran by custom, usage or agreement.]

Register of kudikidappukars

88. (1) The Government shall cause a register to kudikidappukars to be prepared and maintained in each village.

(2) The register shall show:-

(a) the description of the land in which the kudikidappu is situate;

(b) the location of the kudikidappu and its extent;

(c) the name of the landowner and of the person in possession of the land in which the kudikidappu is situate;

(d) the name and address of the kudikidappukaran;

*[(dd) the rights referred to in section 87A;]

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(e) such other particulars as may be prescribed.

*[(3) Subject to such rules as may be made by the Government in this behalf, the Deputy Tahsildar shall prepare a register of kudikidappukars.

(4) The register shall be maintained by the Deputy Tahsildar in such manner as may be prescribed.

(5) Any person aggrieved by the registration of a kudikidappukaran under sub-section (3) or the refusal to register a person claiming to be a kudikidappukaran may, within ninety days from the date of registration or refusal, as the case may be, appeal to the Deputy Collector (Revenue), Mahe.

(6) On receipt of an appeal under subsection (5), the Deputy Collector (Revenue), Mahe, may call for the record of any proceeding in which the Deputy Tahsildar has passed any order under this section and may make such enquiry or cause such enquiry to be made and may pass such orders thereon as he thinks fit:

Provided that no order prejudicial to any person shall be passed without giving him an opportunity of being heard.]

Right of kudiyiruppukaran to purchase his kudikidappu

*[88A. (1) Notwithstanding anything to the contrary contained in any law for the time being in force, a kudikidappukaran shall, subject to the provisions of this section, have the right to purchase the kudikidappuoccupied by him and lands adjoining thereto.

(2) Notwithstanding anything contained in sub-section (1), where the total extent of land held by the person in possession of the land in which the kudikidappuis situate, either as owner or as tenant is less than one acre, the kudikidappukaran shall be entitled to purchase his kudikidappu and lands adjoining thereto only in cases where the person in possession of the land in which the kudikidappu is situate does not apply to the Government under sub-section (3) of section 83 for the acquisition of the land to which the kudikidappu may be shifted, within a period of two years from the commencement of the Mahe Land Reforms (Amendment) Act, 1980:

Provided that in a case where the person in possession of the land has applied under sub-section (3) of section 83, the kudikidappukaran shall be entitled to purchase his kudikidappuand lands adjoining thereto if such application by the person in possession of the land is rejected or if such person fails to pay the expenses for shifting the kudikidappu as required by sub-section (3D) of section 83.

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(3) The extent of land which the kudikidappukaran is entitled to purchase under this section shall be five cents:

Provided that where the land available for purchase is the land in which the kudikidappu is situate, or the land in which the kudikidappu is situate is less than the extent specified in this sub-section, the kudikidappukaran shall be entitled to purchase only the land available for purchase or, as the case may be, the land in which the kudikidappu is situate.

(4) Notwithstanding anything contained in sub-section (3), where in the lands held by a person, either as owner or as tenant, there are more kudikidappukars than one, the maximum extent of land which is liable to be purchased under this section shall be, ---

(a) where such person holds less than one acre of land, five cents;

(b) where such person holds one acre or more, but less than two acres, of land, ten cents;

(c) where such person holds two acres or more, but less than three acres, of land, fifteen cents;

(d) where such persons holds three acres or more, but less than four acres, of land, twenty cents;

(e) where such person holds four acres or more, but less than five acres, of land, twenty-five cents:

Provided that the extent of land which a kudikidappukaran shall be entitled to purchase shall, in no case, exceed the extent specified in sub-section (3):

Provided further that if in any case falling under clause (b) or clause (c) or clause (d) or clause (e), the extent specified in that clause is not sufficient for the purchase of an extent of five cents of land by each kudikidappukaran, the extent of land which is liable to be purchased under this section shall be the extent required for purchase of five cents by each kudikidappukaran:

Provided also that where any person in possession of any land in which there is a kudikidappu or more than one kudikidappu, has voluntarily transferred such land on or after the 24th day of January, 1971 and before the commencement of the Mahe Land Reforms (Amendment) Act, 1980 or voluntarily transfers such land on or after such commencement, the kudikidappukaran or each of the kudikidappukars shall be entitled to purchase such extent of land as he would have been entitled to purchase such extent of land as he would have been entitled to purchase if such transfer had not taken place.

(5) Where any person holds five acres or more of land, either as owner or as tenant, and there are more kudikidappukars than one in the lands held by him, each of the kudikidappukars shall be entitled to purchase the extent of land specified in sub-section (3).

(6) No kudikidappukaran shall be entitled to purchase any land which is not in the lawful possession of the person who holds the land in which the kudikidappuis situate or which is not within the boundaries of such land.

(7) The purchase price payable by a kudikidappukaran in consideration of the purchase allowed under this section shall be twenty-five per cent of the market value of the land purchased and the improvements thereon, other than the improvements, if any, belonging to the kudikidappukaran:

Provided that where the person in possession of the land in which the kudikidappu is situate or, where he is a member of a family, such family, holds lands in excess of the ceiling area, the purchase price payable by the kudikidappukaran shall be one-half of the purchase price payable under this sub-section.

Explanation. – The provisions of section 92 shall, so far, as may be, apply to the calculation of the ceiling area for the purposes of the foregoing proviso, and if no date has been notified under section 93, the date of the application under sub-section (1) of section 88B shall be deemed to be the date notified under section 93.

(8) One-half of the purchase price payable by the kudikidappukaran shall be met from the Kudikidappukars Benefit Fund constituted under section 118A and one-half of such price shall be paid by the kudikidappukaran in twelve equal annual instalments:

Provided that it shall be open to the kudikidappukaran to deposit with the Land Tribunal his share of the purchase rice in a lump within the period specified in sub-section (1) of section 88C.

(9) Notwithstanding anything contained in sub-sections (7) and (8) the kudikidappukaran shall not be liable to pay his share of the purchase price in cases where the person in possession of the land in which the kudikidappus situate or, where the person in possession of the land is holding such land under a landlord or more than one landlord and the right, title and interest of such landlord or landlords have not vested in the Government under section 80, the person in possession of suchland and such landlord or landlords agrees or agree in writing that the kudikidappukaran need not pay his share of the purchase price.

(10) Where the kudikidappukarn applies under sub-section (1) of section 88B for purchase of his kudikidappu, and the Land Tribunal, on application, within such time as may be prescribed, by the person in possession of the land in which the kudikidappu is situate is satisfied that the portion to be purchased is so located as to cause inconvenience to him, the Land Tribunal may require the kudikidappukaran to purchase another portion of that land:

Provided that the kudikidappukaran shall have the right to opt for the portion to be purchased by him:

Provided further that the kudikidappukaran shall not be entitled to opt for any portion which is not adjoining the boundaries of the land, except with the consent of the person in possession of the land:

Provided also that if the kudikidappukaran purchases another portion of the land, the person in possession of the land shall be liable to pay the price of the homestead, if any, erected by the kudikidappukaran and the cost of shifting the kudikidappu to such portion.

(11) If any kudikidappukaran refuses to opt under sub-section (9), his application under sub-section (1) of section 88B shall be dismissed.

(12) Notwithstanding anything contained in sub-sections (4) and (5), where there are more kudikidappukars than one and the extent of the land which the kudikidappukars are entitled to purchase, or the extent of the land in which the kudikidappus are situate, is less than the multiple of the number of kudikidappukars and the extent which each kudikidappukaran is entitled to purchase under this section, the land available for purchase, or the land in which the kudikidappus are situate, as the case may be, shall, in the absence of any agreement among the kudikidappukars, be apportioned in equal shares, as far as practicable, for purchase by the kudikidappukars.

(13) For the purposes of this section, ----

(a) the extent of land held by a person shall be the total extent of land held by such person, either as owner or as tenant, on the 24th day of January, 1971;

(b) in calculating the extent of land held by a person who is a member of a family and the number of kudikidappukars in the lands held by such person, the extent of the land held individually by any member of his family or jointly be some or all of the members of such family, and the number of kudikidappukars thereon shall also be taken into consideration;

(c) in deciding the extent of land available for purchase by the kudikidappukaran or kudikidappukars, ----

(i) any voluntary transfer effected, or any boundaries put up or any building or other structures erected, after the 24th day of January, 1971, shall not be taken into account;

(ii) the sites of the buildings and other structures situate on the land shall be excluded.

Procedure for purchase by kudikidappukaran

88B. (1) A kudikidappukaran entitled under section 88A to purchase the kudikidappu occupied by him and lands adjoining thereto may apply to the Land Tribunal for such purchase.

(2) An application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) The Land Tribunal shall, after giving notice to the kudikidappukars in the land in which the kudikidappu is situate and other persons interested in the land and after such enquiry as may be prescribed, pass such orders on the application as it thinks fit:

Provided that where an application under sub-section (1) of section 85 in respect of the kudikidappu is pending, the Land Tribunal shall not pass any order under this sub-section before the disposal of that application.

(4) An order under sub-section (3) allowing an application shall specify --

(i) the extent of land which the kudikidappukaran is entitled to purchase;
(ii) the purchase price payable in respect of the land allowed to be purchased by the kudikidappukaran;
(iii) the amounts due to the person in possession of the land in which the kudikidappu is situate and other persons interested in the land;
(iv) the value of encumbrances subsisting or claims for maintenance or alimony charge on the land allowed to be purchased by the kudikidappukaran;
(v) the amount payable to the holder of the encumbrance or the person entitled to the maintenance or alimony and the order of priority in which such amount is payable;
(vi) such other particulars as may be prescribed.

(5) If the person in possession of the land in which the kudikidappu is situate or the landowner or the intermediary, if any, of the land is liable to pay any amount to the kudikidappukaran towards the price of the homestead or the cost of shifting the kudikidappu, the Land Tribunal shall, in passing orders on the applications for purchase, set off such amount against the purchase price payable to such person.

(6) Where the right, title and interest of the person in possession of the land in which the kudikidappu is situate or any other person interested in the land form part of the security for any encumbrance or charge for maintenance or alimony, the Land Tribunal shall, for the purpose of determining the value of the encumbrance or the charge for the maintenance or alimony relating to the portion in respect of which purchase is allowed, apportion the entire encumbrance or charge for the maintenance or alimony between the land in which the kudikidappu is situate and the portion allowed to be purchased in proportion to the values of the two portions.

(7) Where the person in possession of the land in which the kudikidappu is situate is a tenant, the purchase price payable in respect of the land to be purchased shall be apportioned among the landowner, the intermediaries, if any, and the tenant in possession of the land in proportion to the profits derivable by them from the holding.

Explanation. -- "Profits derivable from the land" shall be deemed to be equal to,---

(i) in the case of a landowner, the rent which he was entitled to get from the tenant holding immediately under him;

(ii) in the case of an intermediary, the difference between the rent which he was entitled to get from his tenant and the rent for which he was liable to his landlord; and

(iii) in the case of the tenant in possession, the difference between the net income and the rent payable by him, and the rent payable by such tenant and the intermediary for the purposes of this **Explanation** shall be as calculated under the provisions of this Act.

Deposit of purchase price and issue of certificate of purchase

88C. (1) Where the kudikidappukaran is liable to pay his share of the purchase price, he shall deposit the first instalment thereof with the Land Tribunal within a period of six months from the date on which the order of the Land Tribunal under sub-section (3) of section 88B has become final or within such further period not exceeding six months as may be allowed by the Land Tribunal for reasons to be recorded.

(2) As soon as may be after the order of the Land Tribunal under sub-section (3) of section 88B has become final, the Land Tribunal shall issue a certificate of purchase in such form and containing such particulars as may be prescribed, and thereupon the right, title and interest of the landowner, the intermediaries, if any, and the person in possession where he is not the landowner, in respect of the land allowed to be purchased, shall vest in the kudikidappukaran free from all encumbrances with effect from the date on which the order of the Land Tribunal under the said sub-section (3) has become final.

(3) After the issue of the certificate of purchase in respect of any land under sub-section (2), the Land Tribunal may, on application by the kudikidappukaran, put him in possession of that land, if need be, by removing any person who refuses to vacate the same.

(4) Where the certificate of purchase issued to the kudikidappukaran is in respect of another portion of the land and the kudikidappukaran does not vacate the existing kudikidappu within a reasonable time after the issue of such certificate, the Land Tribunal shall cause him to be evicted from the existing kudikidappu.

(5) The instalments of the purchase price shall be deposited in the Government treasury in the prescribed manner to the credit of the Land Tribunal.

(6) The instalments of the purchase price payable by the kudikidappukaran, if not deposited on the due date, shall be a first charge on the land to which the purchase relates and shall be recoverable together with interest as provided in section 88D under the provisions of the Puducherry Revenue Recovery Act, 1970 (Act No.14 of 1970).

Interest on defaulted instalments of purchase price

88D. If any instalment of the purchase price payable by the kudikidappukaran is not deposited on the due date, the amount of such instalment shall bear interest at the rate of four and a half per cent per annum form that date till the date of the deposit of that instalment.

Payment of purchase price, amount of encumbrance, maintenance or alimony

88E. (1) The purchase price payable by the kudikidappukaran shall be distributed by the Land Tribunal according to the provisions of sub-sections (2) to (8).

(2) Where the right, title and interest of the landowner and the intermediaries, if any, and the person in possession, of the land in which the kudikidappu is situate were subject to any encumbrance or charge for maintenance or alimony, the purchase price shall be paid to the person in possession of the land or apportioned among the landowner, the intermediaries, if any, and the person in possession of the land in accordance with the order of the Land Tribunal under sub-section (3) of section 88B.

(3) Where the right, title and interest of the landowner and the intermediaries, if any, or the person in possession, of the land in which the kudikidappu is situate were subject to any encumbrance or charge for maintenance or alimony, the value of such encumbrance, maintenance or alimony shall be deducted from the purchase price payable to the landowner, the intermediaries or the person in possession, as the case may be, and the balance amount shall be paid to the landowner or the intermediaries or the person in possession, as the case may be.

(4) If the total amount of such encumbrance, maintenance or alimony is equal to or more than the amount of the compensation payable to the landowner or the intermediary or the person in possession, as the case may be, the whole amount shall be reserved for payment to the holder of the encumbrance or the person entitled to the maintenance or alimony, and no amount shall be paid to the landowner or the intermediary or the person in possession, as the case may be.

(5) Where any amount ahs been deducted or reserved for payment to the holders of encumbrances or the persons entitled to the maintenance or alimony, the same shall be paid in their order of priority to the persons entitled thereto.

(6) Where a person entitled to the purchase price or the value of the encumbrance, maintenance or alimony dies before it is paid to him, it shall be paid to his legal representatives.

(7) Where the person entitled to receive the purchase price or the value of encumbrance is a private trust or endowment or a minor or a person suffering from legal disability or a limited owner, the purchase price or the value of encumbrance may, notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of such person with such authority or bank as may be prescribed.

(8) Where before any court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the purchase price or the amount of encumbrance or maintenance or alimony payable under this section, the court or authority may require the Land Tribunal to place at its disposal the amount so payable, and thereupon the same shall be disposed of in accordance with the orders of the court or authority.

Payment of purchase price to landowner etc., to be full discharge

88F. The payment of purchase price or the value of encumbrance, maintenance or alimony to the landowner, the intermediaries, if any, and the person in possession, of the land in which the kudikidappu is situate and other persons entitled thereto in the manner specified in section 88E shall be a full discharge of the liability for the payment of purchase price to the landowner, the intermediaries, if any, and the person in possession, of the land in which the kudikidappu is situate, and no further claims for payment of purchase price shall lie.

Contribution towards purchase price

88G. (1) The amount to be met from the kudikidappukars Benefit Fund under sub-section (8) of section 88A shall be made available to the Land Tribunal in twelve equal annual instalments for payment to the persons entitled thereto:

Provided that except in cases where the kudikidappukaran is not liable to pay his share of the purchase price or where no purchase price is due from the kudikidappukaran after set off as provided in sub-section (5) of section 88B, the first instalment shall not be made available to the Land Tribunal before the deposit of the first instalment of the purchase price due from the kudikidappukaran or, where the purchase price due from the kudikidappukaran is deposited in a lump sum, before the deposit of such lump sum.

(2) The Land Tribunal shall pay the amount of each instalment made available to it under sub-section (1) to the persons entitled thereto on such date and in such manner as may be prescribed.]

Prevention of eviction of scheduled cases

89. Notwithstanding anything to the contrary contained in this Act or in any other law or in any contract, custom or usage, or in any judgment, decree or order of court, no person shall evict or attempt to evict a cultivating tenant or holder of a kudiyiruppu or kudikidappukaran, from his holding, kudiyiruppu or kudikidappu if such tenant or holder is a member of any Scheduled Caste:

Provided that nothing in this section shall apply to ---

(i) lands or buildings or both belonging to or vested in the Government of the Union territory of Puducherry, the Government of India, the Government of any State in India, a local authority, or a Corporation owned or controlled by any of the said Government or authority; or

(ii) Any lease of land or building or both granted by the Administrator-General, Official Trustee or Official Receiver.

Stay of suits or other proceedings for eviction

90. Where, in any suit or other proceeding for the eviction of a cultivating tenant, a holder of a kudiyiruppu or a kudikidappukaran, from his holding kudiyiruppu or kudikidappu, as the case may be, whether pending at the commencement of this Act or instituted after such commencement, the cultivating tenant, or the holder of a kudiyiruppu or the kudikidappukaran, makes a representation to the court in which such suit or other proceeding is pending or instituted that no record of rights in respect of the holding or register of kudikidappukars in respect of the village in which the kudikidappu is situate, as the case may be, has been prepared, the court shall not proceed with the suit or proceeding until the record of rights in respect of the holding or the register of kudikidappukars, as the case may be, is prepared and made available to it and the court shall also by order direct the officer specified under sub-section (3) of section 35, to prepare a record of rights in respect of the holding, or, as the case may be, a register of kudikidappukars and to file the same in court, and such officer shall cause the same to be prepared in the manner prescribed.

CHAPTER - III

RESTRICTION ON OWNERSHIP AND POSSESSION OF LAND IN EXCESS OF CEILING AREA AND DISPOSAL OF EXCESS LANDS

Exemptions

91. (1) The provisions of this Chapter shall not apply to ---

(a) lands owned or vested in the Government of the Union territory of Puducherry, the Government of India, the Government of any State in India, a local authority, or any other authority which the Government may, in public interest, exempt, by notification in the Official Gazette, from the provisions of this Chapter.

*[Provided that the exemption under this clause shall not apply to lands owned by the Government and held by any person under lease whether current or time expired or otherwise.

Explanation I. – For the purposes of this clause, lands escheated to the Government and held by tenant entitled to fixity of tenure under section 8 shall not be deemed to be lands owned by the Government of the Union territory of Puducherry.

Explanation II. – Lands, the right, title and interest in respect of which have vested in the Government under sub-section (9) of section 74 or under section 80 shall not be deemed to be lands owned by the Government of the Union territory of Puducherry.

Explanation III. - For the purposes of this clause 'other authority' shall include a corporation owned or controlled by the Government of the Union territory of Puducherry or the Government of any State or the Central Government.]

(b) lands taken under the management of the court of wards:

Provided that the exemption under this clause shall cease to apply at the end of three years from the commencement of this act;

(c) lands comprised in mills, factories or workshops and which are necessary for the use of such mills, factories or workshops;

(d) *[omitted]

(e) *[omitted]

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(f) lands mortgaged to the Government, or to a co-operative society (including a co-operative land mortgage bank) registered or deemed to be registered under the Co-operative Societies Act for the time being in force, as security for any loan advanced by the Government or by such society; so long as the mortgage subsists:

Provided that the exemption under this clause shall cease to apply at the end of three years from the commencement of this Act;

*[(g) lands purchased by a Co-operative Land Mortgage Bank or by the Puducherry State Co-operative Bank or by a Primary Agricultural Credit Co-operative Society under the law for the time being in force relating to such Bank or Society, or by a scheduled bank as defined in the Reserve Bank of India Act, 1934 so long as such lands continued in the possession of the Bank or the Society, as the case may be]

(h) lands belonging to or held by an industrial or commercial undertaking at the commencement of this Act, and set apart for use for the industrial or commercial purpose of the undertaking:

Provided that the exemption under this clause shall cease to apply if such land is not actually used for the purpose for which it has been set apart, within such time as the Collector may, by notice to the undertaking, specify in that behalf;

*[(i) house sites, that is to say, sites occupied by dwelling houses and lands, wells, tanks and other structures necessary for the convenient enjoyment of the dwelling houses.

Explanation. – For the avoidance of doubt, it is hereby declared that a compound wall shall not be deemed to be a structure necessary for the convenient enjoyment of a dwelling house, if the land on which the dwelling house is situated and enclosed by the compound wall is more than the land necessary for the convenient enjoyment of the dwelling house].

(j) *[omitted]

(k) sites of temples, churches, mosques and cemeteries and burial and burning grounds;

(l) sites of buildings including warehouses;

(m) commercial sites;

(n) lands occupied by educational institutions including land necessary for the convenient use of the institutions and playgrounds attached to such institutions:

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(o) land owned or held by ---

(i) a University established by law; or
(ii) a religious, charitable or educational institution of a public nature; or
(iii) a public trust (which expression shall include a wakf);

Provided that ---

(i) the entire income of such lands is appropriated for the University, institution or trust concerned; and

(ii) where the University, institution or trust comes to hold the said lands after the commencement of this Act, the Government have certified previously that such lands are *bona fide* required for the purposes of the University, institution or trust, as the case may be; and

(p) *[omitted]

(2) *[omitted]

(3) *[The Government may, if they are satisfied that it is necessary to do so in the public interest ---

(a) on account of any special use to which any land is put; or

(b) on account of any land being **bona fide** required for the purpose of conversion into plantation or for the extension or preservation of an existing plantation or for any commercial, industrial, educational or charitable purpose, by notification in the Official Gazette, exempt such land form the provisions of this Chapter subject to such restrictions and conditions as they may deem fit to impose:

Provided that the land referred to in clause (b) shall be used for the purpose for which it is intended within such time as the Government may specify in that behalf and where the land is not so used within the time specified, the exemption shall cease to be in force].

Ceiling area

92. *[(1) The ceiling area of land shall be, ---

(a) in the case of an adult unmarried person or a family consisting of a sole surviving member, five standard acres, so however that the ceiling area shall not be less than six and more than seven and a half acres in extent;

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(b) in the case of a family consisting of two or more, but not more than five members, ten standard acres, so however that the ceiling area shall not be less than twelve and more than fifteen acres in extent;

(c) in the case of a family consisting of more than five members, ten standard acres increased by one standard acre for each member in excess of five, so however that the ceiling area shall not be less than twelve and more than twenty acres in extent; and

(d) in the case of any other person, other than a joint family, ten standard acres, so however that the ceiling area shall not be less than twelve and more than fifteen acres in extent.]

(2) For the purposes of this Chapter, all the lands owned or held individually by the members of a family or jointly by some or all of the members of such family shall be deemed to be owned or held by the family.

*[(3) In calculating the extent of land owned or held by a family or an adult unmarried person, the shares of the members of the family or the adult unmarried person, as the case may be, in the lands owned or held –

(a) by one or more of such members jointly with any person or persons other than a member or members of such family or by such adult unmarried person jointly with any other person or persons; or

(b) by a co-operative society or a joint family,

shall be taken into account.

Explanation. --- For the purposes of this sub-section, the share of a member of a family or an adult unmarried person in the lands owned or held jointly or by a co-operative society or a joint family shall be deemed to be the extent of land which would be allotted to such member or person had such lands been divided or partitioned, as the case may be, on the date notified under section 93.

(4) Where, after the commencement of this Act, any class of land specified in Schedule I has been converted into any other class of land specified in that Schedule, the extent of land liable to be surrendered by a person owning or holding such land shall be determined without taking into consideration such conversion.]

(5) The lands owned or held by a private trust or a private institution shall be deemed to be lands owned or held by the person creating the trust or establishing the institution, or, if he is not alive, by his successors in interest.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(6) In computing the ceiling area, lands exempted under section 91 shall be excluded.

Explanation I. --- For the purposes of this section, where a person has two or more legally wedded wives living, the husband, one of the wives named by him for the purpose and their unmarried minor children shall be deemed to be one family; and the other wife or each of the other wives and her unmarried minor children shall be deemed to be a separate family.

Explanation II. – For the purposes of this section, an adult unmarried person shall include a divorced husband or divorced wife who has not remarried:

Provided that if such divorced husband or divorced wife is the guardian of any unmarried minor child, he or she together with such unmarried child shall be deemed to be a family.

No person to hold land in excess of the ceiling area

+[93. With effect from such date as may be notified by the Government in the Official Gazette, no person shall be entitled to own or hold or to possess under a mortgage lands in the aggregate in excess of the ceiling area.]

Certain voluntary transfers to be null and void

94.*[(1)] Notwithstanding anything contained in any law for the time being in force, all voluntary transfers effected after the date of publication of the Mahe Land Reforms Bill, 1968, in the Official Gazette, otherwise than ---

(i) by way of partition; or

(ii) *[omitted]

(iii) in favour of a person who was a tenant of the holding before the date aforesaid and continued to be so till the date of transfer;

(iv) *[omitted]

+ 01.04.1981 is the notified date for the purposes of the said section as per notification published in the EG No. 32 dt, 30.03.1981.

* Deemed to have been omitted vide Act No.1 of 1981 w.e.f 22.03.1968.

by a family or any member thereof or by an adult unmarried person owning or holding land in excess of the ceiling area, +[or otherwise than by way of gift in favour of his son or daughter or the son or the daughter of his pre-deceased son or daughter by any person owning or holding land in excess of the ceiling area] shall be deemed to be transfers calculated to defeat the provisions of this Act and shall be invalid:

Provided that without prejudice to any other right of the parties to any such transfer, when any purchase price is payable under section 64 or any compensation is payable *[under section 80J or section 98] for any land covered by the said transfer, it shall be competent for the Land Tribunal to award the transferee, out of the purchase price or compensation amount in respect of such land, such sum as the Land Tribunal may consider just and proper.

*[(2) Notwithstanding anything contained in any law for the time being in force, all voluntary transfers effected by any person (other than a family or any member thereof or by an adult unmarried person) owning or holding land in excess of the ceiling area after the 22nd March, 1968, otherwise than ---

(i) by way of partition; or

(ii) in favour of a person who was a tenant of the holding before the 22nd March, 1968, and continued to be so till the date of transfer,

shall be deemed to be transfers calculated to defeat the provisions of this Act and shall be invalid:

Provided that without prejudice to any other right of the parties to any such transfer, when any purchase price is payable under section 64 or any compensation is payable under section 80J or section 98 for any land covered by the said transfer, it shall be competent for the Land Tribunal to award to the transferee, out of the purchase price or compensation amount in respect of such land, such sum as the Land Tribunal may consider just and proper.

+ Inserted vide Act No. 1 of 1981 and it shall be deemed to have come into force w.e.f 22.03.1968.

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(3) For the removal of doubts, it is hereby clarified that the expression "ceiling area" in sub-sections (1) and (2) means the ceiling area as specified in section 92].

Surrender of excess lands

95. *[(1) Where a person owns or holds land in excess of the ceiling area on the date notified under section 93, such excess land shall be surrendered as hereinafter provided:]

Provided that where any person *bona fide* believes that the ownership or possession of any land owned or *[held by such person or, where such person is a member of a family by the members of such family is liable to be purchased by the cultivating tenant or kudikidappukaran] or to be resumed by the landowner or the intermediary under the provisions of this Act, the extent of the land so liable to be purchased or to be resumed shall not be taken into account in calculating the extent of the land to be surrendered under this sub-section .

Explanation. – Where any land owned or held by a family or adult unmarried person owning or holding land in excess of the ceiling area was transferred by such family or any member thereof or by such adult unmarried person, as the case may be, after the 28th April, 1962, and on or before the date of publication of Mahe Land Reforms Bill, 1968, in the Official Gazette, otherwise than ---

(i) by way of partition; or

(ii) on account of natural love and affection; or

(iii) in favour of a person who was a tenant of the holding before the 28th April, 1962, and continued to be so till the date of transfer; or

(iv) in favour of a religious, charitable or educational institution of a public nature solely for the purpose of the institution,

the extent of land owned or held by such family or adult unmarried person shall be calculated for purposes of fixing the extent of land to be surrendered under this section as if such transfer had not taken place, and such family or adult unmarried person shall be bound to surrender an extent of land which would be in excess of the ceiling area on such calculation, or, where such family or person does not own or hold such extent of land, the entire land owned or held by the family or person; *[but nothing in this Explanation:-

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(a) shall affect the rights of the transferee under the transfer; or

(b) shall apply in the case of any transfer of land by a family or any member thereof or an adult unmarried person if the extent of land owned or held by such family or adult unmarried person, as the case may be, immediately before the transfer was not in excess of the ceiling area as specified in section 92 and applicable to such family or adult unmarried person].

*[(2) Where a person owns or holds land in excess of the ceiling area such person shall, within a period of three months from the date notified under section 93, file a statement before the Land Board intimating the location, extent and such other particulars as may be prescribed, of all the lands (including lands exempted under section 91) owned or held by such person and indicating the lands proposed to be surrendered]

Explanation I. --- Where lands owned or held by a family stand in the name of more than one member of the family the identity of the land, the ownership or possession or both of which is or are to be surrendered, shall be indicated as far as practicable with the concurrence of all the members in whose names they stand.

Explanation II. – Where land to be surrendered is owned or held by two or more persons jointly, whether or not as members of an institution or of a joint family, the identity of the same shall be indicated as far as practicable with the concurrence of all the persons who own or hold such land.

Explanation III. --- Where *[a person] owns or holds lands, including shares in the lands owned or held by a co-operative society, in excess of the ceiling area, the excess lands to be surrendered shall be lands other than shares in the lands owned or held by the co-operative society.

*[*Explanation IV.* --- Where any person owns or holds lands in excess of the ceiling area including lands mortgaged to the Government or to a co-operative society or to a co-operative land mortgage bank registered or deemed to be registered under the Co-operative Societies Act for the time being in force or to the State Small Industries Corporation, or to a scheduled bank as defined in the Reserve Bank of India Act, 1934 (Central Act 2 of 1934) or to a corresponding new Bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970), or to the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955), or to a subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959), as security for any loan advanced by the Government or by such co-operative society or bank or corporation, the excess lands to be surrendered shall, as far as possible, be lands other than those so mortgaged.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Explanation V.--- Where a person owns or holds land in excess of the ceiling area including lands owned by the Government, the excess lands to be surrendered shall, as far as possible, be the lands owned by the Government.]

*[(2A) The statement under sub-section (2) shall be filed, ---

(a) in the case of an adult unmarried person, by such person;

(b) in the case of a minor, lunatic, idiot or a person subject to like disability, the guardian, manager or other person in-charge of such person or of the property of such person;

(c) in the case of a family the husband or in his absence, the wife, or in the absence of both the guardian of the minor children;

(d) in the case of any other person, any person competent to act for such person in this behalf.]

*[(3) Where, after the final settlement of claims for resumption of lands held by a person as tenant, such person holds land in excess of the ceiling area, or where after the purchase of the right, title and interest of the landowner and the intermediary by the cultivating tenant in respect of lands owned by a person such person owns land in excess of the ceiling area, such excess land shall be surrendered as hereinafter provided.

(3A) The person bound to file a statement under sub-section (2) shall, within a period of three months from the date of final settlement or purchase, file a statement before the Land Board, and the provisions of the said sub-section shall as far as may be, apply in regard to the particulars to be contained in such statement, the calculation of the excess land and for the procedure for the surrender of the same.]

(4) Where a member of a joint family surrenders under this section, any land belonging to the joint family and the surrender is accepted by the Land Board with or without modification in extent or identity of the lands surrendered, he shall be deemed to have become divided in status from the other members of the family, with effect from the date of the surrender and the lands, the surrender of which has been accepted, shall be deemed to have been lands allotted to the share of such member on partition.

(5) On receipt of the statement under sub-section (2) or *[sub-section (3A),] the Land Board shall –

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(a) cause the particulars mentioned in the statement to be verified;

(b) ascertain whether the *[person to whom] the statement relates, owns or holds any other lands; and

(c) by order determine the extent and identity of the land to be surrendered.

(6) In determining the identity of the land, the Land Board shall, *[omitted], accept of the choice indicated under sub-section (2) or *[sub-section (3A)]:

*[Provided that the Land Board shall not be bound to accept such choice if ---

(A) it has reason to believe that the person whose land is indicated to be surrendered has no good title to that land; or

(B) the land indicated to be surrendered is not accessible; or

(C) it considers for any other reason to be recorded in writing that it is not practicable to accept the choice or to take possession of the land;]

*[Provided further that] where in such determination the interest of other persons are also likely to be affected the Land Board shall except in cases where all the persons interested have agreed to the choice indicated, afford an opportunity to such other persons to be heard and pass suitable orders regarding the land to be surrendered.

(7) Where any person fails to file the statement specified under sub-section (2) or *[sub-section (3a)], the Land Board shall, after necessary enquiries, by order, determine the extent and other particulars of the land, the ownership or possession or both of which is or are to be surrendered:

Provided that before such determination the Land Board shall give an opportunity to the persons interested in the land, to be heard.

(8) Where the Land Board determines the extent of the land to be surrendered by any person without hearing any person interested, such person may, within sixty days from the date of such determination, apply to the Land Board to set aside the order and, if he satisfied the Land Board that he was prevented by any sufficient cause from appearing before the Land Board, it shall set aside the order and shall proceed under sub-section (5) or sub-section (7), as the case may be.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

*[(9) The Land Board may, if it is satisfied that the extent of lands surrendered by, or assumed from, a person under section 96 is less than the extent of lands which he was liable to surrender under the provisions of this Act or that the lands surrendered by, or assumed from, a person were not lawfully owned or held by him, set aside its order under sub-section (5) or sub-section (7), as the case may be, in respect of such lands and shall proceed afresh under that sub-section:

Provided that the Land Board shall not set aside any order under this sub-section without giving the persons affected thereby an opportunity of being heard:

Provided further that the Land Board shall not initiate any proceedings under this sub-section after the expiry of three years from the date on which the order sought to be set aside has become final].

Explanation. – For the purposes of this section and section 96, "hold" with reference to land shall include "possess land under mortgage with possession".

Certain persons to file statements

*[95A. (1) Notwithstanding anything contained in this Chapter, every family consisting of more than one member, owning or holding more than twelve acres in extent of land, every adult unmarried person and every family consisting of a sole surviving member, owning or holding more than six acres in extent of land and every other person (other than a bank) owning or holding more than twelve acres in extent of land shall, within a period of seventy-five days from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, file a statement before the Land Board intimating the location, extent and such other particulars as may be prescribed, of all lands (including lands exempted under section 91) owned or held by such family or person.

Explanation. – In this sub-section "Bank" means a scheduled bank as defined in the Reserve Bank of India Act, 1934 (Central Act 2 of 1934), or a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970), or the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955), or a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959).

(2) The statement under sub-section (1) shall be filed, ----

(a) in the case of an adult unmarried person or the sole surviving member of a family, by such person;

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(b) in the case of a minor, lunatic, idiot or a person subject to like disability, but the guardian, manager or other person in charge of such person or of the property of such person;

(c) in the case of a family, by the husband or in his absence, by the wife, or, in the absence of both, by the guardian of the minor children;

(d) in the case of any other person, by any person competent to act for such person in this behalf.]

Vesting of excess lands in Government

96. *[(1) On the determination of the extent and other particulars of the lands, the ownership or possession or both of which is or are to be surrendered under section 95, the ownership or possession or both, as the case may be of the land shall, subject to the provisions of this Act, vest in the Government free from all encumbrances and the Land Board shall issue an order accordingly].

(2) On receipt of *[the order of the Land Board under sub-section (1)], such person shall make the surrender demanded, in such manner as may be prescribed.

(3) Where any person fails to make the surrender demanded, the Land Board may authorise any officer to take possession or assume ownership of the land in such manner as may be prescribed.

*[(4) Where the ownership of any land vests in the Government under sub-section (1), the rights of the intermediary, if any, in respect of the land shall stand extinguished, and where possession of any land which was in the possession of a cultivating tenant vests in the Government under that sub-section, the ownership of such land shall vest in the Government and the rights of the intermediary, if any, in respect of such land shall stand extinguished.

**[(5) Notwithstanding anything contained in the foregoing provisions of this Act, where any land is indicated in the statement under sub-section (2) of section 95 as land proposed to be surrendered, the Land Board may, pending determination under sub-section (5) of section 95 of the extent and identity of the land to be surrendered by the person who has filed the statement or on whose behalf the statement has been filed, take possession of such land if it is satisfied that such person is in possession of the land and has legal title to such possession and that the land is fit for surrender, and thereupon the provisions of sub-section (4) shall, so far as may be, apply in respect of such land.]

** Inserted vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

* Substituted vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Excess land obtained by gift etc., to be surrendered

97. *[(1) Where any person acquires any land after the date notified under section 93 by gift, purchase, mortgage with possession, lease, surrender or any other kind of transfer intervivos or by bequest or inheritance or otherwise and in consequence thereof, the total extent of land owned or held by such person exceeds the ceiling area, such excess shall be surrendered to such authority as may be prescribed.

Explanation. – Where any land is exempted by or under section 91 and such exemption is in force on the date notified under section 93, such land shall, with effect from the date on which it ceases to be exempted, be deemed to be land acquired after the date notified under section 93.

(2) Any person referred to in sub-section (1) shall file a statement containing the particulars specified in sub-section (2) of section 95A within a period of three months of the date of the acquisition.

(3) The provisions of sections 95 and 96 shall, so far as may be, apply to vesting in the Government of the ownership or possession or both of the lands required to be surrendered under sub-section (1).]

Persons surrendering land entitled to compensation

98. (1) Where ownership or possession or both of any land *[is or are vested] in the Government under section 96 or section 97, such person shall be entitled to compensation. Where the rights of an intermediary are extinguished, such intermediary shall also be entitled to compensation.

*[(1A) Notwithstanding anything contained in sub-section (1), no person shall be entitled to any compensation in respect of any land owned by the Government and held by him under lease or otherwise.

(2) The compensation payable to an owner for vesting in the Government of ownership and possession of land shall be an amount calculated at the rates specified in schedule III.

(3) The compensation payable to the landowner, intermediary or cultivating tenant for the vesting in the Government or extinguishment of his rights shall be the portion of an amount calculated at the rates specified in Schedule III that will fall to his share if such amount were apportioned among the landowner, cultivating tenant and intermediary, if any, in respect of the land according to the following provisions:-

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(i) ninety per cent of the portion of the compensation for the site of any homestead or hut in the occupation of a kudikidappukaran shall be deducted from the total amount of compensation;

(ii) the balance remaining after deducting the amount referred to in clause (i) shall be apportioned among the landowner, the intermediaries and the cultivating tenant in proportion to the profits derivable by them from the land immediately before the surrender, assumption or vesting in the Government, as the case may be.

Explanation. --- "Profits derivable from the land" shall be deemed to be equal to, ---

(i) in the case of a landowner, the rent which he was entitled to get immediately before the commencement of the Mahe Land Reforms (Amendment) Act, 1980 from the tenant holding immediately under him;

(ii) in the case of an intermediary, the difference between the rent which he was entitled to get immediately before the commencement of the Mahe Land Reforms (Amendment) Act, 1980 from his tenant and the rent for which he was liable to his landlord immediately before that day; and

(iii) in the case of a cultivating tenant, the difference between the net income and the rent which he was liable to pay immediately before the said day.

(3A) Notwithstanding anything contained in sub-sections (2) and (3), where the compensation due under those sub-sections to an adult unmarried person, family or any other person (other than a joint family), as owner, landowner, intermediary or cultivating tenant or in any two or more of such capacities exceeds one lakh rupees, the compensation payable shall be limited to the amount specified in the Table below : --

TABLE

Scales of Compensation

Total amount of compensation	Rate
On the first Rs. 1 lakh	100 per cent
On the next Rs. 50,000	50 per cent
On the balance amount	25 per cent

Provided that the compensation payable shall in no case exceed Rs.2 lakhs.]

(4) *[Where the rights of a mortgagee in possession are vested in the Government, --]

(i) where the ownership of the land mortgaged *[has vested in the Government], the mortgagee shall be treated as a holder of an encumbrance in respect of the land, and the encumbrance shall be discharged as provided in sections 101 and 102;

(ii) in other cases, the Government shall pay to the mortgagee the amount to which he would have been entitled under clause (i) if the ownership of the land mortgaged *[had vested in] the Government, and hold the land as mortgagee with possession with all the rights and liabilities of the mortgagee.

*[(5) For the removal of doubts, it is hereby declared that the compensation payable under this section in respect of a land shall be deemed to include the compensation for growing crops and improvements, if any, thereon and that no person shall be entitled to any amount other than the compensation payable under this section for the vesting in the Government or extinguishments of his rights (including his rights in respect of growing crops and improvements, if any) in respect of the land].

Payment of advance towards compensation

99. Pending determination of the amount of compensation payable to any person under section 98, it shall be competent for the Land Board to pay such amount as it considers proper to such person as part payment of the compensation on taking proper security, in case it is found that he is entitled to such amount. The amount so paid shall be deducted from the compensation payable to such person and the Land board shall pay to him only the balance.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Preparation of compensation roll

100. (1) As soon as may be after the Land Board has determined the extent and particulars of any land, the ownership or possession or both of which is or are to be surrendered, the Land Board, shall, forwarding the necessary documents, direct the Land Tribunal to prepare and submit to the Land Board a compensation roll showing ---

(a) the description of the land or the interests in the land surrendered or assumed;

(b) the name and address of the person surrendering the same or from whom the same was assumed;

(c) the names and addresses of the landowner, intermediary and the cultivating tenant and the amount of compensation payable to each;

(d) the names of the holders of the encumbrances (including mortgages who have surrendered possession of excess lands), maintenance or alimony and the value of the encumbrances or of the claims for maintenance or alimony; and

(e) such other particulars as may be prescribed.

*[(2) On receipt of the direction under sub-section (1), the Land Tribunal shall, after giving an opportunity to all persons interested to be heard and after making such enquiry as it considers necessary prepare a draft compensation roll and furnish copies thereof to the persons interested, together with a notice inviting objections to the draft compensation roll within such period, not being less than thirty days from the date of the notice, as may be specified in the notice.

(2A) The Land Tribunal shall also cause the draft compensation roll to be published in such manner as may be prescribed.]

(3) Where any land, the ownership or possession or both of which is or are surrendered to, or assumed by, the Government, forms part of the security for an encumbrance, maintenance or alimony, the Land Tribunal shall for the purpose of discharging the same apportion the entire encumbrance, maintenance or alimony between the land surrendered to, or assumed by, the Government and the portion of the security remaining, in proportion to the values of the two portions of the security.

*[(4) After considering the objections, if any, received within the period specified in the notice under sub-section (2), the Land Tribunal shall prepare a final compensation roll showing the particulars mentioned in sub-section (1) and shall also pass an order recording his reasons for each entry in the final compensation roll and for accepting or rejecting the objections, if any, received in pursuance of the notice under sub-section (2).

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(5) A copy of the final compensation roll prepared under sub-section (4) shall, after the order of the Land Tribunal under that sub-section has become final, be forwarded to the Land Board by the Land Tribunal.]

Payment of compensation

101. (1) On receipt of the compensation roll under section 100, the Land Board shall pay the compensation to the persons entitled thereto, subject to the provisions of sub-section (2).

(2) Where the land or the ownership or possession of land which has vested in the Government, is subject to any encumbrance, maintenance or alimony, the value of the encumbrance, maintenance or alimony shall be deducted from the compensation amount payable to the person liable for such encumbrance, maintenance or alimony If the total amount of such encumbrance, maintenance or alimony is more than the amount of compensation, the compensation amount shall be distributed to the holders of the encumbrance and the persons entitled to the maintenance or alimony in the order of priority.

(3) The Land Board shall also pay the mortgage amount payable to a mortgagee under clause (ii) of sub-section (4) of section 98.

Payment of compensation and amount of encumbrance

102. (1) The compensation or the amount of encumbrance, as the case may be, shall be paid either in cash or in negotiable bonds redeemable *[after the expiry of sixteen years from the date of issue of such bonds] and carrying interest at the rate of 4 ½ per cent per annum with effect from the date on which the ownership or possession or both of the land has or have vested in the Government under section 96 or section 7, or partly in cash and partly in such bonds, in such manner as may be prescribed.

(2) The provisions of sub-sections (7), (8) and (9) of section 71 shall, as far as may be, apply in regard to the payment of compensation and other amounts under this section.

Payment of compensation to be full discharge

103. The payment of compensation in the manner specified in section 102 shall be a full discharge of the liability for payment of compensation, and no further claim therefor shall lie.

104. *[omitted]

---

* Omitted vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Application for assignment of land

105. Any person who does not possess any land or possess only less than *[one acre] of land in extent may apply to the Land Board for assignment on registry of lands to him.

Assignment of lands by Land Board

106. *[(1) the Land Board shall assign on registry, subject to such conditions and restrictions as may be prescribed, the lands vested in the Government under section 93 or section 97 as specified below: --

(i) the lands in which there are kudikidappukars shall be assigned to such kudikidappukars;

(ii) out of the remaining area available for assignment ---

(a) fifty per cent shall be assigned to the landless agricultural labourers of which one half shall be assigned to the landless agricultural labourers belonging to the Scheduled Castes in the same village or adjacent villages;

(b) fifty per cent to small-holders and other landlords who are not entitled to resume any land and who do not possess more than ten cents of land in extent:

Provided that eighty-seven and a half per cent of the area of the lands referred to in clause (ii) available for assignment shall be assigned to landless agricultural labourers of which one half shall be assigned to landless agricultural labourers belonging to the Schedule Castes, Scheduled Tribes and such other socially and economically backward classes of citizens as may be specified in this behalf by the Government by notification in the Official Gazette.

Explanation. – For the purposes of this sub-section, ---

(a) a kudikidappukaran or the tenant of a kudikidappu shall be deemed to be a landless agricultural labourer if he does not possess any other land;

(b) "kudikidappukaran" shall include a person who was a kudikidappukaran to whom a certificate of purchase has been issued under sub-section (2) or section 88C.

(1A) Notwithstanding anything contained in sub-section (1), the Land Board may, if it considers that any land vested in the Government under section 96 or section 97 is required for any public purpose, reserve such land for such purpose].

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(2) The Land Board shall not assign to any person more than *[ten cents] in extent of land.

(3) Where a person possess any land, only so much land as will make the extent of land in his possession *[ten cents] shall be assigned to him.

Payment of purchase price

107. (1) The purchase price of the land assigned on registry under section 106 shall be an amount *[calculated at the rate specified in Schedule III], and shall be payable either in lump or in sixteen equal annul instalments. The assignment shall be made on payment of the purchase price either in lump or the first instalments thereof.

(2) Where the purchase price is payable in instalments, the amount outstanding after payment of each instalment shall bear interest at the rate of 4 ½ per cent per annum.

(3) All amounts due from an assignee shall be a first charge on the land assigned and shall be recoverable as arrears of land revenue under the law for the time being in force relating to the recovery of land revenue.

Management of surrendered lands till assignment

108. The Land Board shall, subject to such rules as may be made by the Government in this behalf, manage the lands vested in them, until they are assigned under *[section 106,] by making arrangements for their cultivation and protection.

Interpretation

*[108A. For the purposes of this Chapter, the term "person" shall not include a co-operative society within the meaning of the Puducherry Co-operative Societies Act, 1972 (Act No. 7 of 1973), or an institution of a public nature for religious and charitable purposes established and maintained by a religious denomination or any section thereof.]

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

CHAPTER - IV
MISCELLANEOUS
Constitution of Land Tribunal

*[109. (1) The Government may, by notification in the Official Gazette, constitute one or more Land Tribunal or Land Tribunals for any class of cases specified in the notification, for the purpose of performing the functions of a Land Tribunal under this Act.

(2) The Land Tribunal shall consist of a sole member who shall be a judicial officer of the rank of a Munsif or an officer not below the rank of a Deputy Tahsildar, appointed by the Government.

Constitution of appellate authority

109A. (1) The Government may, by notification in the Official Gazette, constitute as many appellate authorities as may be necessary for the purposes of this Act.

(2) Each appellate authority shall consist of a sole member who shall be a judicial officer not below the rank of a Subordinate Judge or an officer not below the rank of a Deputy Collector.

(3) Each appellate authority shall have jurisdiction in such class of cases as the Government may, by notification in the Official Gazette, from time to time, determine.]

Constitution of Land Board

110. The Government shall constitute a Land Board for performing the functions of the Land Board under this Act. The Board shall consist of a single member, who shall be the Secretary to Government, Revenue and Development Department, Puducherry or such other officer of an appropriate rank, as the Government may specify for the purpose.

Constitution of Land Reforms Review Board

*[110A. (1) For the purpose of reviewing the progress of implementation of this Act, the Government may, by notification in the Official Gazette, constitute a Board to be called the Land Reforms Review Board which shall consist of --

(a) the Minister in charge of land reforms, or in a case where an order made by the President under section 51 of the Government of Union Territories Act, 1963 (Central Act 20 of 1963), is in operation, the Chief Secretary, who shall be the Chairman;

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(b) the member of the Land Board; and

(c) six non-official members nominated by the Government.

(2) The member of the Land Board shall be the convenor of the Land Reforms Review Board.

(3) The term of office of the non-official members of the Land Reforms Review Board shall be such as may be prescribed.

(4) Any vacancy in the office of a non-official member of the Land Reforms Review Board shall be filled by the Government.

(5) The procedure to be followed by the Land Reforms Review Board in the performance of its functions under this Act shall be such as may be prescribed.

Powers of the Land Reforms Review Board

110B. For the purpose of performing its functions under this Act, the Land Reforms Review Board may, ---

(a) call for returns from any authority or officer exercising any power or performing any function under this Act or the rules made thereunder;

(b) lay down such guidelines as may be necessary for the speedy and effective implementation of this Act.]

Power of the Land Board and Land Tribunal

111. (1) The Land Board and the Land Tribunal constituted under this Act shall have all the powers of a civil court while trying a suit under the law for the time being in force relating to civil procedure, in respect of the following matters, namely: -

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit;

(d) issuing commissions for the examination of witnesses or for local investigation; and

(e) any other matter which may be prescribed.

*[(2) The Land Board shall have superintendence over the Land Tribunals and the appellate authority, and the Land Board may ----

(a) call for returns from the Land Tribunals and the appellate authority;

(b) make and issue general rules and prescribe forms for regulating the practice and proceedings of the Land Tribunals and the appellate authority;

(c) prescribe forms in which books, entries and accounts shall be kept by the Land Tribunals and the appellate authority;]

(3) Where in any proceeding before the Land Tribunal a question arises whether a person is a small-holder or not or whether a person is or is not a tenant, *[or whether the right, title and interest of the landowner and the intermediaries, if any, in respect of any holding, have or have not vested in the Government under section 80] it shall be competent for the Land Tribunal to decide the question.

*[(4) If any question arises as to whether any land is exempted under section 91, the question shall be decided by the Land Board in such manner and having regard to such matters as may be prescribed, and the decision of the Land Board shall be final.]

Appeal to appellate authority

*[112. (1) The Government or any person aggrieved by any order of the Land Tribunal under sub-section (2) of section 7, sub-section (3) of section 8A, section 15, section 29, sub-section (2) of section 32 (where the amount of arrears of rent claimed exceeds five hundred rupees), section 37, section 53, sub-section (3) or sub-section (4) of section 54, sub-section (3) of section 55, sub-section (5) of section 74, section 80H, section 81, sub-section (2) of section 85, section 88B, sub-section (4) of section 100, section 116 or section 116A may appeal against such order within such time as may be prescribed to the appellate authority having jurisdiction as determined under sub-section (3) of section 109A.

(2) The appellate authority may admit an appeal presented after the expiration of the period prescribed under sub-section (1) if it is satisfied that the appellant had sufficient cause for not presenting it within that period.

(3) In deciding appeals under sub-section (1), the appellate authority shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding an appeal against the decree of an original court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(4) Where there has been any modification in an appeal from any decision or order of the Land Tribunal, such decision or order shall be modified accordingly.]

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Revision by High Court

113. (1) Any person aggrieved by –

(i) Any final order passed in an appeal against the order of the Land Tribunal; or

(ii) any final order passed by the Land Board under this Act, may within such time as may be prescribed, prefer a petition to the High Court against the order on the ground that the appellate authority or the Land Board, as the case may be, has either decided erroneously, or failed to decide, any question of law.

*[(1A) In any petition for revision preferred under sub-section (1), the Government shall be made a party;]

(2) The High Court may, after giving an opportunity to the parties to be heard, pass such orders as it deems fit and the orders of the appellate authority or the Land Board, as the case may be, shall, wherever necessary, be modified accordingly.

(3) The High Court may, for the purpose of satisfying itself that an order made by the Land Tribunal under section 32 *[in cases where the amount of arrears of rent claimed does not exceed five hundred rupees] was according to law, call for the records and pass such order with respect thereto as it thinks fit.

Proceedings by or against joint families, etc.

114. (1) Where, in any proceeding under this Act, a joint family is a party, it shall be sufficient to implead the manager, karanavan or yajaman and the senior most male member of such family and, in the case of a maramakkathayam or aliyasanthana family, also the karanavan or yajaman of each tavazhi or kavaru, but any other member of the family shall have the right to get himself impleaded as a party.

(2) Where any such proceeding relates to any property or party thereof under the management of a receiver appointed by a court, it shall be sufficient to implead the receiver as party to the proceeding *[and notwithstanding anything contained in any other law, it shall not be necessary to obtain the permission of the court, which appointed the receiver for so impleading him.]

*[(3) The provisions of this section shall have effect notwithstanding anything to the contrary contained in any other provision of this Act.]

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Authorised officer empowered to obtain information from persons

115. (1) For the purpose of carrying into effect the provision of this Act, any officer, not below the rank of a Deputy Tahsildar authorised by the Government in this behalf (hereinafter in this section referred to as the authorised officer) may, by notice, require any person to furnish any information relating to the extent of land held by such person the number of members of the family, if any, of such person, and such other particulars as may be prescribed. The person aforesaid shall furnish the information to such officer within such time as may be specified in the notice or within such further time not exceeding thirty days as the authorised officer may, in his discretion, allow.

(2) (a) Where any person on whom notice under sub-section (1) has been served fails to furnish the information within the time specified in that notice or within the further time allowed by the authorised officer under sub-section (1), the authorised officer may obtain, in such manner as may be prescribed, the necessary information either by himself or through such agency as he thinks fit.

(b) the authorised officer shall, as soon as may be after obtaining the information under clause (a), give to the person concerned a reasonable opportunity of making his representation and of adducing evidence, if any, in respect of such information and consider any such representation and evidence and pass such orders as he deems fit.

Appointment of officers for certain purposes

*[115A. (1) The Government may appoint an officer not below the rank of a Revenue Inspector for bringing to the notice of the Land Tribunal or the Land Board any fact or information required by the Land Tribunal or the Land Board, as the case may be, or for moving the Land Tribunal or the Land Board for taking any action under the provisions of this Act.

(2) The Land Tribunal or the Land Board may depute the officer appointed under sub-section (1) to make local enquiry, investigation or inspection and to collect any data, and the report and the records submitted by such officer may be used, without examining him, as evidence in the proceedings before the Land Tribunal or the Land Board.

(3) The Land Tribunal or the Land Board may, if it thinks fit, summon and examine any officer referred to in sub-section (2).]

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Special provisions relating to leases for commercial or industrial purposes

*[116. (1) Notwithstanding anything contained in this Act, or in any other law, or in any contract, or in any decree or order of court, where on any land leased for commercial or industrial purpose, the lessee has constructed buildings for such commercial or industrial purpose before the 1st March, 1971, he shall not be liable to be evicted from such land, but shall be liable to pay rent under the contract of tenancy, and such rent shall be liable to be varied every twelve years.

Explanation. – For the purposes of this section, ---

(a) "lessee" includes a legal representative or an assignee of the lessee; and

(b) "building" means a permanent or a temporary building and includes a shed.

(2) The lessor or the lessee may apply to such authority as may be prescribed for varying the rent referred to in sub-section (1), and thereupon such authority may, after taking into consideration such matters as may be prescribed and after giving the lessor and the lessee an opportunity of being heard, pass such orders on the application as it deems fit.

(3) Nothing contained in sub-section (1) or sub-section (2) shall apply to lands owned or held by the Government of the Union territory of Puducherry or the local authority.

Special provisions relating to buildings used by kudikidappukars for commercial or industrial purposes

116A. (1) Notwithstanding anything contained in this Act, or in any other law, or in any contract, or in any decree or order of court, whereon any land in which a kudikidappu is situate, the kudikidappukaran has constructed a building for any commercial or industrial purpose before the 16th March, 1968, and such kudikidappukaran was carrying on any trade, business or industry in such building without interruption from the date of construction of the building till the 27th March 1972, he shall have the right, subject to the provisions of sub-section (2), to carry on such trade, business or industry in such building without interference by the person in lawful possession of the land in which the building is situate.

(2) The kudikidappukaran shall be liable to pay rent as specified below for the use and occupation of the building to the person in lawful possession of the land in which the building is situate: --

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(a) if the kudikidappukaran was liable to pay any rent for the use and occupation of the building before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, such rent;

(b) in other cases, such rent as may be determined by the Land Tribunal having regard to such matters as may be prescribed.

(3) Nothing contained in sub-sections (1) and (2) shall apply to buildings constructed on lands owned or held by the Government of the Union territory of Puducherry or the local authority.

Explanation. --- For the purposes of this section "building" means a permanent or a temporary building and includes a shed.]

Costs

117. (1) Subject to the provisions of this Act, the costs of an incident to all proceedings before the Land Tribunal *[or the appellate authority] shall be in its discretion and it shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purposes aforesaid. The fact that any proceeding before the Land Tribunal *[or the appellate authority] is without jurisdiction shall be no bar to the exercise of such powers.

*[(2) An order passed by the Land Tribunal or the appellate authority in exercise of the powers vested in it under sub-section (1) may be executed by it in such manner as may be prescribed.]

Special provisions for application of the Act

118. (1) If any difficulty arises in the application of the provisions of this Act to any area on account of local variations or difference in nomenclature between the tenures prevailing in that area (by whatever name such tenures may be known) and the corresponding tenures prevailing in the parts adjoining that area, the Government may, subject to the provisions of sub-section (2), by notification in the Official Gazette, direct that the said provisions shall apply to the aforesaid area subject to such adaptations, exceptions and modifications as may be specified in this behalf in such notifications.

(2) A draft of the notification proposed to be issued under sub-section (1) shall be laid before the Legislative Assembly for a period of fourteen days, and the Legislative Assembly may approve the draft with or without modification or disapprove the draft during the period in which it is so laid. On approval of the draft by the Legislative Assembly, the Government shall publish the notification as approved, in the Official Gazette. If the Legislative Assembly does not ---

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(i) approve with or without modification; or

(ii) disapprove,

the said draft during the period aforesaid, it shall be lawful for the Government to publish the notification in the Official Gazette in terms of the draft.

Constitution of Agriculturist Rehabilitation Fund and Kudikidappukars Benefit Fund

*[118A. (1) There shall be constituted a fund to be called Agriculturist Rehabilitation Fund and another fund called Kudikidappukars Benefit Fund and there shall be credited to each of these funds ---

(a) any sum of money paid or any loan granted by the Government for the purposes of this Act;

(b) any grants or loans that may be made by any person for the purposes of this Act.

(2) Each of the funds referred to in sub-section (1) shall be administered by the Revenue department in such manner as may be prescribed.

(3) The Agriculturist Rehabilitation Fund shall be utilised for payment of solatium to small holders under section 118B and for rendering help by way of loan, grant or otherwise to persons affected by this Act who are eligible for the same in accordance with the rules made by the Government.

(4) The Kudikidappukars Benefit Fund shall be utilised ---

(a) for meeting twelve and a half per cent of the amount of compensation payable for acquisitions, as provided in sub-section (3F) of section 83;

(b) for meeting one half of the purchase price payable by the kudikidappukars, as provided in sub-section (8) of section 88A; and

(c) for providing better facilities to ----

(i) the kudikidappukars; and

(ii) persons who were kudikidappukars to whom certificates of purchase have been issued under sub-section (2) of section 88C in accordance with such rules as may be made by the Government in this behalf:

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that a person to whom a certificate of purchase has been issued under the said sub-section or his successor-in-interest shall not be entitled to any benefit under this clause after the expiry of a period of twenty years from the date on which the right, title and interest in respect of land allowed to be purchased by such person have vested in him under the said sub-section.

Solatium to small holders

118B. (1) The Land Board shall pay to every small holder whose right, title and interest, either as landowner or as intermediary or as both, in respect of lands held by cultivating tenants have vested in the Government under section 80, a solatium equal to the amount of the compensation payable to him in consideration of such vesting, after deducting the value of encumbrances and claims for maintenance or alimony, if any:

Provided that the solatium payable to a small holder shall, in no case, exceed five hundred rupees:

Provided further that no small holder shall be entitled to such solatium if --

(a) such compensation exceeds two thousand rupees; or

(b) he is assessed to sales tax on a turnover which in the aggregate is not less than thirty thousand rupees in any two years within the three years immediately preceding the financial year in which the notification under section 80 is issued, under the Puducherry General Sales Tax Act, 1967 (6 of 1967) or the Central Sales Tax Act, 1956 (Central Act 74 of 1956), or the law of any other State relating to sales tax; or

(c) he is assessed to income-tax under the Income-tax Act, 1961, in any two years within the three years referred to in clause (b).

Explanation. --- For the purposes of this section, a person shall not be deemed to be a small holder if any of his predecessors-in-interest was in possession of, or had interest in, land exceeding the limits specified in clause (46) of section 2 immediately before the 22nd March, 1968, provided that nothing in this **Explanation** shall apply in the case of a person who would have been a small holder immediately before the 22nd March, 1968, if this Act had been in force immediately before that date.

(2) Any person entitled to the solatium under sub-section (1) shall apply to the Land Board within such time as may be prescribed.

(3) An application under sub-section (2) shall be in such form and shall contain such particulars as may be prescribed.

(4) On receipt of an application under sub-section (2), the Land Board shall, after making such enquiry as may be prescribed, pay the solatium in cash.

(5) Where a person entitled to the solatium dies before it is paid to him, it shall be paid to his legal representatives.]

Restoration of possession of land to certain evicted tenants

119. Where a tenant has, on or after the 28th April, 1962, been evicted from his holding in contravention of the law for the time being in force regulating the relationship of landlord and tenant, the Administrator or any other authority empowered by him in this behalf may, *suo motu* or on application made by the tenant before the expiration of one year from the date of commencement of this Act and after such enquiry as he may deem fit, restore to the tenant the possession of the land from which he was evicted unless some other tenant, not being a member of the landowner's family, had been admitted to possession of such land before the date of publication of this Act.

Mortgage money not to be returned in certain cases

*[119A. Notwithstanding anything contained in any law for the time being in force, or in any contract, or in any judgment, decree or order of court, where a mortgagee or any person claiming under him is entitled to fixity of tenure under any provision of this Act, the mortgagor shall not be liable to return the mortgage money or any portion thereof to such mortgagee or person.]

Apportionment of land value in cases of acquisition

*[120. (1) Where any land is acquired under the law for the time being in force providing for the compulsory acquisition of land for public purposes, the compensation awarded under such law in respect of the land acquired shall be apportioned among the landowner, intermediaries, cultivating tenant and the kudikidappukaran in the manner specified in this section.

(2) The compensation for any building or other improvements shall be awarded to the person entitled to such building or other improvements.

(3) The kudikidappukaran shall be entitled to the value of the land occupied by his homestead or hut subject to a minimum of five cents.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(4) The difference between the value of five cents and the value of the extent of the land occupied by the homestead or hut shall, notwithstanding anything contained in the Land Acquisition Act, 1894, be borne by the Government or the local authority or the company or other person on whose behalf the land is acquired.

(5) The balance remaining after deducting the compensation referred to in sub-section (2) and the value of the land occupied by the homestead or hut shall be apportioned among the landowner, intermediaries and the cultivating tenant in proportion to the profits derivable by them from the land acquired immediately before such acquisition.

Explanation. --- "Profits derivable from the land" shall be deemed to be equal to –

(i) in the case of a landowner, the rent which he was entitled to get from the tenant holding immediately under him;

(ii) in the case of an intermediary, the difference between the rent which he was entitled to get from his tenant and the rent for which he was liable to his landlord; and

(iii) in the case of a cultivating tenant the difference between the net income and the rent payable by him; and the rent payable by the cultivating tenant and the intermediary for the purposes of this **Explanation** shall be as calculated under the provisions of this Act.

(6) Notwithstanding anything contained in sub-sections (2) and (5) where the right, title and interest of the landowner and the intermediaries in respect of the land acquired have vested in the Government under section 80,-

(a) the compensation for any building or other improvements belonging to such landowner and intermediaries shall be awarded to the Government; and

(b) the balance remaining after deducting the compensation referred to in clause (a) and the value of the land occupied by the homestead or hut, if any, shall be apportioned between the cultivating tenant and the Government in proportion to the profits derivable by them from the land.

Explanation. – "Profits derivable from the land" shall be deemed to be equal to–

(i) in the case of the cultivating tenant, the difference between the net income immediately before the acquisition and the rent which he was liable to pay immediately before the date on which the right title and interest of the landowner and the intermediaries have vested in the Government; and

(ii) in the case of the Government, such rent.

(7) In this section "homestead" includes a dwelling house occupied by a person who is deemed to be a kudikidappukaran under **Explanation II** to clause (24) of section 2.]

Prices published under section 49 to be deemed to be market rates

121. If for the purposes of this Act, the price of any commodity referred to in section 49 has to be commuted into money at the market rate for any date, such commutation shall be made at the price of that commodity published by the Collector under the said section for the relevant quarter.

Appearance before Land Tribunal or Land Board

122. (1) Any appearance, application or act in or to any Land Tribunal *[or the appellate authority] or the Land Board required or authorised by law to be made or done by a party in such Land Tribunal *[or the appellate authority] or the Land board, may be made or done by the party in person or by his recognised agent or by a pleaded appearing, applying or acting, as the case may be, on his behalf:

Provided that any such appearance, shall, if the Land Tribunal *[or the appellate authority]or Land Board so directs, be made by the party in person.

(2) The recognised agents of parties by whom such appearance, application and act may be made or done are person holding powers of attorney authorising them to make and do such appearance, application and act on behalf of such parties.

Court fees

123. Notwithstanding anything contained in any law for the time being in force relating to court fee, every application or appeal made under this Act *[omitted] shall bear court fee stamp of such value as may be prescribed.

Members of *[Land Board, appellate authority] and Land Tribunal to be deemed public servants

124. The members of the *[Land Board, appellate authority] and the Land Tribunal and any officer appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Penalty for disturbance of customary, easement and other rights of kudikidappukars

*[125. Any person who in any manner wilfully disturbs or interferes with the customary, easement or other rights to which a kudikidappukaran is entitled under sub-section (1) or sub-section (2) of section 87A shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.]

Penalty for failure to furnish return

126. (1) If any person who is under an obligation to furnish a return or information under this Act refuses or wilfully fails to furnish the return or information within the time specified for the purpose, he shall be punishable with fine which may extend to two hundred rupees.

(2) If any person who, after having been convicted under sub-section (1), continues to refuse or to wilfully fail to furnish the return or information, he shall be punishable with fine which may extend to fifty rupees for each day after the previous date of conviction during which he continued so to offend.

Penalty for failure to furnish statement under section 95A

*[126A. (1) If any person bound to file a statement under section 95A does not file the statement within the time specified in that section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

(2) If any person, who after having been convicted under sub-section (1), continues to fail to file the statement referred to in that sub-section, he shall be punishable with fine which may extend to two hundred rupees for each day after the previous date of conviction during which he continued so to offend.]

Penalty for furnishing false returns or information

127. If any person who is under an obligation to furnish any return or information furnishes any return or information which he knows or has reason to believe to be false, he shall be punishable with fine which may extend to one thousand rupees.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Penalty for making false declaration

128. *[(1) After the commencement of the Mahe Land Reforms (Amendment) Act, 1980, no document relating to any transfer of land shall be received for registration under the Registration Act, 1908, unless the transferor and the transferee make separate declarations in writing (in duplicate) in such form as may be prescribed as to the total extent of land held by him.

(1A) The registering officer shall forward a copy of each of the declarations made under sub-section (1) to the officer authorised by the Government in this behalf for such action as may be necessary.]

(2) If any person makes any declaration before the registering officer under sub-section (1), which he knows or has reason to believe to be false, he shall be punishable with fine not exceeding one thousand rupees.

Registering officer not to register in certain cases

*[128A. Notwithstanding anything contained in the Registration Act, 1908 where the Collector or any other officer authorised by the Government in this behalf informs the registering officer in writing that there are reasonable grounds to believe that any document relating to transfer of land which may be presented before him for registration is intended to defeat the provisions of this Act such registering officer shall not register such document until the Collector or the officer so authorised, as the case may be, informs the registering officer that the transfer is not intended to defeat the provisions of this Act.]

Penalty for contravention of any lawful order

129. If any person wilfully contravenes any lawful order passed under this Act or obstructs any person from lawfully taking possession of any land under any of the provisions of this Act, he shall be punishable with fine which may extent to five hundred rupees.

Penalty for eviction

130. Any person who, --

(i) contravenes the provisions of section 89, or

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(ii) evicts or attempts to evict a cultivating tenant, or a holder of a kudiyiruppu or a kudikidappukaran from his holding, kudiyiruppu or kudikidappu, as the case may be, in contravention of any other provision of this Act,

shall be punishable with imprisonment which may extent to one year, or with fine which may extend to two thousand rupees, or with both.

Penalty for cutting trees or for removing machinery, etc.,

*[131. If any person cuts or causes to be cut trees on any land indicated under sub-section (2) of section 95, as land to be surrendered or removes or causes to be removed any building, machinery, plant or apparatus constructed, erected or fixed on any such land and used for agricultural purposes, or does or causes to be done any act likely to diminish the utility of any such land, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Offences by companies

131A. (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), where 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.

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.]

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Cognizance of offences

132. (1) No court shall take cognizance of any offence punishable under this Act, except on complaint in writing made by an officer authorised by the Government in this behalf.

*[Provided that an offence under section 125 shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), be cognizable].

(2) No court inferior to that of *[a judicial magistrate of the first class] shall try any offence punishable under this Act.

Protection of action taken under Act

133. No suit, prosecution or other legal proceeding shall lie against any officer for anything in good faith done or intended to be done under this Act or the rules made thereunder.

Bar of jurisdiction of civil courts

*[134. (1) No civil court shall have jurisdiction to settle, decide or deal with any question or to determined any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Land Tribunal or the appellate authority or the Land Board or the Government or an officer of the Government:

Provided that nothing contained in this sub-section shall apply to proceedings pending in any court at the commencement of the Mahe Land Reforms (Amendment) Act, 1980.

(2) No order of the Land Tribunal or the appellate authority or the Land Board or the Government or an officer of the Government made under this Act shall be questioned in any civil court, except as provided in this Act.

(3) If in any suit or other proceeding any question regarding rights of a tenant or of a kudikidappukaran (including a question as to whether a person is a tenant or a kudikidappukaran) arises, the civil court shall stay the suit or other proceeding and refer such question to the Land Tribunal together with the relevant records for the decision of that question only.

(4) The Land Tribunal shall decide the question referred to it under sub-section (3) and return the records together with its decision to the civil court.

(5) The civil court shall then proceed to decide the suit or other proceedings accepting the decision of the Land Tribunal on the question referred to it.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(6) The decision of the Land Tribunal on the question referred to it shall, for the purposes of appeal, be deemed to be part of the findings of the civil court.

(7) No civil court shall have power to grant injunction in any suit or other proceeding referred to in sub-section (3) restraining any person from entering into or occupying or cultivating any land or kudikidappu or to appoint a receiver for any property in respect of which a question referred to in that sub-section has arisen, till such question is decided by the Land Tribunal, and any such injunction granted or appointment made before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, or before such question has arisen, shall abate.

(8) In this section, "civil court" shall include a Rent Control Court as defined in the Puducherry Buildings (Lease and Rent Control) Act, 1969 (Act No.5 of 1969).]

Construction of references to acres and cents

135. All references in this Act to areas of land expressed in terms of acres (but not standard acres) and cents shall be construed as references to areas expressed in terms of hectares and acres, converted thereto.

Act to over-ride other laws, etc.

136. The provisions of this Act shall have effect notwithstanding anything in any other law or any custom or usage or in any contract, express or implied, inconsistent with the provision of this Act.

Power to remove difficulties

137. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order to be notified in the Official Gazette, do anything not inconsistent with the provisions of this Act which appears to the Government to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made under this section with reference to any matter relating to any provision of this Act after the expiration of two years from the date of the commencement of that provision.

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Wrong or excess payments recoverable under Revenue Recovery Act

*[137A. If, for any reason, any amount has been paid by the Land Board or the Land Tribunal to any person not entitled to such amount under this Act or to any person in excess of the amounts due to him under this Act, such amount or, as the case may be, the amount in excess shall be recoverable from the person to whom it has been paid as arrears of public revenue due on land under the provisions of the Puducherry Revenue Recovery Act, 1970.]

Power to make rules

138. (1) The Government may makes rules to carry out all or any of the purposes of the Act.

(2) In particulars, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely: -

(a) the procedure relating to resumption:

*[(b) the fees payable on applications, appeals and claims made under this Act and the persons by whom and the period within which such fees shall be paid];

(c) the registers to be kept and maintained by the *[Land Tribunal, the appellate authority] and the Land Board and the particulars to be entered therein;

(d) the manner of preparation of record of rights;

(e) form of application for fair rent and procedure in relation thereto;

(f) the manner of publication of prices of commodities;

(g) the apportionment of rent on severance of interest of landlord or tenant and form for the purpose;

(h) the procedure to be followed in the preparation of compensation rolls;

(i) the filing of statements before the Land Tribunal and the Land Board;

(j) the procedure to be followed by the Land Tribunal and the Land Board;

(k) for the joint consideration by the Land Tribunal of two or more applications involving the same question;

*[(kk) for the joint consideration by the appellate authority of two or more appeals involving the same question;]

---

* Amended vide Act No.1 of 1981 w.e.f 1-4-1981*vide* Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(l) the assignment of lands by the Land Board under *[section 106] and;

(m) the management of land before assignment under section 108; and

(n) any other matter which under this Act is to be, or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, 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 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 or issued, the rule shall thereafter have effect only in such modified form or be of no effect as the case maybe, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Limitation

139. In computing the period of limitation for the institution of suits or proceedings under this Act, the time during which such suits or proceedings were prohibited or stayed under any of the enactments repealed by this Act, shall be excluded.

Repeal and savings

140. (1) (a) The Mahe (Stay of Eviction Proceedings) Regulation, 1963 (5 of 1963) is hereby repealed and all suits, appeals, revisions, reviews and proceedings in execution of decrees stayed by the said enactment may be disposed of by the courts in which they were pending at the commencement of this Act, in accordance with the provisions of this Act:

Provided that where a tenant has, on or after the 31st December, 1963, been evicted from his holding and the eviction could not have taken place if the aforesaid law relating to the stay of eviction had been in force, the Administrator or any other authority empowered by him in this behalf may, *suo motu* or on application made by the tenant before the expiry of one year after the commencement of this Act and after making such enquiry as he may deem fit, restore to the tenant the possession of the land from which he was evicted, unless some other tenant, not being a member of the landowner's family, had been admitted to possession of such land before the 18th November, 1964, and section 3-C of the said regulation shall, for that purpose, be deemed to continue in force.

(b) The costs in respect of the suits, appeals, revisions, reviews and execution proceedings stayed by the enactment specified in clause (a) shall be in the direction of the court.

(2) The Malabar Tenancy Act, 1929 (Madras Act 14 of 1930) (hereinafter referred to as the said Act) as applicable to Mahe area is hereby repealed.

Notwithstanding the repeal of the Malabar Tenancy Act, 1929 (Madras Act 14 of 1930), under sub-section (2), ---

(a) any decree passed before the commencement of this Act for the eviction of a tenant from his holding pursuant to which eviction has not been effected, may, on the application of the tenant or the landlord, be reopened and the matter may be disposed of in accordance with the provisions of this Act:

(b) any suit for restoration filed under section 24 of section 26 of the said Act and pending disposal at the commencement of this Act shall be disposed of in accordance with the provisions of the said Act as if it has not been repealed;

(c) (i) where the decree-holder, plaintiff, appellant or petitioner, as the case may be, is a person entitled to resumption of land under this Act, he shall have the right to apply to the court to allow resumption of the holding or any part thereof to which he is entitled;

(ii) the application under sub-clause (i) shall be made within one year from the commencement of this Act and shall contain a statement of facts in support of the claims of the applicant and also the names and addresses of all person who have interest in the holding, either as owner, lessee or kudikidappukaran;

(iii) the court shall dispose of the application as if it were an application for resumption before the Land Tribunal under this Act;

(d) notwithstanding anything contained in the law for the time being in force relating to civil procedure in the matter of *res judicata,* the right conferred on the decree-holder, plaintiff, appellant or petitioner, as the case may be, under sub-clause (i) of clause (c) shall not be deemed to take away or in any manner affect his right to apply for resumption under this Act;

(e) all applications for determination of fair rent filed or purported to have been filed under the said Act in which no order determining the fair rent had been passed by the rent court shall be deemed to have been filed under this Act and shall be disposed of according to the provisions of this Act;

(f) where the rent court constituted under the said Act had passed an order determining the fair rent in respect of a holding, but an appeal or application for revision in respect of such order was pending before the appellate or revising authority, at the time of the commencement of this Act, such appellate or revising authority shall reopen the matter and dispose of it in accordance with the provisions of this Act and for that purpose, shall have all the powers of the appellate or revising authority, as the case may be, under this Act;

(g) where the rent court constituted under the said Act had passed an order determining the fair rent in respect of a holding, but the time for preferring an appeal or revision in respect of such order had not expired at the commencement of this Act, any party aggrieved by the order of the rent court may, within three months from the commencement of this Act, prefer an appeal or an application for revision against such order before the appellate or revising authority under this Act and thereupon such authority shall reopen the matter and dispose of it is accordance with the provision of this Act.

*[SCHEDULE – I

[See section 2 (47) and 92 (4)]

PART – I

Lands other than nilam

Class of land	Standard acre
1. Garden land:	
(i) Land used principally for growing coconut trees	1-25
(ii) Land used principally for growing arecanut trees	0-50
(iii) Land used principally for growing peppervines	3-00
2. Dry land principally cultivated with cashew	2-00
3. Other dry land	2-50
4. Palliyal land	3-00

PART – II

Standard acres of nilam

1. Double crop nilam	1-25
2. Single crop nilam	2-25

SCHEDULE – II

(See section 33)
Rates of fair rent

Sl.No. (1)	Class of land. (2)	Rate of fair rent. (3)
1.	Nilams ---	
	(i) Land converted into nilam by tenant's labour.	1/8th of the gross paddy produce.
	(ii) Other nilam.	1/4th of the gross paddy produce.
	(iii) Nilam where fishing is carried on for part of the year by a varamdar.	Aggregate of rent fixed as for nilam and 1/8th of to gross annual income derived from fishing *[(determined in such manner as may be prescribed)].
	(iv) Nilam not used for paddy cultivation (but not cultivated with sugarcane).	Rent that would have been payable had the land been used for cultivation of paddy.
2.	Garden ---	
	(i) Coconut trees in respect of which the landlord is bound to pay compensation.	*[1/16th] of the gross coconut produce.
	(ii) Coconut trees in respect of which the landlord is not bound to pay compensation.	*[1/4th] of the gross coconut produce.
	(iii) Arecanut trees in respect of which the landlord is not bound to pay compensation.	*[1/6th] of the gross arecanut produce.
	(iv) Arecanut trees in respect of which the landlord is not bound to pay compensation.	1/4th of the gross arecanut produce.
	(v) Pepper-vines in respect of which the landlord is bound to pay compensation.	*[1/20th] of the gross pepper produce.
	(vi) Pepper-vines in respect of which the landlord is not bound to pay compensation.	*[1/6th] of the gross pepper produce.
3.	Dry land –	
	(a) cultivated with groundnut or other crops notified by the Government.	*[1/10th] of the gross produce.
	(b) in other cases	Rs. 4 per acre.
4.	Land not falling under any of items.	Contract rent.

*[SCHEDULE – III

[See sections 98 (2) and 107 (1)]

RATES OF COMPENSATION

PART - I

Lands other than nilam

	Class of land		Rate per acre Rs.
1.	Garden Land:		
	(i) Land used principally for growing coconut trees	…	1,600
	(ii) Land used principally for growing arecanut trees	…	3,000
	(iii) Land used principally for growing peppervines	…	700
2.	Dry land principally cultivated with cashew	…	500
3.	Palliyal land	…	400
4.	Waste land (with or without scattered trees)	…	200
5.	Land not falling under any of the above classes	…	300

PART - II
NILAMS

	Class of land		Rate per acre Rs.
1.	Double crop nilam	…	1,600
2.	Single crop nilam	…	900

———

THE PUDUCHERRY PREVENTION OF COW SLAUGHTER ACT, 1968
(No. 6 of 1968)

ARRANGEMENT OF SECTIONS

SECTION
1. Short title, extent and commencement.
2. Definitions.
3. Slaughtering prohibited except on a certificate of the competent authority.
4. Section 3 not to apply to diseased or under experimentation cows, bulls or bullocks.
5. Prohibition of sale of beef.
6. Establishment of institutions.
7. Levy of charges or fees.
8. Penalty.
9. Offences to be cognizable and non-bailable.
10. Power to make rules.

———

THE PUDUCHERRY PREVENTION OF COW SLAUGHTER ACT, 1968.

(Act No. 6 of 1968)

4th May, 1968.

AN ACT

to prohibit and prevent the slaughter of cow and its progeny in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Nineteenth Year of the Republic of India as follows: -

Short title, extent and commencement.

1. (1) This Act may be called the Puducherry Prevention of Cow Slaughter Act, 1968.

(2) It extends to the whole of the Union territory of Puducherry.

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

---

1. The Act came into force from 1st July, 1969 *Vide* Extraordinary Gazette No.69 dated 26th July, 1969.

Definitions.

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

(a) "beef" means flesh of cow and of such bull or bullock, whose slaughter is prohibited under this Act, but does not include such flesh contained in sealed containers and imported as such into the Union territory;

(b) "competent authority" means the person or persons appointed in this behalf by the Government by notification in the Official Gazette to exercise the powers and perform the functions of a competent authority under this Act, or the rules made thereunder for such area or areas and for such period as may be specified in the notification;

(c) "cow" includes a heifer or calf;

(d) "Government" means the Administrator of the Union territory appointed under article 239 of the Constitution;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "slaughter" means killing by any method whatsoever and includes maiming and inflicting of physical injury which in the ordinary course will cause death;

(g) "uneconomic cow" includes stray, unprotected, infirm, disabled, diseased or barren cow;

(h) "union territory" means the Union territory of Puducherry.

Slaughtering prohibited except on a certificate of the competent authority.

3. (1) Except as hereinafter provided, no person shall slaughter or cause to be slaughtered, or offer or cause to be offered for slaughter --

(a) a cow, or

(b) a bull or bullock, unless he had obtained in respect thereof a certificate in writing from the competent authority of the area in which the bull or bullock is to be slaughtered, certifying that it is fit for slaughter,

in any place in the Union territory notwithstanding anything contained in any other law for the time being in force or an usage or custom to the contrary.

(2) No bull or bullock in respect of which a certificate has been issued under clause (b) of sub-section (1) shall be slaughtered at any place other than the place specified in the certificate.

(3) A certificate under clause (b) of sub-section (1) shall be issued by the competent authority only after it has, for reasons to be recorded in writing, certified that ---

(a) the bull or bullock is over the age of fifteen years, or

(b) in the case of a bull, it has become permanently unfit and unserviceable for the purpose of breeding and, in the case of a bullock, it has become permanently unfit and unserviceable for the purposes of draught and any kind of agricultural operation:

Provided that the permanent unfitness or unserviceability has not been caused deliberately.

(4) The competent authority shall, before issuing the certificate under sub-section (3) or refusing to issue the same, record its order in writing.

(5) The Government may, at any time for the purposes of satisfying itself as to the legality or propriety of the action taken by the competent authority under this section, call for and examine the record of any case and may pass such orders thereon as it may deem fit.

(6) Subject to the provisions herein contained, any action taken by the competent authority under this section shall be final and conclusive and shall not be called in question.

Section 3 not to apply to diseased or under experimentation cows, bulls or bullocks.

4. (1) Nothing in section 3 shall apply to the slaughter of a cow, bull or bullock,---

(a) which is suffering from any contagious or infectious disease notified as such by the Government, or

(b) which is subjected to experimentation in the interest of medical and public health research, where the slaughtering is done in accordance with the conditions and circumstances as may be prescribed.

(2) Where a cow, bull or bullock is slaughtered for the reasons stated in clause (a) of sub-section (1), the person who slaughters or causes to be slaughtered such cow, bull or bullock shall, within twenty-four hours of the slaughter, lodge information of the same at the nearest Police Station or before such officer or authority as may be prescribed.

(3) The carcass of the cow, bull or bullock slaughtered under clause (a) of sub-section (1) shall be buried or disposed of in such manner as may be prescribed.

Prohibition on sale of beef.

5. Notwithstanding anything contained in any other law for the time being in force or in any contract, no person shall sell or transport or offer for sale or transport or cause to be sold or transported beef or beef products in any form except for such medicinal purposes as may be prescribed.

Establishment of institutions.

6. There shall be established by the Government or by any local authority, if so directed by the Government, institutions as may be necessary for taking care of uneconomic cows.

Levy of charges or fees.

7. The Government or the local authority, as the case may be, may levy such fees as may be prescribed for keeping uneconomic cows in the institution established under section 6.

Penalty.

8. (1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or 5 shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to two year or with fine which may extend to one thousand rupees or with both.

(2) Whoever fails to lodge the information in the manner and within the time stated in sub-section (2) of section 4 shall be guilty of an offence punishable with simple imprisonment for a term which may extend to one year or with fine which may extend to two hundred rupees or with both.

(3) In any trail for an offence punishable under sub-section (1) or sub-section (2), the burden of providing that the slaughtered cow belonged to the class specified in class (a) of sub-section (1) of section 4 shall be on the accused.

Offences to be cognizable and non-bailable.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), an offence punishable under sub-section (1) of section 8 shall be cognizable and non-bailable.

Power to make rules.

10. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of forgoing power, such rules may provided for ---

(a) the form of certificate and the procedure for disposal of the applications under section 3.

(b) the conditions and the circumstances under which cows, bulls or bullocks are to be slaughtered under sub-section (1) of section 4;

(c) the manner in which diseases shall be notified under sub-section (1) (a) of section 4;

(d) the manner in which the information shall be lodged under sub-section (2) of section 4;

(e) the manner in which the carcass shall be buried or disposed of under sub-section (3) of section 4;

(f) the manner in which and conditions under which beef or beef-products are to be sold under section 5;

(g) the matters relating to the establishment, maintenance, management, supervision and control of institutions referred to in section 6;

(h) the fees to be charged for keeping uneconomic cows in the institutions under section 7;

(i) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority; and

(j) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall, as soon as possible after they are made, 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 or more successive sessions, and, if before the expiry of the session in which it is so laid or the sessions aforesaid, the Legislative Assembly makes any modification in the rules or decides that the rule should not be made the rule shall thereafter have effect only in such modified form or be or 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.

STATEMENT OF OBJECTS AND REASONS ACT NO.6 OF 1968

Article 48 of the Constitution lays down that the State shall endeavour to organise agriculture and animal husbandry on modern lines and shall in particular take steps for preserving and improving the breeds and prohibiting the slaughter of cow and calves and other milch and draught cattle.

A number of States have enacted legislation for the prevention of slaughter of cows, bulls and bullocks. The Government of India have also drawn the attention of this Administration to the directive principles embodies in Article 48 of the Constitution and to take necessary steps to implement the directive principles. It is, therefore, proposed to enact a legislation for the prevention of slaughter of cows, bulls and bullocks in this Union territory on the lines of the Uttar Pradesh Prevention of Cow Slaughter Act and the present Bills seeks to achieve the above object.

NOTES ON CLAUSES

Clause 1. This is a title clause and defines the jurisdiction of the Act. The Government is empowered to fix the date of enforcement of the Act.

Clause 2. This clause defines the various terms occurring in the bill.

Clause 3. (1) This clause prohibits the slaughter of cows, and provides that bulls and bullocks can be slaughtered only after obtaining the certificate from competent authority.

(2) This sub-clause lays down that bulls and bullocks can be slaughtered only at the place indicated in the certificate.

(3) This sub-clause prescribes the conditions under which bulls and bullocks can be slaughtered.

(4) This sub-clause prescribes that the competent authority should record its order in writing before issuing the certificate or refusing to issue the certificate.

(5) This sub-clause empowers the Government to call for and examine the record of any case and to pass orders as it may deem fit.

(6) This sub-clause lays down that the action taken by the competent authority under this section is final and shall not be called in question.

Clause 4. (1) This clause lays down that the provisions of section 3 will not apply to the slaughter of diseased, or under experimentation cows, bulls or bullocks.

(2) This sub-clause lays down that the person who slaughters diseased cows, bulls or bullocks should inform the competent authority of the same.

(3) This sub-clause prescribes the manner under which the carcass of the cow, bull or bullock slaughtered under this section may be buried or disposed.

Clause 5. This clause prohibits the sale or transport of beef or beef products except for medicinal purposes.

Clause 6. This clause prescribes that institutions for taking care of uneconomic cows be established by Government or by any local authority if so directed by Government.

Clause 7. This clause empowers the Government or the local authority, as the case may be, to levy fees for keeping uneconomic cows in the institution.

Clause 8. (1) This clause prescribes the penalties that can be inflicted upon persons who contravene the provisions of section 3 or 5 of the Act.

(2) This sub-clause prescribes the penalties that can be inflicted upon persons who contravene the provisions of sub-section (2) of section 4.

(3) This sub-clause lays down that in a trial under this Act, the accused has to prove that the slaughtered cow was suffering from contagious or infectious disease.

Clause 9. This clause lays down that offences punishable under sub-section (1) of section 8 shall be cognizable and non-bailable.

Clause 10. This clause empowers the Government to make rules for carrying out the purposes of the Act.

———

THE PUDUCHERRY MUNICIPAL DECREE (AMENDMENT) ACT, 1968
(No. 4 of 1968)

Repealed by Puducherry Municipalities Act, 1973 (Act No. 9 of 1973).

THE PUDUCHERRY (APPLICATION OF MOTOR VEHICLES ACT) ORDER (AMENDMENT) ACT, 1968
(No. 9 of 1968)

ARRANGEMENT OF SECTIONS

SECTION
1. Short title and commencement.
2. Amendment of the Puducherry (Application of Motor Vehicles Act) Order, 1959.

THE PUDUCHERRY (APPLICATION OF MOTOR VEHICLES ACT) ORDER (AMENDMENT) ACT, 1968

(Act No. 9 of 1968)

16th May, 1968.

AN ACT

to amend the Puducherry (Application of Motor Vehicles Act) Order, 1959.

WHEREAS it is expedient to amend the Puducherry (Application of Motor Vehicles Act) Order, 1959, for the purpose hereinafter appearing:

BE it enacted by the Legislative Assembly of Puducherry in the Nineteenth Year of the Republic of India as follows: -

Short title and commencement.

1. (1) This Act may be called the Puducherry (Application of Motor Vehicles Act) Order (Amendment) Act, 1968.

(2) It shall come into force at once.

Amendment of the Puducherry (Application of Motor Vehicles Act) Order, 1959.

2. In the Puducherry(Application of Motor Vehicles Act) Order, 1959,--

(a) in paragraph 2, in sub-paragraph (1), --

(i) in clause (a), the word "and" shall be inserted at the end;

(ii) clause (b) shall be omitted;

(b) in paragraph 4, *for* the words "shall, except in so far as such laws relate to the levy of any fee, cease to have effect", the words "shall cease to have effect" shall be *substituted.*

———

THE PUDUCHERRY MONTS DE PIETE INSTITUTIONS (ABOLITION) ACT, 1969
(No. 4 of 1969)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Abolition of the Monts de Piete Institutions.
4. Protection of action taken in good faith.
5. Repeals and savings.

_____

THE PUDUCHERRY MONTS DE PIETE INSTITUTIONS (ABOLITION) ACT, 1969

(Act No. 4 of 1969)

7th June, 1969.

AN ACT

to provide for the abolition of the Monts de Piete Institutions in the Union territory of Puducherry and for matters connected therewith

BE it enacted by the Legislative Assembly of Puducherry in the Twentieth Year of the Republic of India as follows: --

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Monts de Piete Institutions (Abolition) Act, 1969.

(2) It extends to the whole of the Union territory of Puducherry.

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

2. In this Act, "Government" means the Administrator appointed by the President under article 239 of the Constitution.

Abolition of the Monts de Piete Institutions

3. On the commencement of this Act, the Monts de Piete Institutions set up under the Ordinance dated the 1st May, 1827 and the Arretes dated the 29th July 1907, the 9th October, 1929 and the 14th June, 1946 shall stand abolished.

1. This Act came into force from 1st August 1969, vide Extraordinary Gazette No. 85, dated 30th July 1969.

Protection of action taken in good faith

4. No suit or other legal proceedings shall lie against the Government or any person authorised by the Government for performing any functions in the implementation of the provisions of this Act, for anything which is in good faith done or intended to be done under this Act.

Repeals and savings

5. (1) The Ordinance dated the 1st May, 1827 and the Arretes dated the 29th July, 1907, the 9th October, 1929 and the 14th June, 1946 are hereby repealed.

(2) Notwithstanding anything contained in sub-section (1), every proceeding or transaction pending under the provisions of the Ordinance or the Arretes referred to in that sub-section immediately before the commencement of this Act shall, after such commencement stand transferred to the [1] [Deputy Collector (Revenue)], Puducherry, or the [1] [Tahsildars or Deputy Tahsildars] of the respective regions, as the case may be, and such proceeding or transaction shall be disposed of in accordance with the provisions of the said Ordinance or the Arretes as if this Act had not been passed.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 4 OF 1969

The object of this Bill is only to effect the change in the designations of the Officers "Chief of the Contributions Department" and the "Revenue Delegates" consequent on the reorganisation of the Revenue Department.

———

1. Substituted by Act 19 of 1970, section 2, with effect from 21-7-1970.

THE PUDUCHERRY BUILDINGS (LEASE AND RENT CONTROL) ACT, 1969

(No. 5 of 1969)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Act not apply to certain premises.
4. Notice of vacancy.

4 A. Release of building.

5. Fixation of fair rent.
6. Change in fair rent in what cases admissible.
7. Landlord not to claim or receive anything in excess of fair rent or agreed rent.
8. Landlord liable to give receipt for rent or advance.
9. Right of tenant to deposit rent into certain cases.
10. Eviction of tenants.
11. Payment or deposit of rent during the pendency of proceeding for eviction.
12. Recovery of possession by landlord for repairs or for reconstructing of building in respect of which the Government shall be deemed to be the tenant.
13. Authorised Officer to give notice to landlord in certain cases.
14. Recovery of possession by landlord for repairs or for reconstruction.
15. Tenant to re-occupy after repairs.
16. Tenant to occupy if the building is not demolished.
17. Landlord not to interfere with amenities enjoyed by the tenant.
18. Execution of orders.
19. Decisions which have become final not to be reopened.
20. Orders of Controller to be pronounced in open Court.
21. Conversion into non-residential buildings.
22. Failure by landlord to make necessary repairs.
23. Appeal.
24. Costs.
25. Revision.

26. Orders under the Act to be binding on the sub-tenants.
27. Proceedings by or against legal representatives.
28. Summons to witnesses.
29. Exemption.
30. Certified extracts from Property Tax Assessment Register.
31. Landlord and tenant to furnish particulars.
32. Penalties.
33. Power to make rules.
34. Indemnity.
35. Power to remove difficulties.

———

THE PUDUCHERRY BUILDINGS (LEASE AND RENT CONTROL) ACT, 1969

(Act No. 5 of 1969)

AN ACT

to regulate the letting of residential and non-residential Buildings and the control of rents of such buildings and the prevention of unreasonable eviction of tenants therefrom in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twentieeth Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Buildings (Lease and Rent Control) Act, 1969.

(2) It shall extend to the whole of the Union territory of Puducherry.

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

Provided that different dates may be appointed for different provisions of this Act and for different areas 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.

*[(4) Omitted]

Definitions

2. In the Act, unless the context otherwise requires, ---

(1) "accommodation appellate authority" means an officer appointed, by notification in the Official Gazette, to function as accommodation appellate authority under this Act;

(2) "appellate authority" means an appellate authority appointed under sub-section (1) of section 23;

---

1. The Act came into force from 1st August 1969, vide Extraordinary Gazette No. 88 dated 1-8-1969.

* Omitted by Act No.8 of 1980 and the Act came into force w.e.f 30.07.1980 vide E.G. No.95 dated 30.07.1980.

(3) "authorised officer" means any officer authorised by the Government under sub-section (1) of section 4;

(4) "building" means any building or hut or part of a building or hut, let or to be let separately for residential or non-residential purpose and includes –

(a) the garden, grounds and out-houses, if any, appurtenant to such building, hut or part of such building or hut and let or to be let along with such building or hut;

(b) any furniture supplied by the landlord for use in such building or hut or part of a building or hut, but does not include a room in a hotel or boarding house;

*[(5) "Controller" means any person appointed by the Government, by notification in the Official Gazette to exercise the powers and perform the functions of a Controller under this Act for such area as may be specified in the notification];

(6) "Government" means the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(7) "landlord" includes the person who is receiving or is entitled to receive the rent of a building, whether on his own account or on behalf of any other or on behalf of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent, or be entitled to receive the rent, if the building were let to a tenant;

Explanation. – A tenant who sub-lets shall be deemed to be a landlord within the meaning of this Act in relation to the sub-tenant.

*[(7-a). "member of his family" in relation to a landlord means his spouse, and dependent children];

(8) "prescribed" means prescribed by rules made under this Act;

(9) "repairs" means the restoration of a building to a sound or good state after decay or injury but does not include additions, improvements or alterations except in so far as they are necessary to carry out such restoration;

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980 vide E.G. No.95 dated 30.07.1980.

*[(10) "tenant" means any person by whom or on whose account rent is payable for a building and includes the surviving spouse, or any son, or daughter, or the legal representative of a deceased tenant who ---

(i) in the case of a residential building, had been living with the tenant in the building as a member of the tenant's family upto the death of the tenant, and

(ii) in the case of a non-residential building, had been in continuous association with the tenant for the purpose of carrying on the business of the tenant upto the death of the tenant and continues to carry on such business thereafter, and a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a building by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter-house or of rents for shops has been farmed out or leased by Municipalities or Village or Commune Panchayats;]

(11) "Union territory" means the Union territory of Puducherry.

Act not to apply to certain premises

3. Nothing in this Act shall apply ---

(a) to any premises belonging to the Government; or

(b) to any tenancy or other like relationship created by a grant from the Government in respect of the premises taken on lease or requisitioned, by the Government.

Notice of vacancy

4. (1) (a) (i) Every landlord shall, within seven days after the building becomes vacant ---

(A) by his ceasing to occupy it, or

(B) by the termination of the tenancy, or

(C) by eviction of tenant or

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980 vide E.G. No.95 dated 30.07.1980.

(D) Where any such building has been requisitioned under any law for the time being in force other than this Act, by release from such requisition,

give notice of the vacancy in writing to the officer authorised in that behalf by the Government.

(ii) Every tenant shall, within seven days after the building becomes vacant, by his ceasing to occupy it or by the termination of his tenancy give notice of the vacancy in writing to the officer authorised in that behalf by the Government.

Explanation I. --- A Landlord who, having obtained possession ---

(i) of a residential building under sub-section (3) of section 10 lets the *[whole or part] or part of it to a tenant,

(ii) of a non-residential building under sub-section (3) of section 10 lets the whole or part of it to a tenant,

shall be deemed to have failed to give notice under this section.

Explanation II – A buyer ---

(i) who having obtained vacant possession of a building in pursuance of a sale of such building, lets the *[whole or part] of it to a tenant, or allows the *[whole or part] of it to be occupied by an person; or

(ii) who, without obtaining such vacant possession, allows the seller to occupy the whole of the building,

shall be deemed to have failed to give notice under this section.

(b) Every notice given under clause (a) shall contain such particulars as may be prescribed.

(2) Where the tenant of a building puts an other person in occupation thereof and does not re-occupy it within a person of three months, then, on the expiry of such period, the tenancy shall be deemed to have been terminated and it shall be the duty of the tenant, and also of the landlord if he is aware of such termination, to give notice thereof in writing to the authorised officer within seven days of such termination:

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980 vide E.G. No.95 dated 30.07.1980.

Provided that where the tenant obtains written permission from the authorised officer to re-occupy the building within a period of six months, this sub-section shall have effect as if for the period of three months specified therein a period of six months were substituted.

Explanation. – This sub-section shall not apply where the building has been sub-let by a tenant entitled to do so, after giving due notice to the authorised officer under sub-section (1) and in conformity with the provisions of this section.

(3) *[If within ten days of the receipt by the authorised officer of a notice from the landlord under sub-section (1),] or sub-section (2), the Government or the authorised officer do or does not intimate to the landlord in writing that the building is required for the purposes of the Government of the Union territory or a State or Central Government or of any local authority or of any public institution under the control of any such Government or for the occupation of any officer of such Government, the landlord shall be at liberty to let the building to any tenant or to occupy it himself.

*[(3-A) The Government may, on the application made by the landlord, within fifteen days from the date of the communication of the intimation by the authorised officer under sub-section (3) rectify any error apparent on the face of the record].

(4) Where intimation is given under sub-section (1), the landlord shall not let the building to a tenant or occupy it himself, or use or permit the use of the building in any manner by any other person before the expiry of the period of *[ten days] specified in sub-section (3), unless in the meantime he has received intimation from the authorised officer that the building is not required for the purposes, or for occupation by any of the officers, specified in that sub-section.

(5) If the building is required for any of the purpose, or for occupation by any of the officers specified in sub-section (3), the landlord shall deliver possession of the building and the fixtures and fittings in or on the buildings, in good tenantable repairs and condition, to the authorised officer, or to the allottee named by the authorised officer, as the case may be, and the Government shall be deemed to be the tenant of the landlord, with retrospective effect from the date on which the authorised officer received notice under sub-section (1) or sub-section (2), the terms of the tenancy being such as may be agreed upon between the landlord and the tenant and in default of an agreement, as may be determined by the Controller:

---

* Substituted by Act No.8 of 1980 which came into force w.e.f 30.07.1980 vide E.G. No.95 dated 30.07.1980.

Provided that where the landlord fails to deliver possession of the building to the authorised officer within forty-eight hours of the receipt of the intimation that the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3), or within such further time as the authorised officer may, by order in writing, allow, the Government shall be deemed to be the tenant of the landlord only from the date on which he delivers passions:

Provided further that where owing to any omission or act or obstructive or preventive tacties on the part of the landlord there has been delay in coming to a decision whether or not the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3), the Government shall be deemed to be the tenant of the landlord only from such other date as may be fixed by the authorised officer having regard to the circumstances of each case:

Provided also that the rent payable shall be the fair rent, if any, fixed for the building under the provisions of this Act; and if no fair rent has been so fixed, such reasonable rent as the authorised officer may determine, in such manner as may be prescribed:

Provided also that the reasonable rent fixed by the authorised officer under the foregoing proviso shall be subject to such fair rent as may be fixed by the Controller.

Explanation. – Where before the fixation of fair rent, rent has been paid in excess thereof, the refund or adjustment shall have retrospective effect from the date on which the Government shall be deemed to be the tenant of the landlord, provided the application for fixation of fair rent is made within a period of ninety days from such date; where such application is made after the said period of ninety days, the refund or adjustment shall be limited to the amount paid in excess for the period commencing on the date of application by the tenant or landlord for the fixation of fair rent and ending with date of such fixation:

Provided also that on the delivery of possession of the building, the allottee shall pay rent to the landlord proportionately for any part of the calendar month of his occupation, and in advance on or before the 5th day of each calendar month:

Provided also that no structural alterations shall be made in the building, unless the consent of the landlord is obtained therefor.

(6) If, in the case of a residential building the possession of which has been delivered to the authorised officer under sub-section (5) and in the occupation of an officer of the Union territory or a State or Central Government, the fair rent is subsequently fixed at an amount not exceeding twenty-five rupees per month, the said officer shall be deemed to have become the tenant of the landlord on the date on which such fair rent is fixed on the same terms, except as to rent, as obtained between the landlord and the Government on the said date.

(7) In case not falling under sub-section (5), where the landlord lets the building to any tenant after giving notice to the authorised officer under sub-section (1) or sub-section (2) and without having occupied the building himself, or used or permitted the use of the building in any manner by any other person, the tenancy shall be deemed to have been antedated by the number of days during which the landlord was prohibited from letting the building to any tenant by virtue of sub-section (4) and the tenant shall be liable to pay rent for those days also.

(8) (a) Where a landlord has two or more residential buildings in the same Commune and they have not been already let by him, then within fifteen days from the date on which this Act comes into force in the said Commune or part thereof, or from the date on which the landlord commenced to have more than one such building, whichever is later, the landlord may choose any one of such buildings for his own occupation and shall give notice to the authorised officer of the building so chosen by him and of every other building not so chosen.

(b) When giving notice as aforesaid, the landlord shall also specify therein ---

(i) whether he requires any such building for the occupation of any member of his family or any dependant of his and, if so, where the member of dependant, as the case may be, is residing and the necessity for any change of residence; and

(ii) such other particulars as may be prescribed.

(c) The authorised officer may, if he is satisfied that the residential building is required **bona fide** for the occupation of any member of the family of the landlord or of any of his dependants, make an order permitting the landlord to allow such member or dependant, as the case may be, to occupy the residential building for a specified or an unspecified period; and if the authorised officer is not so satisfied, he shall make an order refusing such permission.

(d) Any landlord who is aggrieved by any order passed by the authorised officer under clause (c) may, within seven days from the date of receipt of such order, prefer an appeal in writing to the accommodation appellate authority; and the said authority shall, after such enquiry as it may consider necessary, pass such orders on the appeal as it may think fit. On such appeal being preferred, the said

authority may order stay of further proceedings in the matter pending decision on the appeal.

(e) (i) Every notice given by the landlord under clause (a) shall, in so far as it relates to any residential building other than the one chosen by him for his own occupation, be deemed to be a notice under sub-section (1).

(ii) If, the case of a residential building governed by clause (b), the notice specified that the residential building is required for the purposes mentioned in sub-clause (i) of that clause, the provisions of sub-section (3) shall apply as if the notice had been given by the landlord under sub-section (1) immediately after the lapse of the period of seven days from the date of receipt by the landlord of the order passed by the authorised officer, or if an appeal has been preferred to the accommodation appellate authority against that order within that period, as if notice had been given as aforesaid by the landlord on the date of the order passed on the appeal.

(9) (a) (i) Any officer empowered by the Government in this behalf may summarily dispossess any landlord, tenant or other person occupying any building in contravention of the provisions of this section or any landlord who fails to deliver to the Government possession of any building in accordance with the provisions of sub-section (5) and may take possession of the building including any portion thereof which may have been sub-let. The Government shall be deemed to be the tenant of such building with effect from the date of taking such possession.

(ii) Any such officer as is referred to in sub-clause (i) may summarily dispossess any officer, local authority or public institution continuing to occupy, or failing to deliver possession of, any building in respect of which the Government shall be deemed to be the tenant by virtue of this section, after the termination of his or its licence to occupy such building and take possession of the building including any portion thereof which may have been sub-let:

Provided that in cases where any landlord has been refused permission for the occupation of a building under clause (c) of sub-section (8), not less than seven days notice shall be given before action is taken under this sub-section.

(b) If free access to the building is not afforded to the officer empowered under sub-clause (i) of clause (a), he may at any time after sunrise and before sunset, and after giving reasonable warning and facility to withdraw to any woman not appearing in public according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

(c) Any landlord tenant or other person or any officer, local authority or public institution liable to be summarily dispossessed under clause (a), shall pay to the Government ---

(i) the fair rent payable for the building under provisions of this Act for the period of his occupation or possession thereof as described in that clause, and

(ii) the expenses, if any, incurred by the Government in effecting such summary dispossession, as determined by them (which determination shall be final).

*[(d) (i) If the authorised officer who takes possession of the building under clause (a), is of the opinion that the building is not in a tenantable condition, he may prepare or cause to be prepared an estimate of the repairs necessary including white-washing to make the building tenantable and give notice to the landlord to carry out the repairs within a reasonable time;

(ii) If the landlord fails to make necessary repairs to the building within such reasonable time, the authorised officer may make such repairs including white-washing or allot the building subject to the condition that the allot the building subject to the condition that the allotee shall carry out the repairs including white-washing according to the aforesaid estimate and deduct the cost of such repairs from the rent payable to the landlord in such monthly instalments as may be specified by the authorised officer:

Provided that in no case such monthly instalment shall exceed one-half of the monthly rent payable by the tenant].

(10) Nothing contained in this section shall apply ---

(a) to a residential building, the monthly rent of which does not exceed twenty-five rupees; or

(b) to a non-residential building, the monthly rent of which does not exceed fifty rupees; or

* Inserted by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(c) to a residential building, a part only of which is occupied by the full owner and the whole or any portion of the remaining part of such building is let to any tenant.

Provided that this clause shall not apply to any building, if –

(i) the portions occupied by the full owner and the tenant are self-contained and separate units;

(ii) the full owner does not actually occupy the building for residential purposes; or

(iii) the full owner is in actual occupation of another residential building;or]

(d) to any building or buildings in the same Commune owned by any company, association or firm, whether incorporated or not, and **bona fide** intended solely for the occupation of its officers, servants or agents.

Explanation. – In clause (c) "full owner" means a person entitled to the absolute proprietorship of the building.

Release of building

*[4-A. (1) A landlord may apply to the authorised officer for the release of the building in respect of which a notice has been given under sub-section (1) of section 4 or in respect of which, the Government are, under sub-section (5) of section 4 deemed to be the tenant if ---

(a) in the case of a residential building, the landlord requires it for his own occupation or for the occupation of any member of his family and the landlord or the member of his family is not occupying any residential building of his own in the city, town or village concerned;

(b) in the case of a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, the landlord requires it for his own use or for the use of any member of his family and the landlord or the member of his family is not using any such building of his own in the city, town or village concerned;

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(c) in the case of any non-residential building other than the non-residential building mentioned in clause (b), the landlord or any other member of his family requires it for the purpose of his business and the landlord or the member of his family does not occupy any such non-residential building of his own for the purpose of his business in the city, town or village concerned; or

(d) the building, whether residential or non-residential whose landlord is a religious, charitable, educational or other public institution, is required for the purpose of such institution.

(2) The authorised officer, may, if he is satisfied that the claim of the landlord is **bona fide** and reasonable make an order releasing the building subject to such conditions and restrictions as may be think fit and if he is not so satisfied, make an order rejecting the application made under sub-section (1).

(3) Any person who is aggrieved by an order passed by the authorised officer under sub-section (2) may, within fifteen days from the date of receipt of such order, prefer an appeal to the Government and the Government shall pass such order as they deem fit and on such appeal being preferred, the Government may order stay of further proceedings in the matter pending decision on the appeal.

(4) A building released in pursuance of an order made under sub-section (2) shall, within thirty days of the date of the receipt of the order or such further period as may be allowed by the authorised officer, be occupied by the landlord or by the member of his family for whose occupation the building was required to be released or shall be put to such use for which the release was obtained.

(5) Where a building released under sub-section (2) has not been occupied by the landlord or by the member of his family or has not been put to such use for which the release was obtained within the period specified in sub-section (4), but is either let out or kept vacant the whole or any part of the building, or put to use for a purpose other than the one for which the release was obtained, such building shall be deemed to have become vacant from the date of the expiry of the period specified in sub-section (4) and the provisions of sub-sections (1), (3), (4), (5), (7) and (9) of section 4 shall apply to such buildings].

Fixation of fair rent

*[5. (1) The Controller shall on application made by the tenant or the landlord of a building and after holding such enquiry as he thinks fit, fix the fair rent for such building in accordance with the principles set out in the following sub-sections.

(2) The fair rent for any residential building shall be nine per cent gross return per annum on the total cost of such building.

(3) The fair rent for any non-residential building shall be twelve per cent gross return per annum on the total cost of such building.

(4) The total cost referred to in sub-section (2) and sub-section (3) shall consist of the market value of the site in which the building is constructed, the cost of construction of the building and the cost of provision of any one or more of the amenities specified in Schedule I as on the date of application for fixation of fair rent:

Provided that while calculating the market value of the site in which the building is constructed, the Controller shall take into account only that portion of the site on which the building is constructed and of a portion upto fifty per cent thereof of the vacant land, if any, appurtenant to such building, the excess portion of the vacant land, being treated as amenity:

Provided further that the cost of provision of amenities specified in Schedule I shall not exceed --

(i) in the case of any residential building, fifteen per cent; and

(ii) in the case of any non-residential building, twenty-five per cent of the cost of site in which the building is constructed and the cost of construction of the building as determined under this section.

(5) (a) The cost of construction of the building including cost of internal water-supply, sanitary and electrical installations shall be determined with due regard to the rates adopted for the purpose of estimation by the Public Works Department of the Government for the area concerned. The Controller may, in appropriate cases, allow or disallow an amount not exceeding thirty per cent of the cost of construction having regard to the nature of construction of the building.

---

* Substituted by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(b) The Controller shall deduct from the cost of construction determined in the manner specified in clause (a), depreciation calculated at the rates specified in Schedule II].

Change in fair rent in what cases admissible

6. (1) When the fair rent of a building has been fixed *[or refixed] under this Act, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and if the building is then in the occupation of a tenant, at his request:

Provided that the fair rent as increased under this sub-section shall not exceed the fair rent payable under this Act for a similar building in the same locality with such addition, improvement or alternation and it shall not be chargeable until such addition, improvement or alteration has been completed:

Provided further that any dispute between the landlord and the tenant in regard to any increase claimed under this sub-section shall be decided by the Controller.

(2) Where, after the fair rent of a building has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed:

Provided that any dispute between the landlord and the tenant in regard to any reduction so claimed shall be decided by the Controller.

*[(3) Where the fair rent of any building has been fixed before the date of the commencement of the Puducherry Buildings (Lease and Rent Control) (Amendment) Act, 1980, the landlord or the tenant may apply to the Controller to refix the fair rent in accordance with the provisions of section 5 and on such application, the Controller may refix the fair rent.]

Landlord not to claim or receive anything in excess of fair rent or agreed rent

7. (1) Where the controller has fixed *[or refixed] the fair rent of a building -

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(a) the landlord shall not claim, receive or stipulate for the payment of (i) any premium or other like-sum in addition to such fair rent, or (ii) save as provided in section 6, anything in excess of such fair rent;

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding one month's rent, by way of advance;

(b) save as provided in clause (a), any premium or other like-sum or any rent paid in addition to, or in excess of, such fair rent, whether before or after the date of commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the building after the date of such commencement, shall be refunded by the landlord to the person by whom it was paid or at the option of such person, shall be otherwise adjusted by the landlord:

*[Provided that where before the fixation or refixation of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for the period commencing on the date of the application by the tenant or landlord under sub-section (1) of section 5 or sub-section (3) of section 6, as the case may be, and ending with the date of such fixation or refixation].

(2) Where the fair rent of a building has not been so fixed ---

(a) the landlord shall not claim, receive or stipulate for the payment of, any premium or other like-sum in addition to the agreed rent:

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding one month's rent, by way of advance;

(b) save as provided in clause (a), any sum paid in excess of the agreed rent, whether before or after the date of the commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the building after the date of such commencement, shall be refunded by the landlord to the person by whom it was paid or, at the option of such person, shall be otherwise adjusted by the landlord.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be null and void.

***[Landlord liable to give receipt for rent or advance**

8. (1) Every landlord who receives any payment towards rent or advance shall issue a receipt duly signed by him for the actual amount of rent or advance received by him].

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(2) Where a landlord refuses to accept or evades the receipt of any rent lawfully payable to him by a tenant in respect of any building, the tenant may, by notice in writing, require the landlord to specify within ten days from the date of receipt of the notice by him, a bank into which the rent may be deposited by the tenant to the credit of the landlord:

Provided that such bank shall be one situated in the Commune in which the building is situated or if there is no such bank in such Commune, the nearest bank.

Explanation. – It shall be open to the landlord to specify from time to time by written notice to the tenant and subject to the proviso aforesaid, a bank different from the one already specified by him under this sub-section.

(3) If the landlord specifies a bank as aforesaid, the tenant shall deposit the rent in the bank and shall continue to deposit in it any rent which may be subsequently become due in respect of the building.

(4) If the landlord does not specify a bank as aforesaid, the tenant shall remit the rent to the landlord by money order, after deducting the money order commission.

(5) If the landlord refuses to receive the rent remitted by money order under sub-section (4), the tenant may deposit the rent before the Controller and continue to deposit with him any rent which may subsequently become due in respect of the building.

Right of tenant to deposit rent in certain cases

9. (1) Where the address of the landlord or his authorised agent is not known to the tenant, he may deposit the rent lawfully payable to the landlord in respect of the building, before the Controller in such manner as may be prescribed, and continue to deposit any rent which may subsequently become due in respect of the building, before the Controller and in the same manner until the address of the landlord or his authorised agent becomes known to the tenant.

(2) The amount deposited under sub-section (3) or under sub-section (5) of section 8, or under sub-section (1) of this section may, subject to such conditions as may be prescribed, be withdrawn by the person held by the Controller to be entitled to the amount on application made by such person to the Controller in that behalf.

(3) Where any **bona fide** doubt or dispute arises as to the person who is entitled to receive the rent for any building, the tenant may deposit such rent before such authority and in such manner as may be prescribed and shall report to the Controller the circumstances under which such deposit was made by him and may continue to deposit any rent which may subsequently become due in respect of the building before the same authority and in the same manner until the doubt is removed or the dispute is settled by the decisions of a competent Court or by a settlement between the parties or until the Controller makes an order under clause (b) of sub-section (4), as the case may be.

(4) (a) The Controller to whom a report is made under sub-section (3) shall, if satisfied that a **bona fide** doubt or dispute exists in the matter, direct that, pending removal of the doubt or settlement of the dispute as aforesaid, the deposit be held by the authority concerned.

(b) If the Controller is not so satisfied, he shall forthwith order payment of the amount deposited to the landlord.

(5) Where the Controller passes an order under clause (a) of sub-section (4), any amount deposited under sub-section (3) may be withdrawn only by the person who is declared by a competent Court to be entitled thereto, or in case the doubt or dispute is removed by settlement between the parties, only by the person who is held by the Controller to be entitled to the amount or amounts in accordance with such settlement.

Eviction of tenants

10. (1) A tenant shall not be evicted whether in execution of a decree or otherwise except in accordance with the provisions of this section or sections 14 to 16;

Provided that where the tenant denies the title of the landlord or claims right of permanent tenancy, the Controller shall decide whether the denial or claim is **bona fide** and if he records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a Civil Court and the Court may pass a decree for eviction on any of the grounds mentioned in the said sections, notwithstanding that the Court finds that such denial does not involve forfeiture of the lease or that the claim in unfounded.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied ---

(i) that the tenant has not paid or tendered the rent due by him in respect of the building, within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement, by the last day of the month next following that for which the rent is payable, or

(ii) that the tenant has after the commencement of this Act without the written consent of the landlord ---

(a) transferred his right under the lease or sub-let the entire building or any portion thereof, it the lease does not confer on him any right to do so, or

(b) used the building for a purpose other than that for which it was leased, or

(iii) that the tenant has committed or caused to be committed such acts of waste as are likely to impair materially the value of utility of the buildings, or

(iv) that the tenant has been convicted under any law for the time being in force of an offence of using the building or allowing the building to be used for immoral or illegal purposes, or

(v) that the tenant has been guilty of such acts and conduct which are a nuisance to the occupiers of other portions in the same building or of buildings in the neighbourhood, or

(vi) that the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause, or

(vii) that the tenant has denied the title of the landlord or claimed a right of permanent tenancy and that such denial or claim was not **bona fide**,

the Controller shall make an order directing the tenant to put the landlord in possession of the building and if the Controller is not so satisfied, he shall make an order rejecting the application:

Provided that in any case falling under clause (i) if the Controller is satisfied that the tenant's default to pay or tender rent was not wilful, he may, notwithstanding anything contained in section 11, given the tenant a reasonable time, not exceeding fifteen days, to pay or tender the rent due by him to the landlord up to the date of such payment or tender and on such payment or tender, the application shall be rejected.

*[Explanation. – For the purpose of this sub-section, default to pay or tender rent shall be construed as wilful, if the default by the tenant in the payment or tender of rent continues after the issue of two months' notice by the landlord claiming the rent].

(3) (a) A landlord may, subject to the provisions of clause (d), apply to the Controller for an order directing the tenant to put the landlord in possession of the building ---

* Amended vide Act No. 8 of 1980 w.e.f 30.07.1980 vide EG No. 95 dt. 30.07.1980.

(i) in case it is a residential building, if the landlord requires it for his own occupation or for the occupation of *[any member of his family] is not occupying a residential building of his own in the Commune concerned;

(ii) in case it is a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, if the landlord requires it for his own use or for the use of *[any member of his family] and if he or *[any member of his family] is not occupying any such building of his own in the Commune concerned;

(iii) in case it is any other non-residential building, if the landlord or *[any member of his family] is not occupying for purposes of a business which he or *[any member of his family] his carrying on a non-residential building of his own in the Commune concerned:

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument **inter vivos** shall not be entitled to apply under this clause before the expiry of three months from the date on which the instrument was duly executed:

Provided further that where a landlord has obtained possession of a building under this clause, he shall not entitled to apply again under this clause –

(i) in case he has obtained possession of a residential building, for possession of another residential building of his own;

(ii) in case he has obtained possession of a non-residential building, for possession of another non-residential building of his own.

(b) Where the landlord of a building whether residential or non-residential, is a religious, charitable, educational or other public institution, it may, if the building is required for the purposes of the institution, apply the Controller subject to the provisions of clause (d), for an order directing the tenant to put the institution in possession of the building.

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(c) A landlord who is occupying only a part of a building, whether residential or non-residential may, notwithstanding anything contained in clause (a), apply to the Controller for an order directing any tenant occupying the whole or any portion or the remaining part of the building to put the landlord in possession thereof, if he requires additional accommodation for residential purposes or for purposes of a business which he is carrying on, as the case may be.

(d) Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period.

(e) The Controller shall, if he is satisfied that the claim of the landlord is **bona fide,** make an order directing the tenant to put the landlord in possession of the building on such date as may be specified by the Controller and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that, in the case of an application under clause (c), the Controller shall reject the application if he is satisfied that the hardship which may be caused to the tenant by granting it will outweigh the advantage to the landlord:

Provided further that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building and may extend such time so as not to exceed three months in the aggregate.

*[(3-A)(a) Where the landlord has been or is a member of the Armed Forces and –

(i) is released or has retired from service and the building is **bone fide** required for his residence; or

(ii) is stationed at a place where on account of military exigencies, he cannot live with his family or dies on active duty and the building is **bona fide** required for the residence of his family, the Controller shall, on application made by the landlord or the member of his family, as the case may be, if he is satisfied that the claim of the landlord or the member of his family is **bona fide,** pass an order directing the tenant to put the landlord or the member of his family in possession of the building and if the Controller is not so satisfied, he shall make an order rejecting the application.

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(b) Notwithstanding anything contained in clause (a), where the landlord or the member of his family produces a certificate from the prescribed authority under the Indian Soldiers (Litigation) Act, 1925 (Central Act IV of 1925), that the landlord is serving under special conditions within the meaning of section 3 of that Act, the application referred to in clause (a) shall be disposed of, as far as may be, within a period of one month and if the claim of the landlord or the member of his family is accepted, the Controller shall pass an order directing the tenant to put the landlord or the member of his family in possession of the building on such date as may be specified in the order which shall not be later than one month from the date of such order.

Explanation. --- For the purpose of this sub-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 and "seaman" means every person including a master, pilot or apprentice employed or engaged as a member of the crew of a ship or a sailing vessel to which the Merchant Shipping Act, 1958 (Central Act 44 of 1958), applies:

Provided that if a question arises whether any person is a member of the Armed Forces, such questions shall be decided by the Controller and his decision shall be final.

(3-B) *[(a) Where a landlord who, ---

(i) being a person in occupation of any residential premises allotted to him by the Central Government, State Government or any local authority, is required by or in pursuance of any general or special order made by that Government or authority, to vacate such residential accommodation or in default, to incur certain obligations on the ground that he owns in the Union territory of Puducherry a residential accommodation either in his own name or in the name of a member of his family, or

(ii) being a person in the service of such Government or authority, at any time, within one year prior to or within one year after the date of his retirement or after his retirement but within one year of the date of commencement of the Puducherry Buildings (Lease and Rent Control) Amendment Act, 1987, whichever is later, applies to the Controller along with a certificate from the authority competent to remove him from service indicating the date of his retirement and an affidavit to the effect that he does not own and possess any other suitable residential accommodation in the local area in which he intends to reside, in the Union territory of Puducherry,

---

* Amended vide Act No.10 of 1987 w.e.f 7.12.87.

either in his own name or in the name of a member of his family, to recover possession of his residential building for his own occupation,]--- there shall accrue, on and from the date of such order, *[or, as the case may be, such application] to such landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether expressed or implied), custom or usage to the contrary, a right to recover immediately possession of any premises let out by him:

Provided that nothing in this section shall be construed as conferring a right on a landlord owning, in the Union territory of Puducherry two or more dwelling houses, whether in his own name or in the name of a member of his family, to recover the possession of more than one dwelling house and it shall be lawful for such landlord to indicate the dwelling house, possession of which he intends to recover.

(b) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract, custom or usage to the contrary, where the landlord exercises the right of recovery conferred on him by clause (a), no compensation shall be payable by him to the tenant or any person claiming through or under him and no claim for such compensation shall be entertained by any court, tribunal or other authority:

Provided that where the landlord had received any rent in advance from the tenant, he shall, within a period of ninety days from the date of recovery of the premises by him, refund to the tenant such amount as represents the rent payable for the unexpired portion of the contract, agreement or lease:

Provided further that, if any default is made in making any refund as aforesaid, the landlord shall be liable to pay simple interest at the rate of six per cent per annum];

(4) No order for eviction shall be passed under sub-section (3) ---

(i) against any tenant who is engaged in any employment or class of employment notified by the Government as an essential service for the purposes of this sub-section, unless the landlord is himself engaged in any employment or class of employment which has been so notified, or

(ii) in respect of any building which has been let for use as an educational institution and is actually being used as such, provided that the institution has been recognised by the Government or any authority empowered by them in this behalf so long as such recognition continues.

---

* Amended vide Act No.10 of 1987 w.e.f 7.12.87.

(5) (a) Where a landlord who has obtained possession of a building in pursuance of an order under sub-section (3) *[or sub-section (3-A) or sub-section (3-B)] does not himself occupy it within one month of the date of obtaining possession or having so occupied it, vacates it without reasonable cause within six months of such date, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of the building and the Controller shall make an order accordingly, notwithstanding anything contained in section 4.

(b) Where a tenant who is entitled to apply for possession under clause (a) fails to do so within one month from the date on which the right to make the application accrued to him, the Government or the authorised officer shall have power, if the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3) of section 4 to give intimation to the landlord that the building is so required and thereupon the provisions of sub-sections (5) and (9) of section 4 shall apply to the building:

Provided that this clause shall not apply to a residential building the monthly rent of which does not exceed twenty-five rupees or to a non-residential building the monthly rent of which does not exceed fifty rupees.

(6) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation not exceeding fifty rupees be paid by such landlord to the tenant.

(7) Where an application under sub-section (2) or *[sub-section (3) or sub-section (3-A) or sub-section (3-B)] for evicting a tenant has been rejected by the Controller, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on any of the grounds mentioned in sub-section (2) or sub-section (3) *[or sub-section (3-A) or sub-section (3-B)]

Provided that nothing in this sub-section shall be deemed to prevent a landlord who has made an application for evicting a tenant on any of the grounds, mentioned in sub-section (2) or *[sub-section (3) or sub-section (3-A) or sub-section (3-B)] from applying again, when the previous application is pending, to the Controller for evicting the tenant on any of the other grounds mentioned in sub-section (2) or *[sub-section (3)or sub-section (3-A) or sub-section (3-B)].

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(8) Notwithstanding anything contained in this section, no person who is receiving or is entitled to receive the rent of a building merely as an agent of the landlord shall, except with the previous written consent of the landlord, be entitled to apply for the eviction of the tenant.

Payment or deposit of rent during the pendency of Proceeding for eviction

11. (1) No tenant against whom an application for eviction has been made by a landlord under section 10 shall be entitled to contest the application before the Controller under that section, or to prefer any appeal under section 23 against any order made by the Controller on the application unless he has paid or pays to the landlord, or deposits with the controller or the appellate authority, as the case may be, all arrears of rent due in respect of the building up to the date of payment or deposit, and continues to pay or to deposit any rent which may subsequently become due in respect of the building until the termination of the proceedings before the Controller or the appellate authority, as the case may be.

(2) The deposit of rent under sub-section (1) shall be made within the time and in the manner prescribed.

(3) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (1), the Controller or the appellate authority, as the case may be, shall, on application made to him either by the tenant or by the landlord and after making such enquiry as he deems necessary, determine summarily the rent to be so paid or deposited.

(4) If any tenant fails to pay or to deposit the rent as aforesaid, the Controller or the appellate authority, as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and made an order directing the tenant to put the landlord in possession of the building.

(5) The amount deposited under sub-section (1) may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him in that behalf to the controller or the appellate authority, as the case may be.

Recovery of possession by landlord for repairs or for reconstruction of building in respect of which the Government shall be deemed to be the tenant

12. (1) Notwithstanding anything contained in this Act, on an application made by a landlord of a building in respect of which the Government shall be deemed to be the tenant, the authorised officer shall, if he is satisfied ---

(a) that the building is **bona fide** required by the landlord for carrying out the repairs which cannot be carried out without the building being vacated, or

(b) the building is **bona fide** required by the landlord for the immediate purpose of demolishing it and such demolition is to be made for the purpose of erecting a new building on the site of the building sought to be demolished.

pass an order directing the allottee to deliver possession of the building to the landlord before a specified date.

(2) An order passed by the authorised officer under sub-section (1) directing the allottee to deliver possession of the building to the landlord shall be subject to such conditions and restrictions as may be prescribed.

(3) No order directing the allottee to deliver possession of the building shall be passed by the authorised officer under sub-section (1) –

(a) on the ground specified in clause (a) of sub-section (1), unless the landlord gives an undertaking that the building shall, on completion of the repairs, be offered to a authorised officer before the expiry of three months from the date of recovery of possession by the landlord or before the expiry of such further period as the authorised officer may, for reasons to be recorded in writing, allow, for re-allotment to any person named by the authorised officer, or

(b) on the ground specified in clause (b) of sub-section (1), unless the landlord gives an undertaking that the work of demolishing any material portion of the building shall be substantially commenced by him not later than one month, and shall be completed before the expiry of three months from the date he recovers possession of the entire building or before the expiry of such further period as the authorised officer may, for reasons to be recorded in writing, allow.

*[(3-A) (a) Any person aggrieved by an order passed by the authorised officer under sub-section (1) may, within fifteen days from the date of receipt of such order, prefer an appeal to the Government and the Government shall pass such order, including extension of time for vacating the building, as they deem fit.

(b) On such appeal being preferred, the Government may order stay of further proceedings pending decision on the appeal].

(4) Notwithstanding an order passed by the authorised officer under clause (a) of sub-section (1) directing the allottee to deliver possession of the building, the Government shall be deemed to continue to be the tenant, but the landlord shall not be entitled to any rent for the period commencing on the date of delivery of possession of the building by the allottee to the landlord and ending with the date on which the building is offered to the authorised officer by the landlord in pursuance of the undertaking under clause (a) of sub-section (3).

(5) Nothing contained in this section shall entitle the landlord who has recovered possession of the building for repairs to convert a residential building into a non-residential building or a non-residential building into a residential buildings unless such conversion is permitted by the authorised officer at the time of passing an order under clause (a) of sub-section (1).

(6) If, after the allottee has delivered possession, the landlord fails to commence the work or repairs within one month from the date of such delivery orfails to complete the work before the expiry of three months from the date of such delivery or before the expiry of further period allowed under clause 9(a) of sub-section (3) or having completed the work fails to offer the building to the authorised officer, the authorised officer may **suo motu** or on application order the re-allotment of the building to any person named by him and on such order being made, the landlord and any other person who may be in occupation shall put the allottee in possession of the building.

Authorised officer to give notice to landlord in certain cases

13. (1) Where an order directing delivery of possession has been passed by the authorised officer under clause (b) of sub-section (1) of section 12 and the work of demolishing any material portion of the building has not been substantially commenced by the landlord within the period of one month in accordance with his undertaking under clause (b) of sub-section (3) of section 12, the authorised officer may give the landlord notice of his intention to re-

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

allot the building to any person named by him. If within fifteen days from the date of receipt of such notice, the landlord does not offer the building to the authorised officer, the authorised officer may re-allot the building to any person named by him on the original terms and conditions and order the landlord to put such person in possession of the building.

*[(2) Where in pursuance of an order passed by the authorised officer under clause (b) of sub-section (1) of section 12, any building is totally demolished and a new building is erected in its place, all the provisions of this Act shall cease to apply to such new building for a period of five years from the date on which the construction of such new building is completed and notified to the local authority concerned].

Recovery of possession by landlord for repairs or for construction

14. (1) Notwithstanding anything contained in this Act, but subject to the provisions of sections 12 and 13, on an application made by a landlord, the Controller shall, if he is satisfied ---

(a) that the building is **bona fide** required by the landlord for carrying out repairs which cannot be carried out without the building being vacated, or

(b) that the building is **bona fide** required by the landlord for the immediate purpose of demolishing it and such demolition is to be made for the purpose of erecting a new building on the site of the building sought to be demolished, pass an order directing the tenant to deliver possession of the building to the landlord before a specified date.

(2) No order directing the tenant to deliver possession of the building under this section shall be passed ---

(a) on the ground specified in clause (a) of sub-section (1), unless the landlord gives an undertaking that the building shall, on completion of the repairs, be offered to the tenant, who delivered possession in pursuance of an order under sub-section (1) for his re-occupation before the expiry of three months from the date of recovery of possession by the landlord, or before the expiry of such further period as the Controller may, for reasons to be recorded in writing, allow; or

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(b) on the ground specified in clause (b) of sub-section (1), unless the landlord gives an undertaking that the work of demolishing any material portion of the building shall be substantially commenced by him not later than one months and shall be completed before the expiry of three months from the date he recovers possession of the entire building or before the expiry of such further period as the Controller may, for reasons to be recorded in writing, allow.

(3) Nothing contained in this section shall entitle the landlord who has recovered possession of the building for repairs to convert a residential building into a non-residential building or a non-residential building into a residential building unless such conversion is permitted by the Controller at the time of passing an order under sub-section (1).

(4) Notwithstanding an order passed by the Controller under clause (a) of sub-section (1) directing the tenant to deliver possession of the building, such tenant shall be deemed to continue to be the tenant, but the landlord shall not be entitled to any rent for the period commencing on the date of delivery of possession of the building by the tenant to the landlord and ending with the date on which the building is offered to the tenant by the landlord in pursuance of the undertaking under clause (a) of sub-section (2).

(5) Nothing in this section shall entitle any landlord of a building in respect of which the Government shall be deemed to be the tenant to make any application under this section.

Tenant to re-occupy after repairs

15. (1) Where the landlord recovers possession under clause (a) of sub-section (1) of section 14, he shall, within two months before the date on which the work of repairs is likely to be completed, give notice, to the tenant of the date on which the said work will be completed. Within fifteen days from the date of receipt of such notice, the tenant shall intimate to the landlord his acceptance of the building offered for his re-occupation and if the tenant gives such intimation, the landlord shall, within thirty days from the date of completion of the work of repairs, put the tenant in possession of the building on the original terms and conditions. If the tenant fails to give such intimation, his right to re-occupy the building shall terminate.

(2) If after the tenant has delivered possession, the landlord fails to commence the work of repairs within one month from the date of such delivery, or fails to complete the work before the expiry of three months from the date of such delivery, or before the expiry of the further period allowed under clause (a) of sub-section (2) of section 14 or having completed the work fails to put the tenant in possession of the building in accordance with the provisions of sub-section (1), the Controller may, on the application of the tenant made within thirty days from the date of such failure, order the landlord to put the tenant in possession of the building on the original terms and conditions; and on such order being made the landlord and any person who may be in occupation shall put the tenant in possession of the building.

Tenant to occupy if the building is not demolished

16. (1) Where an order directing delivery of possession has been passed by the Controller under clause (b) of sub-section (1) of section 14 and the work of demolishing any material portion of the building has not been substantially commenced by the landlord within the period of one month in accordance with his undertaking under clause (b) of sub-section (2) of section 14, the tenant may give the landlord notice of his intention to occupy the building the possession of which he delivered. If, within fifteen days from the date of receipt of such notice, the landlord does not put him in possession of the building on the original terms and conditions, the tenant may make an application to the Controller within eight, weeks of the date on which he put the landlord in possession of the building. The Controller shall order the landlord to put the tenant in possession of the building on the original terms and conditions.

*[(2) Where in pursuance of an order passed by the Controller under clause (b) of sub-section (1) of section 14, any building is totally demolished and a new building is erected in its place, all the provisions of this Act shall cease to apply to such new building for a period of five years from the date on which the construction of such new building is completed and notified to the local authority concerned].

Landlord not to interfere with amenities enjoyed by the tenant

17. *[(1) No landlord shall without just or sufficient cause, cut off or withhold or cause to be cut off or withheld any of the amenities enjoyed by the tenant or were in existence during the previous tenancy].

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(2) A tenant in occupation of a building may, if the landlord has contravened the provisions of this section, make an application to the Controller complaining of such contravention.

(3) If the tenant satisfied the Controller that the amenities were cut off or withheld or caused to be cut off or withheld *[...] the Controller may pass an interim order, directing the landlord to restore the amenities immediately, pending the enquiry referred to in sub-section (4).

*[Provided that if the amenities are not restored within seven days from the date of the interim order, the Controller may permit the tenant to restore the amenities at his own cost and recover the cost of the expense incurred by the tenant in respect of restoration of such amenities from the rent payable to the landlord in such monthly instalments as may be specified by the Controller].

Explanation. – An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the Controller on enquiry finds that the tenant has been in enjoyment of the amenities *[or that the amenities were in existence during the previous tenancy] and that they were cut off or withheld by the landlord without just or sufficient cause or if the landlord was in any way responsible for the amenities being cut off or withheld, he shall make an order directing the landlord to restore such amenities.

(5) The Controller may, in his discretion, direct that compensation not exceeding fifty rupees --

(a) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously;

(b) be paid to the tenant by the landlord, if the landlord had cut off or withheld the amenities or was in any way responsible for the amenities being cut off or withheld frivolously and vexatiously.

Explanation. – In this section, the expression “amenities” includes supply of water, electricity, passages, staircases, lights, lavatories, lifts, and conservancy or sanitary services.

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

Execution of orders

18. Every order made under sections 10, 12, 13, 14, 15, 16 and 17 and every order passed on appeal under section 23 or on revisions under section 25 shall be executed by the Munsif having jurisdiction over the area in which the building is situated and if there are more than one such Munsif by the Principal Munsif as if it were a decree passed by him:

Provided that an order passed in execution under this section shall not be subject to an appeal, but shall be subject to revision under section 25.

Decisions which have become final not to be reopened

19. *[Any application under section 4-A or section 12, and any application under sub-section (2) or sub-section (3) or sub-section (3-A) of section 10 or under section 14, 15 or 16 shall be summarily rejected by the authorised officer or the Controller, as the case may be, if such application] raises between the same parties or between parties under whom they or any of them claim, substantially the same issues as have been finally decided or as purport to have been finally decided in a former proceeding under this Act.

Orders of Controller to be pronounced in open court

20. Every order passed by a Controller under this Act shall be pronounced in open Court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties.

Conversion into non-residential buildings

21. No residential building shall be converted into a non-residential building except with permission in writing of the Controller.

Failure by landlord to make necessary repairs

22. *[(1) If a landlord fails to make necessary repairs to the building within a reasonable time after notice is given ---

(a) by the authorised officer in the case of a building in respect of which the Government shall be deemed to be the tenant under sub-section (5) of section 4;

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(b) by the tenant in the case of any other building; the authorised officer aforesaid may, in the case referred to in clause (a), make such repairs or have them made by the allottee and deduct the cost thereof from the rent payable for the building or ask the allottee to make such deduction from the rent payable; and the Controller may, in the case referred to in clause (b), direct, on application by the tenant, that such repairs may be made by the tenant and that the cost thereof may be deducted by the tenant from the rent payable for the building:

Provided that the cost of repairs, and the deduction thereof which the authorised officer or the Controller, as the case may be, may authorise shall not exceed in any one year one-twelfth of the rent payable in respect of the building for that year.

*[(2) The landlord shall not, while making repairs render the building uninhabitable by digging up the floor or by removing any door or window or by causing any other damage to any part of the building].

Appeal

23. *[(1) Any person aggrieved by an order passed by the Controller may, within 15 days from the date of such order, excluding the time taken to obtain a certified copy of the order, file an appeal in writing to the District Court].

(2) on such appeal being preferred, the *[District Court] may order stay of further proceedings in the matter pending decisions on the appeal.

(3) The *[District Court] shall call for the records of the case from the Controller and after giving the parties an opportunity of being heard and, if necessary after making such further inquiry as he thinks fit either personally or through the Controller, shall decide the appeal.

Explanation – The *[District Court] may, while confirming the order of eviction passed by the Controller, grant an extension of time to the tenant for putting the landlord in possession of the building.

(4) The decision of the *[District Court] and subject to such decision, an order of the Controller shall be final and shall not be liable to be called in question in any court of law, except as provided in section 25.

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

Costs

24. Subject to such conditions and limitations, if any, as may be prescribed, the costs of and incident to all proceedings before the Controller or the appellate authority referred to in section 23, shall be in the discretion of the Controller or the appellate authority, who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose.

Explanation. – The appellate authority may set aside or vary any order passed by the Controller in regard to the costs of and incident to the proceedings before him.

Revision

*[25. (1) The High Court may, on the application of any person aggrieved by an order of the appellate authority, call for and examine the record of the appellate authority, to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein and if, in any case, it appears to the High Court that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, it may pass orders accordingly.

(2) Every application to the High Court for the exercise of its power under sub-section (1) shall be preferred within one month from the date on which the order or proceeding to which the application relates is communicated to the applicant:

Provided that the High Court, may in its discretion, allow further time not exceeding one month for the filling of any such application, if it is satisfied that the applicant had sufficient cause for not preferring the application within the time specified in this sub-section].

Order under the Act to be binding on the sub-tenants.

26. Any order for the eviction of a tenant passed under this act shall be binding on all sub-tenants who were made parties in the application for eviction but any person who became a sub-tenant after the date of the application for eviction shall be bound by the order of eviction and be evicted as if he were a party to the proceedings, provided that such order was not obtained by fraud or collusion.

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

Proceedings by or against legal representatives

27. (1) Any application made, appeal preferred, or proceedings taken, under this Act by or against any person, may, in the event of his death, be continued by or against his legal representatives.

(2) Where any application, appeal or other proceeding could have been made, preferred or taken, under this Act, by or against any person, such application, appeal or other proceeding may, in the event of his death, be made, preferred or taken by or against his legal representatives.

Summons to witnesses

28. Subject to such conditions and limitations as may be prescribed, the Controller may, in his discretion, issue summons to witnesses requiring them to attend in person to give evidence or to produce documents, in their custody in connection with any proceedings before him.

Exemption

29. Notwithstanding anything contained in this Act, the Government may, subject to such conditions as they deem fit, by notification, exempt any building or class of buildings from all or any of the provisions of this Act.

Certified extracts from Property Tax Assessment Register

30. The Officer-in-Charge of Property Tax Assessment Register shall, on application made in this behalf and on payment of two rupees per entry relating to each year, grant to the applicant a certified copy of the extract from the said Register showing the rental value of the building or buildings in respect of which application has been made relating to the period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act.

Landlord and tenant to furnish particulars

31. Every landlord and every tenant of a building shall be bound to furnish to the Controller or any person authorised by him in that behalf, such particulars in respect of the building as may be prescribed.

Penalties

32. *[(1) If any person contravenes any of the provisions of sub-section (1), (2), (4) and (5) of section 4, sub-section (4) of section 4-A, clause (a) of sub-section (1) and clause (a) of sub-section (2) of section 7, sub-section (1) of section 8, sub-section (1) of section 17, section 21, sub-section (2) of section 22 or section 31, or any order under sub-section (3) or sub-section (3-A) of section 10, or sub-section (3) of section 17, or any of the conditions in the notification issued under section 29, he shall be punishable with fine which may extend to two thousand rupees.

(1-A) Any landlord or the member of his family, as the case may be, who, after obtaining possession of a building under sub-section (3) or sub-section (3-A) of section 10, does not occupy it within one month of his taking possession or having so occupied, vacates it without reasonable cause within six months of such date, shall be punishable with fine which may extend to two thousand rupees].

(2) (a) Any landlord who after the allottee has vacated the building before the date specified in the order passed under clause (a) of sub-section (1) of section 12, fails to commerce the work of repairs without reasonable excuse and any landlord or other person in occupation of the building who fails to comply with the order passed by the authorised officer under sub-section (6) of section 12, shall, on conviction, be punishable with fine which may extend to *[two thousand rupees].

(b) Any landlord who recover possession on the ground specified in clause (b) of sub-section (1) of section 12 and fails to carry out the undertaking referred to in clause (b) of sub-section (3) of the said section without any reasonable excuse or fails to comply with the conditions and restrictions prescribed under sub-section (2) of the said section or fails to comply with the order of the authorised officer under sub-section (1) of section 13 shall, on conviction, be punishable with fine which may extend to *[two thousand rupees].

(3) (a) Any landlord who after the tenant has vacated the building before the date specified in the order passed under clause (a) of sub-section (1) of section 14 fails to commence the work of repairs without reasonable excuse and any landlord or other person in occupation of the building who fails to comply with the order passed by the Controller under sub-section (2) of section 15 shall, on conviction, be punishable with fine which may extend to *[two thousand rupees].

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

(b) Any landlord who recovers possession on the ground specified in clause (b) of sub-section (1) of section 14 and fails to carry out the undertaking referred to in clause (b) of sub-section (2) of the said section without any reasonable excuse or fails to comply with the order of the Controller under sub-section (1) of section 16, shall, on conviction, be punishable with fine which may extend to *[two thousand rupees].

Power to make rules

33. [1] [(1) The Government may, by notification in the Official Gazette, 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) all matters expressly required or allowed by this Act to be prescribed;

(b) the procedure to be followed by Controllers and appellate authorities in the performance of their functions under this Act;

(c) the manner in which notices and orders under this Act shall be given or served;

(d) setting aside **ex-parte** orders and orders of dismissal for default passed under this Act;

(e) applications for making legal representatives of deceased persons, parties to proceedings under this Act and the time within which such applications shall be preferred;

(f) the procedure to be followed in taking possession of a building and in disposing of the articles found therein at the time of taking possession; and

(g) the fee leviable in respect of applications and appeals under this Act.

(3) In making a rule under this section, the Government may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to one thousand rupees.

---

* Amended by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

1. Substituted by Act 15 of 1970 w.e.f 01.08.1969.

(4) All rules made and all notifications issued under this Act shall be laid, as soon as may be after they are made or issued, 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 it 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 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.

Indemnity

34. (1) No suit, prosecution, or other legal proceedings shall lie in any Court against any officer or servant of the Government or any person acting under his direction or aiding or assisting him ---

(a) for, or on account of, or in respect of, any sentence passed or deemed to have been passed, any decision given or deemed to have been given, or any act ordered or deemed to have been ordered or done or deemed to have been done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under this Act; or

(b) for carrying out any sentence passed or decision given by an Court or other authority in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the Government for, or on account of, or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under this Act.

Power to remove difficulties

35. 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, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

***[SCHEDULE - I**
(See section 5)

AMENITIES

1. Air conditioner.
2. Lift.
3. Water cooler.
4. Electrical heater.
5. Frigidaire.
6. Mosaic flooring.
7. Side dadoos.
8. Compound walls.
9. Garden.
10. Over-head tank for water-supply.
11. Electric pump and motor for water-supply.
12. Play ground.
13. Badminton and Tennis courts.
14. Sun breakers.
15. Amenity referred to in the first proviso to sub-section (4) of section 5.
16. Usufructs, if any, enjoyed by the tenant.
17. Features of special architectural interest.

SCHEDULE - II
(See section 5)

Rates of depreciation.

Type of building	Rate of depreciation per annum.
(1)	(2)
1. Building built in lime mortar and in which teak has been used throughout.	1 per cent.

* Inserted by Act No.8 of 1980 which came into force w.e.f 30.07.1980.

2. Buildings built partly of brick in lime mortar and partly of brick in mud and in which teak has been used.	1 ½ per cent.
3. Buildings built in brick in mud and in which country wood has been used.	2 per cent.
4. Buildings which are inferior to those of class 3 with brick in mud plastered walls and mud floor and in which cheap country wood has been used.	4 per cent

Explanation. - (1) The depreciation shall be calculated for each year on the net value arrived at after deducting the amount of depreciation for the previous year.

(2) The amount of depreciation shall in no case be less than ten per cent of the cost of the construction of the building.

(3) The actual depreciation of a building aged ‘n’ years is calculated by using the formula ---

$$P = \frac{A \ (100-r)^{n}}{100}$$

Where A –total cost of construction of the building.

r – rate of depreciation per annum.
n – age of the building (i.e., the number of years).
P – the final depreciated value of the building.

The amount of depreciation will be equal to ('A'-'P') subject to a minimum of ten per cent of 'A'].

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 5 OF 1969

There has been a tendency to demand disproportionately high rent by the Landlords in the principal towns in the Union Territory of Puducherry. In order to see that the rights of the tenants are adequately safeguarded and also to see that public servants are provided with accommodation, the Government consider it necessary to control accommodation and rent. Accordingly, a bill has been drafted on the lines of the Madras Buildings (Lease and Rent Control) Act, 1960 which permits eviction of tenants only for proper reasons and also empowers the Controller to fix fair rents.

STATEMENT OF OBJECTS AND REASONS FOR ACT 15 OF 1970

The object of this Bill is only to effect a minor correction in sub-section (1) of section 33 of the Puducherry Buildings (Lease and Rent Control) Act, 1969 (No.5 of 1969). The words 'in the Official Gazette" are proposed to be added after the word "notification" in that sub-section.

STATEMENT OF OBJECTS AND REASONS FOR ACT 6 OF 1972

The Puducherry Buildings (Lease and Rent Control) Act, 1969 (No.5 of 1969) came into force on 1st August, 1969. Under sub-section (4) of section 1, the Act has validity only for a period of 3 years, i.e., upto 31st July, 1972. It is proposed to extend its life by a further period of 5 years.

The amendment Bill seeks to achieve the above object.

STATEMENT OF OBJECTS AND REASONS FOR ACT 1 OF 1977

The Puducherry Buildings (Lease and Rent Control) Act, 1969 (No.5 of 1969) came into force on 1st August 1969. Under sub-section (4) of section 1, the Act had validity only for a period of 3 years i.e. upto 31.7.72. Hence an amendment to the Act was passed in 1972 extending the life of the Act for a further period of 5 years i.e. upto 31.7.77, it is proposed to extend its life by a further period of 3 years.

The amendment Bill seeks to achieve the above object.

STATEMENT OF OBJECTS AND REASONS FOR ACT 8 OF 1980

The Puducherry Buildings (Lease and Rent Control) Act, 1969 was originally framed on the lines of the then existing Tamil Nadu Act with appropriate modifications to suit local conditions. After 1969, lots of changes took place in the concept of landlord-tenant relationship and also pronouncements in certain judgments of the High Court and the Supreme Court necessitated the amendment of the provisions of the Act, since these cases were with reference to the Tamil Nadu Act, the Tamil Nadu Government had already amended their Act in 1972-73. Meanwhile, this Administration also took steps to amend our Act to keep pace with case law development and also to make it conform to the latest thinking on the subject.

The amendments inter alia include provisions empowering the Authorised Officer to order repair of the rented buildings, increase of fair rent in view of the changed circumstances and also introduction of revised procedure in the calculation of rent, making it statutory for the landlord to issue a receipt for the actual amount of rent or advance received by him, providing legal protection to Service/ex-service personnel and the Government servants to get their rented houses vacated as expeditiously as possible and also to make further consequential amendments.

The duration of the original Act was only upto 31-7-1977, i.e., eight years from the commencement of the Act and subsequently extended upto 31- 7-1980 by the Amendment Act of 1977 (No.1 of 1977). It is now proposed to make it a permanent statute.

The draft Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT 10 OF 1987

The Central Government has informed that the Officers of the Indian Railways face serious difficulties in getting their own houses vacated from tenants after their retirements and hence the Rent Control Law should provide for vacation of tenants occupying the houses of railway employees who desire to get their own houses to occupy after retirement. Clause (a) of sub-section (3B) of section 10 at present enables a landlord who, being a person in the occupation of any residential premises allotted to him by the Central Government or State Government or any local authority, is required to vacate such residential accommodation or to incur certain obligation on the ground that he owns in the Union territory of Puducherry a residential accommodation either in his own name or in the name of the members of his family to get a right to recover immediately the possession of any premises let out by him. It is necessary that such a right accrues also to the persons in the service of the Central or State Government or any local authority who want to recover possession of his residential building for his own occupation after retirement and such a provision will help the retired railway employees also. It is therefore proposed to amend clause (a) of sub-section (3B) of section 10 of the Puducherry Buildings (Lease and Rent Control) Act, 1969 for this purpose.

The Bill seeks to achieve the above object.

THE INDIAN PARTNERSHIP (PUDUCHERRY AMENDMENT) ACT, 1969 (No. 8 of 1969)

ARRANGEMENT OF SECTIONS

SECTION
1. Short title, extent and commencement.
2. Amendment of section 58.
3. Substitution of new Schedule for Schedule I.

———

THE INDIAN PARTNERSHIP (PUDUCHERRY AMENDMENT) ACT, 1969

(No. 8 of 1969)

26th July, 1969.

AN ACT

further to amend the Indian Partnership Act, 1932, in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry to the Twentieth Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Indian Partnership (Puducherry Amendment) Act, 1969.

(2) It extends to the whole of the Union territory of Puducherry.

[1](3) It shall come into force on such date as the Lieutenant-Governor, Puducherry, may, by notification in the Official Gazette, appoint.

Amendment of section 58

2. In the Indian Partnership Act, 1932 (Central Act 9 of 1932) (hereinafter referred to as the principal Act), for sub-section (3) of section 58, the following sub-sections shall be substituted, namely: -

"(3) The Registrar shall refuse to register, --

(a) a firm under sub-section (1), or

(b) an alteration of the firm name,

if the proposed firm name or the alteration of the firm name is identical with the name by which any other existing firm has been registered or in the opinion of the Registrar so nearly resembles such other name as to be likely to deceive or mislead the public or the members of either firm.

(4) Any person who is aggrieved by an order of Registrar under sub-section (3) may file an appeal before such person or authority, in such manner, within such time and on payment of such fees as may be prescribed. The appeal shall be heard and decided in such manner as may be prescribed.".

1. The Act came into force from 1st January 1970, vide Extraordinary Gazette No. 115 dated 10th December 1969.

Substitution of new Schedule for Schedule I

3. For Schedule I to the principal Act, the following Schedule shall be substituted, namely: -

" SCHEDULE - I

Maximum Fees

[See sub-section (1) of section 71]

Document or act in respect of which the fee is payable		Maximum fee
(1)		(2)
		Rs. P.
1. Statement under section 58	...	10.00
2. Statement under section 60	...	3.00
3. Intimation under section 61	...	3.00
4. Intimation under section 62	...	3.00
5. Notice under section 63	...	3.00
6. Application under section 64	...	3.00
7. Inspection of the Register of Firms under sub-section (1) of section 66	...	1.00*
8. Inspection of documents relating to a firm under sub-section (2) of section 66	...	1.00**
9. Copies from the Register of Firms	...	0.40 +

STATEMENT OF OBJECTS AND REASONS FOR ACT 8 OF 1969

The Indian Partnership Act, 1932 has been extended to this Territory under the Puducherry (Laws) Regulation, 1963 with effect from the 1st October, 1963. At present, that Act does not confer power on the Registrar to refuse to register a firm or the alteration of firm name when he is of the view that registration of the firm would be a colourable imitation of the names, already registered and the public are likely to be misled and deceived by the name of the new firm. It is in order to prevent this mischief that sub-section (3) of section 58 has been suitably amended, Provision has also been made for appeal against the order of the Registrar.

The rate of fees for filing various notices, etc., with the Registrar of Firms, prescribed in Schedule I to the said Act, is very law and it is proposed to amend the Schedule so as to bring the fees chargeable under it to the same level with those levied in the State of Tamil Nadu. The present Bill seeks to achieve the above objects.

* For inspecting the entry of each firm in the Register.

** For each inspection of all documents relating to one firm.

\+ For each hundred words or part thereof."

THE SOCIETIES REGISTRATION (PUDUCHERRY AMENDMENT) ACT, 1969
(No. 9 of 1969)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Definitions.
3. Amendment of sections 1 and 4.
4. Insertion of new section 4-A.
5. Insertion of new sections 12-A, 12-B and 12-C.
6. Amendment of section 18.
7. Insertion of new section 18-A.
8. Amendment of section 19.
9. Amendment of section 20.
10. Insertion of new sections 21, 22, 23, 24 and 25.

———

THE SOCIETIES REGISTRATION (PUDUCHERRY AMENDMENT) ACT, 1969

(Act No. 9 of 1969)

13th September, 1969

AN ACT

further to amend the Societies Registration Act, 1860 in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twentieth Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Societies Registration (Puducherry Amendment) Act, 1969.

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

Definitions

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

(a) "Act" means the Societies Registration Act, 1860;

(b) "Government" means the Administrator appointed under article 239 of the Constitution;

(c) "Union territory" means the Union territory of Puducherry.

Amendment of sections 1 and 4

3. In sections 1 and 4 of the Societies Registration Act, 1860 (No. 21 of 1860) (hereinafter referred to as the principal Act) for the words "Registrar of Joint Stock Companies", the words "Registrar of Companies" shall be substituted.

1. The Act came into force from 1st January 1970, vide Extraordinary Gazette No. 118 dated 15th December 1969.

Insertion of new section 4-A

4. After section 4 of the principal Act, the following section shall be inserted, namely: -

Filing of Annual Accounts

"4-A. (1) A copy of the balance sheet together with a statement of receipts and expenditure duly certified by at least two members of governing body and audited by a person who has been granted a certificate by the Government under Chartered Accountants Act, 1949 (No. 28 of 1949) or by a special auditor approved by Government shall also be filed with the Registrar of Companies, at the same time as required by section-4.

(2) A filing fee of rupees three each shall be paid along with the list and the balance sheet and copy of alteration to rules respectively referred to in section 4 and sub-section (1) and (6) of section 4-A. The said fee may be paid either by cash or by crediting the amount to Government Treasury and by attaching the duplicate chalan to the documents.

(3) All societies registered under this Act shall hold every year a general meeting at which the report of the management of the institution for the previous year, together with an audited copy of the balance sheet, receipts and expenditure statement and the auditor's report shall be submitted for approval.

(4) A special meeting may be convened at any time on the requisition of the President or Chairman of the Executive Committee, if any, or on the requisition of not less than three members of the Executive Committee or seven members of the general body of the society, who shall state in writing the business for which they wish the meeting to be convened. The secretary shall convene a meeting of the society before the lapse of ten days from the date of the receipt of the requisition.

(5) If a member has no registered address in the Union territory and has not furnished to the society an address within the Union territory for serving notice to him, a notice advertised in two newspapers (one in English and the other in any one of the vernacular languages) circulating in the neighbourhood of the registered office of the society shall be deemed to be duly given to him on the day on which the advertisement appears.

(6) A copy of every alteration made in the rules and regulations of the society, certified to be a correct copy in the manner prescribed as aforesaid shall be sent to the Registrar within fifteen days of making of such alterations.

(7) If a society makes default in complying with the requirements of sections 4 and 4-A, it shall be liable to a fine not exceeding fifty rupees.".

Insertion of new sections 12-A, 12-B and 12-C

5. After section 12 of the principal Act, the following sections shall be inserted, namely: -

Change of name

"12-A. Any number not less than three-fifths of the members of any society registered under section 3 may subject to the provisions of section 12-B, by a resolution or otherwise change its name.

Registration of change of name

12-B. (1) Where a proposition for change of name has been agreed to and confirmed in the manner prescribed by section 12-A, a copy of the proposition so agree to and confirmed shall be forwarded to the Registrar of Companies for registering the change of name.

(2) Save as provided in section 18-A, the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name and issue, a certificate of registration altered to meet the circumstances of the case. On the issue of such a certificate, the change of name shall be complete.

(3) The Registrar shall charge for any copy of a certificate issued under sub-section (2), a fee of rupee one and all fees so paid shall be accounted for to the Government.

Effect of change of name

12-C. The change in the name of a society shall not affect any rights or obligations of the society or render defective any legal proceeding by or against the society, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name".

Amendment of section 18

6. In section 18 of the principal Act including the marginal note thereto, for the words "Registrar of Joint Stock Companies", the words "Registrar of Companies" shall be substituted.

Insertion of new section 18-A

7. After section 18 of the principal Act, the following section shall be inserted, namely: -

Power of Registrar to refuse registration in certain cases

"18-A. (1) The registrar shall refuse to register ---

(a) a society under section 3,

(b) the change of names made under section 12-A, or

(c) a society under section 17,

if the proposed name of such society is undesirable or identical with that by which any other existing society has been registered or in the opinion of Registrar so nearly resembles such other name as to be likely to deceive the public or the members of either society.

(2) If any two or more societies which have been registered with identical names or with names which, in the opinion of the Registrar, so nearly resemble each other as to be likely to deceive the public or the members of such societies, the society which was so registered first of all shall continue to function under its original name and other such societies shall change and may be required by the Registrar to change their names suitably within a period of six months from the commencement of this Act.".

Amendment of section 19

8. In section 19 of the principal Act, for the words "two annas", the words "fifteen paise" shall be substituted.

Amendment of section 20

9. In section 20 of the principal Act, after the words "instruments or designs", the words "the dissemination of social, economic education; promotion of the interest or welfare of the public or a section of the public or of non-trading associations with objects confined to the Union territory and any other object as may be notified by the Government as being beneficial to the public or to a section of the public" shall be inserted.

Insertion of new sections 21, 22, 23, 24 and 25

10. After section 20 of the principal Act, the following sections shall be inserted, namely: -

Inspection and investigation

"21. (1) Every society shall be inspected at least once in two years by the Registrar or an officer authorised by him in this behalf who shall be entitled to inspect the premises of any society and shall also be entitled to call for such information or explanation within such time as may be specified.

(2) Where it appears to the Registrar that the affairs of a society call for investigation, the Registrar may appoint a certified auditor to investigate the affairs of such society and may fix his remuneration which shall be borne by the society.

Defunct action

22. Where default is made by a society in filing with the Registrar any change in the Memorandum of Association (or in filing with him the returns required by sections 4 and 4-A), a Registrar may, after calling upon such society to furnish details of such change (or to submit such returns) within a specified time and on the failure of the society to do so, treat the society as having become defunct (and cause a notification of such decision to be published in the Official Gazette), whereupon the incorporation of the society under this Act shall cease:

Provided that the liability, if any, of the members of the governing body or the members of the society, as the case may be, shall continue and may be enforced as if the society had not become defunct.

Penalties

23. If any person wilfully makes or causes to be made any false entry in, or any omission from, the list required by section 4, or in or from any statement of copy of rules or of alterations in rules sent to the Registrar of Companies under section 4-A, he shall, on conviction, be punishable with fine which may extend to two thousand rupees.

Cognizance of offences

24. No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act, nor shall cognizance of any such offence be taken except on a complaint in writing by the Registrar of any person authorised by him in writing in this behalf.

Power to make rules

25. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe ---

(a) the maintenance of the register of societies and other books, if any, by the Registrar;

(b) the forms under which the Registrar shall issue certificates of registration of a society, change of name, etc.;

(c) the forms and notices under which every society shall intimate the Registrar regarding the amendments to its memorandum or rules and regulations; and

(d) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, 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 it is so laid or the session immediately following, 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 to anything previously done under that rule.".

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 9 OF 1969

The Societies Registration Act, 1860 has been extended to this Territory under the Puducherry (Laws) Regulation, 1963 with effect from 1-10-1963. The existing provisions of the said Act do not contain regulations for an effective and close watch over the conduct and affairs of societies and non-profitable associations. For the efficient running and smooth conduct of such societies, it is necessary that the Government should be able to obtain periodical information of their conduct and activities. It is proposed to amend the Societies Registration Act, 1860 suitably in its application to the Union Territory of Puducherry to achieve the above objects.

———

THE INDIAN PORTS (PUDUCHERRY AMENDMENT) ACT, 1969
(No. 10 of 1969)

ARRANGEMENT OF SECTIONS

SECTION
1. Short title, extent and commencement.
2. Substitution of new section for section 36.
3. Omission of section 37.

———

THE INDIAN PORTS (PUDUCHERRY AMENDMENT) ACT, 1969

(Act No. 10 of 1969)

5th October, 1969.

AN ACT

to amend the Indian Ports Act, 1908, in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twentieth Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Indian Ports (Puducherry Amendment) Act, 1969.

(2) It shall extend to the whole of the Union territory of Puducherry.

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

Substitution of new section for section 36

2. For section 36 of the Indian Ports Act, 1908 (15 of 1908) (hereinafter referred to as the Principal Act), the following section shall be substituted, namely: -

Receipt of port charges, etc. and expenditure on ports

"36.(1) The Government shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorised to be taken by, or under, this Act, to receive the same.

1. The Act came into force from 26th January 1970 vide Extraordinary gazette No. 10 dated 22nd January, 1970.

(2) All money received under this Act at or on account of any port subject to this Act, including ---

(a) receipts on account of pilotage;
(b) all fines;
(c) proceeds of waifs; and
(d) any balance of the proceeds of a sale under section 14 where no right to the balance has been established on a claim made within three years from the date of the sale,

shall be credited to the Consolidated Fund of the Union territory of Puducherry.

(3) All expenses incurred for the sake of any such port, including expenses on account of pilotage, shall be paid from the Consolidated Fund of the Union territory of Puducherry".

Omission of section 37

3. Section 37 of the principal Act shall be omitted.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.10 OF 1969

The Indian Ports Act, 1908 (Central Act XV of 1908) has been extended to this Territory with effect from 1-10-1963 under the Puducherry (Laws) Regulation 1963. According to Section 36 of the Act, all receipts at the Port under the Act have to be credited to a Port Fund and all the expenses incurred for the sake of the Port excluding expenses on Pilotage but including the pay and allowances of Port Staff, improvements to the Port, etc., have to be debited to the Fund. Section 37 of the Act empowers the Government to group a number of ports as constituting a single port for the purpose of crediting all the receipts into a Port Fund and for meeting the expenditure in respect of Ports. The revenue of the Puducherry Port will not be sufficient to cover the entire cost of the establishment and also the expenditure involved on the improvement of the Port. The Government of India who were appraised of the difficulties involved in creating a Port Fund for Puducherry Port have advised that this Administration may amend the Indian Ports Act, 1908 so as to merge the Port Fund with the Consolidated Fund of the Territory.

Accordingly, the present Bill seeks to amend Section 36 of the Act so as to merge the Port Fund with the Consolidated Fund to the Union Territory of Puducherry. There will be no separate Port Fund in this Union Territory and the entire revenue of the Port will be credited to the Consolidated Fund of Puducherry and the entire expenditure on the Port will be met out of the Consolidated Fund of Puducherry. The Bill also seeks to delete Section 37 of the Act as there will be no separate Port Fund and the question of grouping the Ports for the purpose will not arise.

NOTES ON CLAUSES

Clause: (1) This is a title clause and defines the jurisdiction of the Act. The Government is empowered to fix the date of enforcement of the Act.

Clause: (2) This clause amends section 36 of the Indian Ports Act 1908 (Act XV of 1908) so as to merge the Port Fund with the consolidated Fund of the Union Territory of Puducherry (crediting entire receipt to and meeting entire expenditure from the Consolidated Fund).

Clause: (3) This clause deletes section 3 of the Indian Ports Act 1908 (Act XV of 1908), since there is no separate Port Fund in the Union Territory of Puducherry and as the question of grouping the Ports for the purpose does not arise.

———

THE PAYMENT OF WAGES (PUDUCHERRY AMENDMENT) ACT, 1970
(No. 9 of 1970)

ARRANGEMENT OF SECTIONS

SECTION
1. Short title and extent.
2. Amendment of section 7.
3. Insertion of new section 11 A.

———

THE PAYMENT OF WAGES (PUDUCHERRY AMENDMENT) ACT, 1970

(Act No. 9 of 1970)

5th May 1970.

AN ACT

to amend the Payment of Wages Act, 1936 in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twentieth Year of the Republic of India as follows:-

Short title and extent

1. (1) This Act may be called the Payment of Wages (Puducherry Amendment) Act, 1970.

(2) It extends to the whole of the Union territory of Puducherry.

Amendment of section 7

2. In sub-section (2) of section 7 of the Payment of Wages Act, 1936 (Central Act 4 of 1936) (hereinafter referred to as the principal Act), after clause (d), the following clause shall be inserted, namely: -

"(dd) deductions for electricity supplied to the employed person by the Electricity Department of the Government of Puducherry;"

Insertion of new section 11.A

3. After section 11 of the principal Act, the following section shall be inserted, namely: -

Deductions in respect of electricity

"11-A. The Employer shall, if so required by a requisition in writing, by the Electricity Department of the Government of Puducherry or by an officer authorised by it in this behalf, make the deductions authorised under clause (dd) of sub-section (2) of section 7 from the wages of the employed person and remit the amount so deducted in such manner as the State Government may, be general or special order, specify."

———

STATEMENT OF OBJECTS & REASONS FOR ACT NO. 9 OF 1970

The Payment of Wages Act, 1936 has been extended to this Territory under the Puducherry (Laws) Regulation, 1963 with effect from 1-10-1963. Section 7 (2) (d) of the said Act provides for effecting deductions from the wages of the workers towards rent for house accommodation allotted by the employers or the Government. The Government has provided accommodation to such workers in the Industrial Housing Colony, Gandhi-nagar and rents are being deducted by virtue of the provisions referred to above. But, however, no provision has been made for the recovery of electricity consumption charges. For this purpose, necessary provision has been incorporated on the lines of amendment made in this behalf by the Government of Tamil Nadu. The present Bill seeks to achieve the above object.

———

THE PUDUCHERRY EXCISE ACT, 1970
(No. 12 of 1970)

ARRANGEMENT OF SECTIONS

SECTION

CHAPTER I

Preliminary

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

Establishment and control

3. Appointment of Excise Commissioner.
4. Appointment of Deputy Commissioner.
5. Appointment of Excise Inspectors and other subordinate officers,
6. Delegation.

CHAPTER III

Import, Export and Transport

7. Import of intoxicant.
8. Export of intoxicant.
8-A. Control and regulation of molasses.
9. Prohibiting of transport of intoxicant.
10. Transport of intoxicant.
11. Permits for transport.

CHAPTER IV

Manufacture, possession and sale

12. Manufacture etc., of excisable article prohibited except under a licence.
13. Possession of excisable articles in excess of the quantity prescribed.
14. Sale of excisable articles without licence prohibited.

15. Establishment of distilleries and warehouses.
16. Power to grant lease of right to manufacture, etc.
17. Lessee's permission to draw toddy.
18. Duties of licensees with regard to measurement and testing.
19. Prohibition of employment of children and of woman.
20. Closing of shops for the preservation of public peace.

CHAPTER V

Excise duty and countervailing duty

21. Excise duty or countervailing duty on excisable articles.
22. Modes of levying duties.
23. Excise duty in respect of grant of leases.
24. Tax for tapping trees from whom leviable.

CHAPTER VI

Licences and permits

25. Form and conditions of licence, etc.
26. Power to take security and counterpart agreement.
27. Technical defects, irregularities and omissions.
28. Power to cancel or suspend licence, etc.
29. Power to withdraw licence.
30. Surrender of licence.

CHAPTER VII

Offences and penalties

31. Penalty for illegal import, etc.
32. Penalty for rendering denatured spirit fit for human consumption.
33. Penalty for illegal possession.
34. Penalty for offence not otherwise provided for.
35. Penalty for misconduct of licensee, etc.
36. Penalty for adulteration, etc., by licensed vendor or manufacturer.

37. Penalty for consumption in Chemist's shop etc.
37-A. Penalty for allowing premises, etc., to be used for the purpose of committing an offence under this Act.
38. Manufacture, sale or possession by one person on account of another.
39. Presumption, as to commission of offence in certain cases.
40. Criminal liability of licensee for acts of servants.
41. Enhanced punishment after previous conviction.
42. Liability of certain things to confiscation.
43. Order of confiscation.
44. Compounding of offences.
45. Penalty on Excise Officer making vexatious search, seizure, detention or arrest.
46. Penalty for Excise Officer refusing to do duty.
47. Penalty for vexatious delay.
48. Penalty for abetment of escape of persons arrested, etc.

CHAPTER VIII

Detention, investigation and trial of offences

49. Landholders, officers and others to give information.
50. Power to enter and inspect places of manufacture and sale.
51. Power to arrest without warrant, to seize articles liable for confiscation and to make searches.
52. Power of magistrate to issue a warrant.
53. Power to search without warrant.
54. Power of Excise Officers in matters of investigation.
55. Report by Investigating Officer.
56. Report by Excise Officer.
57. Arrest, search, etc., how to be made.
58. Security for appearance in case of arrest without warrant.
59. Procedure for prosecution.

CHAPTER IX

Appeals and revision

60. Appeals.
61. Revision.

CHAPTER X

Miscellaneous

62. Recovery of Government dues.
63. Government lien on property of defaulters.
64. Recovery of dues by lessee under section 16.
65. Refund in cases of exported liquor.
66. Power of Government to exempt etc.
67. Protection of action taken under this Act.
68. Limitation of suits.
69. Offences by companies, etc.
70. Power to make rules.
70A. Power to amend the Schedule.
71. Repeal and saving.

———

THE PUDUCHERRY EXCISE ACT, 1970

(Act No. 12 of 1970)

28th May, 1970.

AN ACT

to provide for a uniform law relating to the production, manufacture, possession, import, export, transport, purchase and sale of liquor and intoxicating drugs and the levy of duties of excise thereon, in the Union territory of Puducherry, and for matters connected therewith.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-first Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Excise Act, 1970.

(2) It extends to the whole of the Union territory of Puducherry.

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

Definitions

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

(1) "beer" includes ale, stout and porter and all other fermented liquors usually made from malt;

(2) "to bottle" means to transfer liquor from a cask or other vessel to a bottle, jar, flask or similar receptacle for the purpose of sale, whether any process of manufacture be employed or not and includes re-bottling;

(3) "cultivation" includes the tending or protection of a plant during growth and does not necessarily imply raising it from seed;

(4) "denatured" means subjected to a process prescribed for the purpose of rendering unfit for human consumption;

---

1. The Act came into force on the 10th day of June, 1970 vide Notification No. B-7289/69, dated 10 June 1970.

(5) "Deputy Commissioner" means any person appointed under section 4 to exercise the powers and to perform the duties of the Deputy Commissioner under this Act;

(6) "excisable article" means, --

(a) any liquor;
(b) any intoxicating drug;
(c) opium; or
(d) other narcotic drugs, narcotics and non-narcotic drugs which the Government may, by notification, declare to be an excisable article;

(7) "Excise Commissioner" means the officer appointed as Excise Commissioner under section 3;

(8) "excise duty" and "countervailing duty" means any such excise duty or countervailing duty, as the case may be, as is mentioned in Entry 51 of List II of the Seventh Schedule to the Constitution *[and includes additional excise duty and additional countervailing duty].

(9) "Excise Inspector" means an Officer appointed under section 5;

(10) "Excise Officer" means the Excise Commissioner, a Deputy Commissioner, or any officer or other person lawfully appointed or invested with powers under section 5;

(11) "Excise Revenue" means revenue derived or derivable from any duty, fee, tax, rent, fine or confiscation imposed or ordered under the provisions of this Act or any other law for the time being in force relating to liquor or intoxicating drugs;

(12) "Export" means to take out of the Union territory otherwise than from a Customs station as defined under section 2 of the Customs Act, 1962;

(13) "Foreign Liquor" includes all liquors other than Indian liquor;

(14) "Government" means the Administrator of the Union territory appointed by the President of India under article 239 of the Constitution of India;

(15) "Import", except in the phrase "import into India", means to bring into the Union territory otherwise than from a Customs station as defined under section 2 of the Customs Act, 1962;

(16) "Indian liquor" includes all liquor produced or manufactured in India;

---

* Insterted and deemed to have come into force on and from 23rd April 2007 vide the Puducherry Excise (Amendment) Act, 2011.

(17) "Intoxicant" means any liquor as defined in clause (19) or any intoxicating drug as defined in clause (18);

(18) "intoxicating drug" means, --

(a) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant including all forms known as bhang, siddi or ganja;

(b) charas, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;

(c) any mixture with or without neutral materials of any of the above forms of intoxicating drug or any drink prepared therefrom; and

(d) any other intoxicating or narcotic substance which the Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf or manufactured drug as defined under section 2 of the Dangerous Drugs Act, 1930.

(19) "liquor" includes ---

(a) spirits of wine, denatured spirits, wine, beer, toddy and all liquids consisting of or containing alcohol; and

(b) any other intoxicating substance, which the Government may, by notification, declare to be liquor for the purposes of this Act;

(20) "manufacture" includes every process whether natural or artificial, by which any fermented, spirituous or intoxicating liquor or intoxicating drug is produced or prepared and also re-distillation and every process for the rectification of liquor;

[1] [(20-A). "molasses" means the heavy, dark coloured residual syrup drained away in the final stage of the manufacture of jaggery or sugar containing in solution or suspension, sugars which can be fermented and includes any product formed by the addition to such syrup of any ingredient which does not substantially alter the character of such syrup, but does not include any article which the Government may, by notification, declare not to be molasses, for the purposes of this Act;]

1. Inserted by Act 7 of 1972, vide Extraordinary Gazette No.64 dt. 13.07.1972.

(21) “notification” means a notification published in the Official Gazette;

(22) “place” includes a house, building, shop, booth, tent, vessel, raft and vehicle;

(23) “police station” includes any place which the Government may by notification, declare to be a police station for the purpose of this Act;

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

(25) “rectification” includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith;

(26) “sale” or “selling” includes any transfer otherwise than by way of gift;

(27) “spirit” means any liquor containing alcohol and obtained by distillation, whether it is denatured or not;

(28) “toddy” means fermented or unfermented juice drawn from a toddy tree;

(29) “toddy tree” includes the tree of coconut, palm, palmyra date, bagani or any tree of the species of palm or palmyra, the fermented or unfermented juice of which contains alcohol and from which toddy or liquor can be prepared;

(30) “transport” means to move from one place to another within the Union territory, whether the intervening area lies wholly within the Union territory or not;

(31) “Union territory” means the Union territory of Puducherry.

CHAPTER II

ESTABLISHMENT AND CONTROL

Appointment of Excise Commissioner

3. (1) The Government may by notification, appoint an officer not below the rank of a Collector, as Excise Commissioner for the Union territory, who, subject to the general or special orders of the Government in this behalf, shall be the chief controlling authority in all matters connected with the administration of this Act.

(2) The Excise Commissioner shall, in respect of the administration of this Act, exercise all the powers of the Collector and shall have the control of the administration of the Excise Department.

Appointment of Deputy Commissioner

4. (1) The Government may, by notification, appoint one or more Deputy Commissioners, who shall, within the limits of his or their jurisdiction, exercise such powers and perform such duties and functions as are assigned by or under the provisions of this Act to a Deputy Commissioner subject to such control as the Government may, from time to time, direct.

(2) For the purposes of this Act, all Deputy Commissioners shall be subordinate to the Excise Commissioner.

Appointment of Excise Inspectors and other subordinate officers

5. (1) The Government may appoint Excise Inspectors to exercise the powers and to perform the duties in connection with detection, investigation and trial of offences under this Act.

(2) The Government may appoint subordinate officers of such classes and with such designations, powers and duties under this Act as it may think fit.

(3) The Government may, by notification, direct that all or any of the powers and duties assigned to an Excise Inspector or subordinate officer under sub-section (1) or sub-section (2), as the case may be, shall be exercised and performed by any officer of the Government.

Delegation

6. The Government may, by notification, delegate its powers under section 5 to the Excise Commissioner.

CHAPTER III

IMPORT, EXPORT AND TRANSPORT

Import of intoxicant

7. (1) No intoxicant shall be imported except under a permit granted by the Deputy Commissioner on payment of such countervailing duty and fees, as may be levied by or under this Act and on such other terms as may be prescribed:

Provided that the Deputy Commissioner may, subject to such restrictions and conditions as may be prescribed to ensure the collection of countervailing duty, permit the import of any intoxicant without the payment of the countervailing duty:

Provided further that no countervailing duty shall be payable on any intoxicant which being liable to the payment of duty under the Indian Tariff Act, 1934 or any other law, for the time being in force relating to the duties of customs on goods imported into India, it has been dealt with according to such law.

(2) A permit granted under sub-section (1), may be cancelled by the Deputy Commissioner for breach of any of the terms subject to which it was granted or for any other reason to be recorded in writing:

Provided that no permit shall be cancelled under this sub-section except after giving a reasonable opportunity to the holder of the permit for making any representation against such cancellation and after considering the representation, if any, received.

Export of intoxicant

8. (1) No intoxicant shall be exported except under a permit granted by the Deputy Commissioner on payment of such fee as may be levied under this Act and on such terms as may be prescribed:

Provided that no intoxicant produced or manufactured in India shall, save as provided in section 65, be permitted to be exported unless the exercise duty or countervailing duty to which such intoxicant is liable, has been paid.

(2) A permit granted under sub-section (1) may be cancelled by the Deputy Commissioner for breach of any terms subject to which it was granted or for any other reason to be recorded in writing:

Provided that no permit shall be cancelled under this sub-section except after giving a reasonable opportunity to the holder of the permit for making any representation against such cancellation and after considering the representation, if any, received.

*[Provided further that nothing contained in this section shall apply to any intoxicant taken out of the Union Territory in the course of export from a customs station as defined in section 2 of the Customs Act, 1962 (Central Act 52 of 1962).

(3) Notwithstanding anything contained in sub-sections (1) and (2), nothing in this Act shall prevent the Deputy Commissioner from issuing a no objection certificate in respect of the articles so exported, a duplicate copy of which shall be produced by the exporter or his authorized agent along with the excisable articles before the Customs Collector, Border Examiner or any officer of Customs or Land Customs duly appointed by the competent authority].

Control and regulation of molasses

[1] [8-A. (1) Except as otherwise provided in sub-sections (2) and (3) and subject to such rules as may be prescribed in this behalf, no person shall import, export, transport, sell or have in his possession any quantity of molasses.

(2) The Government may, by general or special order, authorise any officer to grant licences for the import, or sale of molasses.

(3) The Government may also authorise any officer to grant permits for the transport or possession of molasses.]

Prohibiting of transport of intoxicant

9. The Government may, by notification, prohibit the transport of intoxicants or any kind of intoxicants from any local area into any other local area.

Transport of intoxicant

10. No intoxicant exceeding such quantity as may be prescribed either generally or for any local area, shall be transported, except under a permit issued under section 11.

Permits for transport

11. (1) The Deputy Commissioner or any other person duly empowered by the Government in that behalf may issue a permit for the transport of intoxicants.

(2) A permit under sub-section (1) may be either a general permit for definite periods and kinds of particular intoxicants or a special permit for specified occasions and particular consignments only:

---

1. Inserted by Act 7 of 1972.

* Inserted and deemed to have come into force on and from 23rd April, 2007 vide the Puducherry Excise (Amendment) Act, 2011.

Provided that a general permit shall be granted only to person licensed under this Act and may cover any quantity of liquor transported at any one time not exceeding the quantity specified in the permit.

(3) Every permit under this section shall specify ---

(a) the name of the person authorised to transport intoxicants;

(b) the period for which the permit is to be in force;

(c) the quantity and description of intoxicants for which it is granted; and

(d) any other particulars which may be prescribed.

(4) A permit granted under this section shall extend to and include servants and other persons employed by the grantee and acting on his behalf.

CHAPTER IV

MANUFACTURE, POSSESSION AND SALE

Manufacture etc., of excisable article prohibited except under a licence

12. (1) No person shall, ---

(a) manufacture or collect an intoxicant; or

(b) cultivate hemp plant;

(c) tap a toddy producing tree or draw toddy from any tree; or

(d) construct or work in a distillery or brewery; or

(e) bottle liquor for sale; or

(f) use, keep, or have in possession, any materials, still, utensil, implement or apparatus, whatsoever for the purpose of manufacturing any intoxicant other than toddy,

except under the authority and subject to the terms and conditions of a licence granted by the Excise Commissioner in that behalf or under the provisions of section 17.

(2) A licence granted under this section shall extend to and include servants and other persons employed by the licensee and acting on his behalf.

Possession of excisable articles in excess of the quantity prescribed

13. (1) The Government may, by notification prescribe a limit of quantity for the possession of any intoxicant:

Provided that different limits may be prescribed for different qualities of the same article.

(2) No person shall have in his possession any quantity of any intoxicant in excess of the limit prescribed under sub-section (1), except under the authority and in accordance with the terms and conditions of ---

(a) a licence for the manufacture, cultivation, collection, sale or supply of such article, or

(b) a permit granted by the Deputy Commissioner in that behalf.

Sale of excisable articles without licence prohibited

14. (1) No intoxicant shall be sold except under the authority and subject to the terms and conditions of a licence granted in that behalf:

Provided that, subject to such restrictions and conditions as the Excise Commissioner may by general or special order specify: ---

(a) a person having the right to the toddy drawn from any tree may sell such toddy without a licence to a person licensed to manufacture or sell toddy under this Act;

(b) a cultivator or owner of any plant from which an intoxicating drug is produced may sell without a licence those portions of the plant from which the intoxicating drug is manufactured or produced, to any person licensed under this Act to sell, manufacture or export the intoxicating drug or to any officer, whom the Excise Commissioner may generally or specially authorise.

(2) A licence for sale under sub-section (1), shall be granted ---

(a) by the Deputy Commissioner, if the sale is in an area within his jurisdiction, or

(b) by the Excise commissioner, if the sale is in an area within the jurisdiction, of more than one Deputy Commissioner:

Provided that subject to such conditions as may be determined by the Excise Commissioner, a licence for sale granted under the Excise law in force in any other part of India may be deemed to be a licence granted under this Act.

(3) Nothing in this section shall apply to the sale of any liquor lawfully procured by any person for his private use and sold by him or on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease.

(4) Notwithstanding anything contained in sub-section (1) and (2), no club shall supply liquor to its members on payment of a price or of any fee or subscription except under the authority of and subject to the terms and conditions of a licence granted in that behalf by the Excise Commissioner and on payment of such fees according to a scale of fees to be fixed by the Government in this behalf.

Establishment of distilleries and warehouses

15. (1) The Excise Commissioner may, with the previous sanction of the Government ---

(a) establish a distillery, in which spirit may be manufactured under licence granted under section 12 on such conditions as the Government may impose;

(b) discontinue any distillery so established;

(c) license, on such conditions as the Government deems fit to impose, the construction and working of a distillery or brewery;

(d) license a private bonded warehouse;

(e) establish or licence a warehouse wherein intoxicants may be deposited and kept without payment of duty; and

(f) discontinue any warehouse so established.

(2) A warehouse established under sub-section (1), shall be for general accommodation to warehouse intoxicant subject to duty pending removal for local consumption or for export.

(3) Without the sanction of the Government, no intoxicant shall be removed from any distillery, brewery, warehouse or other place or storage established or licensed under this Act, unless the duty, if any, imposed under this Act has been paid or a bond has been executed for the payment thereof.

Power to grant lease of right to manufacture, etc.

16. (1) The Government may lease to any person, on such conditions and for such period as it may think fit, the exclusive or other right ---

(a) of manufacturing or supplying by wholesale or of both, or,

(b) of selling by wholesale or by retail, or

(c) of manufacturing or supplying by wholesale or of both, and of selling by retail,

any Indian liquor or intoxicating drug within any specified area.

(2) The licensing authority may grant to a lessee under sub-section (1), a licence in the terms of his lease; and when there is no condition in the lease, which prohibits sub-letting may, on the application of the lessee, grant licence to any sub-lessee approved by such authority.

Lessees permission to draw toddy

17. Where a right to manufacture toddy has been leased under section 16, the Government may declare that the written permission of the lessee to draw toddy shall have the same force and effect as a licence under section 12 from the Excise Commissioner for that purpose.

Duties of licensees with regard to measurement and testing

18. Every person, who manufactures or sells any intoxicant under a licence granted under this Act, shall be bound ---

(a) to provide himself with such measures, weights and instruments as the Excise Commissioner may specify and to keep the same in good condition and on the licensed premises, and

(b) on the requisition of the Excise Officer duly empowered in that behalf, at any time to measure, weigh or test any intoxicant in his possession in such manner as the said Excise Officer may require.

Prohibition of employment of children and of women

19. (1) No person, who is licensed to sell any intoxicant for consumption on his premises shall, during the hours in which such premises are kept open for persons, employ or permit to be employed either with or without remuneration, any children under such age as the Government may prescribe in this behalf, in any part of such premises in which such excisable article is consumed by the public.

(2) No person who is licensed to sell any intoxicant for consumption at his premises shall, without the previous permission in writing of the Excise Commissioner or the Deputy Commissioner, during the hours in which such premises are kept open for persons, employ or permit to be employed either with or without remuneration, any woman in any part of such premises in which such excisable article is consumed by the public.

(3) Every permission granted under sub-section (2) shall be endorsed on the licence and may be modified and withdrawn.

Closing of shops for the preservation of public peace

20. (1) The District Magistrate (Independent) may, by notice in writing to the licensee, require that any shops in which any intoxicant is sold shall be closed at such times and for such period as he may think necessary for the preservation of the public peace.

(2) If any riot or any unlawful assembly is apprehended or occurs in the vicinity of any such shop, any Magistrate or any Police Officer not below the rank of a Sub-Inspector, who is present, may require such shop to be kept closed for such period as he may think necessary:

Provided that where a riot or unlawful assembly so occurs, the licensee shall, in the absence of such Magistrate or Officer, close the shop without any order and keep it closed during the continuance of such riot or unlawful assembly:

Provided further that the licensee shall not be entitled to any compensation for the closure of the shops ordered under this section.

CHAPTER V

EXCISE DUTY AND COUNTERVAILING DUTY

Excise duty or countervailing duty on excisable articles

21. (1) The Government may, by notification, levy an excise duty on any excisable article manufactured or produced in the Union territory under any licence or permit granted under this Act at such rate, not exceeding the rates mentioned in Schedule I as may be specified in the notification.

(2) The Government may by notification, levy a countervailing duty on any excisable article manufactured or produced elsewhere in India and imported into the Union territory under a licence or permit granted under this Act at such rates as may be specified in the notification, which may not exceed the rates of excise duty on similar excisable articles levied under sub-section (1).

(3) Different rates may be specified under sub-sections (1) and (2) for different kinds of excisable articles and for different modes of levying duties under section 22.

Modes of levying duties

22. Subject to such rules regulating the time, place and manner, as may be prescribed, the excise duty and countervailing duty under section 21 shall be levied in one or more of the following modes as may be prescribed, namely: -

(a) rateably on the quantity of any excisable article produced or manufactured in or issued from a distillery, brewery, manufactory or warehouse or imported into the Union territory;

(b) in the case of spirits or other liquors produced in any distillery established or any distillery, brewery or manufactory licensed under this Act, in accordance with its quality or strength, or in accordance with such scale of equivalents calculated on the quantity of materials used, or by the degree of attenuation of the wash or work, as the case may be;

(c) in the case of toddy, in the form of a tax on each variety of tree from which toddy is drawn;

(d) by fees on licences in respect of the manufacture or sale of any excisable article.

Excise duty in respect of grant lease

23. Notwithstanding anything contained in sections 21 and 22, the sum accepted in consideration of the grant of any lease relating to any excisable article under section 16, shall be the excise duty or countervailing duty payable in respect of such excisable article in addition to any duty payable under sections 21 and 22.

Tax for tapping trees from whom leviable

24. When duty is levied by way of tax on toddy trees under section 21, and toddy trees are tapped without licence, the tax due shall be recoverable primarily from the tapper or in default by him, from the occupier, if any, of the land, or if the trees do not belong to the occupier of the land, or if the land is not occupied from the person, if any, who owns or is in possession of the tree, unless he proves that the trees were tapped without his consent.

CHAPTER VI

LICENCES AND PERMITS

Form and conditions of licence, etc.

25. (1) Every licence or permit granted under this Act shall be granted on payment of such fees, for such period, and subject to such restrictions on such conditions, and shall be in such form and shall contain such particulars, as may be prescribed.

(2) The conditions prescribed under sub-section (1) may include provision of accommodation by the licensee to Excise Officers at the licensed premises or the payment of rent or other charges for such accommodation at or near the licensed premises, and the payment of the costs, charges and expenses (including the salaries and allowances of the Excise Officers) which the Government may incur in connection with supervision to ensure compliance with the provisions of this Act, the rules made thereunder and the licence.

Power to take security and counterpart agreement

26. Subject to such rules as may be prescribed, any authority granting a licence under this Act may require the licensee ---

(a) to give security for the observance of the terms of his licence, and

(b) to execute a counterpart agreement in conformity with the tenor of his licence.

Technical defects, irregularities and omissions

27. (1) No licence granted under this Act shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the licence or in any proceedings taken prior to the grant thereof.

(2) The decision of the Excise Commissioner as to what is a technical defect, irregularity or omission, shall be final.

Powers to cancel or suspend licence, etc.

28. (1) Subject to such restrictions as the Government may prescribe, the authority granting any licence or permit under this Act may cancel or suspend it, ---

(a) if any duty or fee payable by the holder thereof is not duly paid; or

(b) in the event of any breach by the holder thereof, or by any of his servants or by any one acting on his behalf with his express or implied permission, of any of the terms and conditions thereof; or

(c) if the holder thereof or any of his servants or any one acting on his behalf with his express or implied permission, is convicted of any offence under this Act; or

(d) if the holder thereof is convicted of any cognizable and non-bailable offence or of any offence under the Dangerous Drugs Act, 1930 (Central Act 2 of 1930) or under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (Central Act 16 of 1955) or under the Trade and Merchandise Marks Act, 1958 (Central Act 43 of 1958) or under section 481, 482, 483, 484, 485, 486, 487, 488 or 489 of the Indian Penal Code (Central Act 45 of 1860) or of any offence punishable under section 112 or 144 of the Customs Act, 1962 (Central Act 52 of 1962); or

(e) if the conditions of the licence or permit provide for such cancellation or suspension at will.

(2) Where a licence or permit held by any person is cancelled under clause (a), clause (b), clause (c) or clause (d) of sub-section (a), the authority aforesaid may cancel any other licence or permit granted to such person under this Act or under the Opium Act, 1878(Central Act 1 of 1878).

(3) The holder shall not be entitled to any compensation for its cancellation or suspension nor to the refund of any fee paid or deposit made in respect thereof.

Power to withdraw licence

29. (1) Whenever the authority which granted any licence under this Act considers that such licence should be withdrawn for any cause other than those specified in section 28, it may withdraw the licence on the expiration of not less than thirty days' notice in writing of its intention to do so.

(2) When a licence is withdrawn under sub-section (1), a part of the licence fee proportionate to the unexpired portion of the term of the licence and the deposit made by the licensee in respect thereof shall be refunded to him after deducting the amount due from him to the Government.

Surrender of licence

30. (1) Any holder of a licence granted under this Act to sell an excisable article may surrender his licence on the expiration of one month's notice in writing given by him to the Excise Commissioner of his intention to surrender the same and on payment of the fee payable for the licence for the remainder of the period for which it would have been current but for such surrender:

Provided that if the Excise Commissioner is satisfied that there is sufficient reason for surrendering a licence, he may remit the sum so payable on surrender of any portion thereof.

(2) Sub-section (1) shall not apply in the case of any licence granted under section 16.

CHAPTER VII

OFFENCES AND PENALTIES

Penalty for illegal import, etc.

*[31. Whoever in contravention of this Act, or of any rule, notification or order made, issued or passed thereunder, or of any licence or permit granted under his Act, ---

(a) imports, exports, transports, manufactures, collects or possesses any intoxicant; or

(b) save in the cases provided for in section 36, sells any intoxicant; or

(c) cultivates or fails to take the measures prescribed for checking the spontaneous growth or for the extirpation of the hemp plant; or

(d) taps or draws toddy from any toddy producing tree; or

(e) constructs or works any distillery or brewery; or

(f) uses, keeps or has in his possession any materials, still, utensil, apparatus or implement whatsoever for the purpose of manufacturing any intoxicant other than toddy; or

(g) removes any intoxicant from any distillery, brewery or warehouse licensed, established or continued under this Act; or

(h) bottles any liquor.

shall, on conviction, be punished with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and shall also be liable to fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees].

Penalty for rendering denatured spirit fit for human consumption

32. Whoever, ---

(a) renders fit for human consumption any spirit, which has been denatured; or

---

* Amended by Act 3 of 1989 section 2, w.e.f 25.4.89.

(b) has in his possession any spirit in respect of which he knows, or has reason to believe that any such offence has been committed or that an attempt to commit such an offence has been made;

shall on conviction, be punished *[with rigorous imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees].

Explanation : -- For the purpose of this section, it shall be presumed, unless the contrary is proved, that any spirit which is proved on chemical analysis to contain any quantity or any of the prescribed denaturants, is, or contains, or has been derived from denatured spirit.

Penalty for illegal possession

33. Whoever, without lawful authority has in his possession any quantity of an intoxicant knowing the same to have been unlawfully imported, transported, manufactured, cultivated or collected, or knowing the prescribed duty not to have been paid thereon, shall, on conviction, be punished **[with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees]

Penalty for offence not otherwise provided for

34. Whoever does any act in contravention of any of the provisions of this Act, or of any rule, notification or order, made, issued or passed thereunder, and not otherwise provided for in this Act, shall, on conviction, be punished with fine ***[which shall not be less than two thousand rupees but which may extend to twenty thousand rupees].

Penalty for misconduct of licensee, etc.,

35. (1) Whoever, being the holder of a licence or permit granted under this Act, or being in the employ of such holder and acting on his behalf ---

(a) fails to produce such licence or permit on the demand of any Excise Officer or of any other person duly empowered to make such demand; or

---

* Amended by Act 3 of 1989 section 3, w.e.f 25.4.89.

** Amended by Act 3 of 1989, section 4, w.e.f 25.4.89.

*** Amended by Act 3 of 1989, section 5, w.e.f 25.4.89.

(b) wilfully does or omits to do, anything in breach of any of the conditions of his licence, or permit, not otherwise provided for in this Act; or

(c) save in a case provided for by section 31 wilfully contravenes any rule made under section 70; or

(d) permits drunkenness, disorderly conduct or gaming in any place wherein any intoxicant is sold or manufactured; or

(e) permits or suffers persons whom he knows or has reason to believe to have been convicted of any non-bailable offence, or who are reputed prostitutes or habitual offenders, to resort to, or assemble or remain in or on the premises where any excisable article is sold or manufactured; or

(f) sells any intoxicant to a person who is drunk; or

(g) sells or gives any intoxicant to any child apparently under eighteen years of age or permits or suffers such child to remain in or on the premises where any excisable article is sold, or manufactured; or

(h) in contravention of section 19 employs or permits to be employed on any part of his licensed premises referred to in that section any child or woman;

shall, on conviction, be punished *[with rigorous imprisonment for a term which shall not be less than one month but which may extend to one year and with fine which shall not be less than five thousand rupees but which may extend to fifty thousand rupees].

(2) Where any holder of a licence or permit under this Act or any person in his employ or acting on his behalf is charged with permitting drunkenness on the premises of such holder, and it is proved that any person was drunk on such premises, it shall lie on the person charged to prove that the holder of the licence and the persons employed by him took all reasonable steps for preventing drunkenness on such premises.

---

* Amended by Act 3 of 1989 w.e.f 25.4.89.

Penalty for adulteration, etc., by licensed vendor or manufacturer

36. (1) Whoever, being the holder of a licence for the sale or manufacture of any intoxicant under this Act, or a person in the employ of such holder mixes or permits to be mixed with the intoxicant sold or manufactured by him, any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength, or any article prohibited by any rule made under this Act, when such admixture does not amount to an offence of adulteration under section 272 of the Indian Penal Code, 1860 (Central Act 45 of 1860) shall, on conviction, be punished *[with rigorous imprisonment for a term which shall not be less than one month but which may extend to one year and with fine which shall not be less than five thousand rupees but which may extend to fifty thousand rupees]

(2) Whoever, being the holder of a licence for the sale or manufacture of any intoxicant under this Act, or a person in the employ of such holder, ---

(a) sells or keeps or exposes for sale as foreign liquor, liquor which he knows or has reason to believe to be Indian liquor; or

(b) marks any bottle or the cork of any bottle, case, package, or other receptacle containing Indian liquor, or uses any bottle, case, package or other receptacle containing Indian liquor, with any mark thereon or on the cork thereof, with the intention of causing it to be believed that such bottle, case, package or other receptacle contain foreign liquor, when such act shall not amount to the offence of using a false trade mark with intention to deceive or injure any person under section 482 of the Indian Penal Code (Central Act 45 of 1860); or

(c) sells or keeps or exposes for sale any Indian liquor in a bottle, case, package or other receptacle with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of selling goods marked with counterfeit trade mark under section 486 of the Indian Penal Code (Central Act 45 of 1860);

shall, on conviction, be punished *[with rigorous imprisonment for a term which shall not be less than one month but which may extend to one year and with fine which shall not be less than five thousand rupees but which may extend to fifty thousand rupees].

* Amended by Act 3 of 1989 w.e.f 25.4.89.

Penalty for consumption in Chemist's shop, etc.

37. (1) A chemist, druggist, apothecary or keeper of a dispensary, who allows any intoxicant which has not been **bona fide** medicated for medicinal purposes to be consumed on his business premises, by any person shall, on conviction, be punished *[with rigorous imprisonment for a term which shall not be less than one month but which may extend to one year and with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees].

(2) Any person not employed as aforesaid, who consumes any such intoxicant on such premises shall on conviction, be punished with fine *[which shall not be less than two thousand rupees but which may extend to twenty thousand rupees].

Penalty for allowing premises, etc., to be used for the purpose of committing an offence under this Act

[1] [37-A. Whoever, being the owner or occupier or having the use or care or management or control of any place, room, enclosure, space, vessel, vehicle knowingly permits it to be used for the purpose of commission by any other person of an offence punishable under section 31, 32, 33, 35 or 36 shall, on conviction, be punished as if he has committed the offence punishable under the appropriate section.]

Manufacture, sale or possession by one person on account of another

38. (1) Where any intoxicant has been manufactured or sold or is possessed by any person on account of any other person and such other person known or has reason to believe that such manufacture or sale was or that such possession is, on his account, the article shall, for the purposes of this Act, be deemed to have been manufactured or sold by or to be in the possession of such other person.

(2) Nothing in sub-section (1) shall absolve any person, who manufactures, sells or has possession of any intoxicant on account of another person from liability to any punishment under this Act for unlawful manufacture, sale or possession of such article.

---

* Amended by Act 3 of 1989 w.e.f 25.4.89.

1. Inserted by Act 7 of 1972.

Presumption as to commission of offence in certain cases

39. In prosecutions under section 31 or section 33, it shall be presumed, until the contrary is proved, that the accused person has committed the offence punishable under that section in respect of ---

(a) any intoxicant; or

(b) any still, utensil, implement or apparatus whatsoever in the manufacture of any intoxicant other than toddy; or

(c) any materials which have undergone any process towards the manufacture of an intoxicant or from which an intoxicant has been manufactured,

for the possession of which he is unable to account satisfactorily.

Criminal liability of licensee for acts of servants

40. Where any offence under section 31, section 32, section 33, section 35 or section 36 is committed by any person in the employ and acting on behalf of the holder of a licence or permit granted under this Act, such holder shall also be punishable as if he had committed himself the said offence, unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence:

Provided that no person other than the actual offender shall be punishable under this section with imprisonment, except in default of payment of fine.

Enhanced punishment after previous conviction

41. If any person, after having been previously convicted of an offence punishable under section 31, section 32, section 33, section 36 or section 37 or under the corresponding provisions of any enactment repealed by this Act, subsequently commits and is convicted of an offence punishable under any of these sections, he shall be liable to twice the punishment which might be imposed on a first conviction under this Act:

Provided that nothing in this section shall prevent any offence which might otherwise have been tried summarily under Chapter XXII of the Code of Criminal Procedure, 1898 from being so tried.

Liability of certain things to confiscation

42. Whenever an offence has been committed which is punishable under this Act, the following things shall be liable to confiscation, namely: -

(a) any intoxicant, materials, still, utensil, implement or apparatus in respect of, or by means of which such offence has been committed;

(b) any intoxicant lawfully imported, transported, or manufactured, and held in possession or sold alongwith, or in addition to, any intoxicant liable to confiscation under clause (a); and

(c) any receptacle, package, or covering in which anything liable to confiscation under clause (a) or clause (b), is found, and the other contents, if any, of such receptacle, package or covering and any animal, vehicle , vessel, raft or other conveyance used for carrying the same;

Provided that, if anything specified in clause (c) is not the property of the offender, it shall not be confiscated if the owner thereof had no reason to believe that such offence was being or was likely to be committed.

Order of confiscation

43. (1) Where in any case tried by him, the Magistrate decides that anything is liable to confiscation under section 42, he may either order confiscation or may give the owner of the thing liable to be confiscated an option to pay in lieu of confiscation such fine as the Magistrate thinks fit.

(2) When an offence under this Act has been committed, but the offender not known or cannot be found, or when anything liable to confiscation under this Act, and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Excise Commissioner or by any other officer authorised by the Government in that behalf, who may order such confiscation:

Provided that no such order shall be made until the expiration of one month from the date of seizing the goods intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and the evidence, if any, which they produce, in support of their claims:

Provided further that if the thing in question is liable to speedy and natural decay, or if the Excise Commissioner or by any other officer authorised by the Government in this behalf is of opinion that the sale would be for the benefit of its owner, he may, at any time, direct it to be sold and the provisions of this section shall, as nearly as may be practicable, apply to the net proceeds of such sale.

Compounding of offences

44. (1) The Excise Commissioner, *[and subject to such conditions as may be prescribed] the Deputy Commissioner, or any other Excise Officer specially empowered in that behalf may accept from any person whose licence or permit is liable to be cancelled or suspended under clause (a) or clause (b) of sub-section (1) of section 28 or who is reasonably suspected of having committed an offence under *[clauses (b) to (h) of section 31], section 32, section 33, section 34, section 35 or sub-section (2) of section 36, a sum of money not exceeding *[one lakh rupees] and subject to such minima as may be prescribed, in lieu of such cancellation or suspension or by way of compensation for the offence which may have been committed, as the case may be; and in all cases in which any property has been seized as liable to confiscation under this Act, may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such person of such sum of money or such value or both, as the case may be, such person, if in custody, shall be set at liberty and all the property seized may be released and no proceedings shall be instituted against such person in any Criminal Court. The acceptance of compensation shall be deemed to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same act.

Penalty on Excise Officer making vexatious search, seizure, detention or arrest

45. Any Excise Officer or other person who vexatiously and without reasonable ground for suspicion ---

(a) enters or searches or causes to be entered or searched any closed place under colour of exercising any power conferred by this Act, or

(b) seizes the movable property of any person on the pretext of seizing or searching for any article liable to confiscation under this Act, or

(c) searches, detains or arrests any person, or

(d) in any other way exceeds his lawful powers under this Act,

---

* Amended by Act 3 of 1989 w.e.f 25.4.89.

---

shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalty for Excise Officer refusing to do duty

46. Any Excise Officer, who, without lawful excuse shall cease or refuse to perform or withdraws himself from, the duties of his office, unless expressly allowed to do so in writing by the Excise Commissioner, or unless he shall have given to his official superior officer two months' notice in writing of his intention to do so, or who shall be guilty of cowardice, shall, on conviction, be punished with imprisonment, which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay

47. Any officer or person exercising powers under this Act, who vexatiously and unnecessarily delays forwarding to the nearest Excise Officer or to the officer in charge of the nearest police station as required by sub-section (2) of section 58 any person arrested, shall, on conviction, be punished with fine which may extend to two hundred rupees.

Penalty for abetment of escape of persons arrested, etc.

48. Any officer or person who unlawfully releases or abets the escape of any person arrested under this Act or abets the commission of any offence against this Act, or acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or contravened or the excise revenue may be defrauded and any officer of any other Department referred to in section 49 who abets the commission of any offence, against this Act in any place, shall, on conviction, for every such offence, be punished *[with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine which shall not be less than five thousand rupees but which may extend to fifty thousand rupees].

---

* Amended by Act 3 of 1989 w.e.f 25.4.89.

CHAPTER VIII

DETECTION, INVESTIGATION AND TRIAL OF OFFENCES

Landholders, officers and others to give information

49. (1) Whenever any intoxicant is manufactured or collected, or any hemp plant is cultivated, in or on any land or building, in contravention of this Act -

(a) all owners and occupiers of such land or building or their agent, and

(b) (i) Village Karnams or the peons working under them,

(ii) all officers (other than Excise Officers), employed in the collection of revenue or rent of land on behalf of the Government, or a local authority in the locality in which such land or building is situated, shall, in the absence of reasonable excuse, be bound to give notice of the fact to a magistrate or to an officer of the Excise or Police or Revenue Department as soon as the fact comes to their knowledge.

(2) Every Excise Officer shall be bound to give immediate information either to his immediate official superior or to an Excise Inspector, of all breaches of any of the provisions of this Act, which may come to his knowledge under sub-section (1) or otherwise.

(3) All such officers, or servants as are referred to in sub-section (1) shall be bound ---

(a) to take all reasonable measures in their power to prevent the commission of such breaches which they may know, or have reason to believe are about or likely to be committed; and

(b) to assist the Excise Commissioner in carrying out the provisions of this Act.

Power to enter and inspect places of manufacture and sale

50. The Excise Commissioner or a Deputy Commissioner or any other Excise Officer not below such rank as may be prescribed, or any Police Officer duly empowered in that behalf, may ---

(a) enter and inspect, at any time, by day or by night, any place in which any licensed manufacturer, manufacturers or stores any intoxicant, and

(b) enter and inspect at any time within the hours during which sale is permitted, and at any other time during which the same may be open, any place in which any intoxicant is kept for sale by any person holding a licence under this Act; and

(c) examine the accounts and registers, and examine, test, measure or weigh any materials, stills, utensils, implements, apparatus, or intoxicant found in such place.

Power to arrest without warrant, to seize articles liable for confiscation and to make searches

51. (1) Any officer of the Government employed in the Excise, Police or Revenue Department of the Union territory, subject to such restrictions as may be prescribed, and any other person duly empowered, may --

(a) arrest without warrant any person found committing an offence punishable under section 31, section 32, section 33 section 35 or section 36;

(b) seize and detain any excisable or other article which he has reason to believe to be liable to confiscation under this Act, or any other law for the time being in force, relating to excise revenue; and

(c) detain and search any person upon whom, and any vessel, raft, vehicle, animal, package, receptacle or covering in or upon which, he may have reasonable cause to suspect any such article to be.

(2) When any person is accused or is reasonably suspected of committing an offence under this Act, other than an offence under section 31, section 32, section 33, section 35 or section 36 and on demand of any such officer as aforesaid, refuses to give his name and residence or gives a name and residence which such officer has reason to believe is false, he may be arrested by such officer, in order that his name and residence may be ascertained.

Power of magistrate to issue a warrant

52. If a magistrate, upon information and after such enquiry (if any) as he thinks necessary, has reason to believe that an offence under section 31, section 32, section 33, section 35 or section 36 has been, is being, or is likely to be, committed, he may issue a warrant ---

(a) for the search of any place in which he has reason to believe that any intoxicant, still, utensil, implement, apparatus or materials which are used for the commission of such offence or in respect of which such offence has been is being, or is likely to be, committed, are kept or concealed, and

(b) for the arrest of any person whom he has reason to believe to have been, to be, or to be likely to be, engaged in the commission of any such offence.

Power to search without warrant

53. Whenever the Excise Commissioner or a Deputy Commissioner or any police officer not below the rank of an officer in-charge of a police station *[duly empowered in that behalf] or any Excise Officer not below the rank of Excise Sub-Inspector, has reason to believe that an offence under section 31, section 32, section 33, section 35, or section 36 has been, is being, or is likely to be, committed, and that a search warrant cannot be obtained without affording the offender an opportunity of escape or of concealing evidence of the offence, he may, after recording the grounds of his belief ---

(a) at any time by day or by night enter and search any place and seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and

(b) detain and search, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of such offence as aforesaid.

* Amended by Act 3 of 1989 w.e.f 25.4.89.

Power of Excise Officers in matters of investigation

54. (1) Any Excise Inspector or any Excise Officer not below such rank and within such specified area as the Government may, by notification, prescribe, may, as regards offences under section 31, section 32, section 33, section 35 or section 36, exercise powers conferred on an officer in charge of a police station by the provisions of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898):

Provided that any such power shall be subject to such restrictions and modifications, if any, as the Government may prescribe.

(2) For the purposes of section 156 of the said Code, the area in regard to which an Excise Inspector is empowered under sub-section (1), shall be deemed to be a police station and such officer shall be deemed to be the officer in charge of such station.

Report by Investigating Officer

55. If, on any investigation by an Excise Inspector or an Excise Officer empowered under sub-section (1) of section 54, it appears that there is sufficient evidence to justify the prosecution of the accused, the Investigating Officer, shall submit a report which shall, for the purposes of section 190 of the Code of Criminal Procedure 1898 (Central Act 5 of 1898), be deemed to be a police report, to a Magistrate having jurisdiction to inquire into or try the case and empowered to take cognizance of offences on police reports.

Report by Excise Officer

56. Where any Excise Officer below the rank of an Excise Inspector makes any arrest, seizure or search under this Act, he shall, within twenty four hours thereafter ---

(a) make a full report of all the particulars of the arrest, seizure search to his immediate official superior, and

(b) unless bail be accepted under section 58, take or send the person arrested or the thing seized, with all convenient despatch, to a Magistrate for trail or adjudication.

Arrest, search, etc., how to be made

57. Any person arrested under this Act shall be informed, as soon as may be, of the grounds for such arrest and save as in this Act otherwise expressly provided, the provisions of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) relating to arrests, detention in custody, searches, summonses, warrants of arrests, search warrants, the production of persons arrested and the disposal of things seized, shall apply, as far as may be, to all action taken in these respects under this Act.

Security for appearance in case of arrest without warrant

58. (1) The Government may, by notification, empower any Excise Officer to release on bail, persons arrested under this Act, otherwise than on a warrant.

(2) When a person is arrested under this Act, otherwise than on a warrant, by a person or officer who is not authorised to release arrested persons on bail, he shall be produced before or forwarded to, ---

(a) the nearest Excise Officer who has authority to release arrested persons on bail, or

(b) the nearest officer in charge of the police station, whoever is nearer.

(3) Whenever any person arrested under this Act, otherwise than on a warrant, is prepared to give bail, and is arrested by or produced in accordance with sub-section (2) before an officer who has authority to release arrested persons on bail, he shall be released on bail or at the discretion of the officer releasing him, on his own bond.

(4) The provisions of sections 490 to 502, section 513, section 514 and section 515 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), shall apply, so far as may be, in every case, in which bail is accepted or, bond taken under this section.

Procedure for prosecution

59. No Magistrate shall take cognizance of an offence punishable ---

(a) under section 34 or section 37 except on the complaint or report of the Deputy Commissioner or of an Excise Officer authorised by the Government in this behalf, or

(b) under any other section of this Act other than section 45 of section 47, except on his own knowledge or suspicion or on the complaint or report of *[an excise officer or a police officer duly authorised in that behalf].

CHAPTER IX

APPEALS AND REVISION

Appeals

60. (1) Any person aggrieved by an order passed by any officer other than the Excise Commissioner or Deputy Commissioner under this Act, may, within sixty days from the date of communication of such order, appeal to the Deputy Commissioner.

(2) Any person aggrieved by an order passed by the Deputy Commissioner under this Act, may, within ninety days from the date of communication of such order, appeal to the Excise Commissioner.

(3) Any person aggrieved by an order passed by the Excise Commissioner whether on appeal under sub-section (2) or otherwise, may, within ninety days from the date of communication of such order, appeal to the Government.

(4) Subject to the foregoing provisions, appeals under this section, shall be subject to the rules which the Government may make in this behalf.

Revision

61. The Government may call for and examine the records of any proceedings before any officer including those relating to the grant or refusal of a licence, or permit, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed in, and as to the regularity of such proceedings and may either annul, reverse, modify or confirm such order or pass such other order as it may deem fit:

---

* Amended by Act 3 of 1989 w.e.f 25.4.89.

Provided that no order shall be annulled, reversed or modified except after giving a reasonable opportunity of being heard to the person affected by that order.

CHAPTER X

MISCELLANEOUS

Recovery of Government dues

62. (1) The following moneys, namely: -

(a) all excise revenue,

(b) any loss that may accrue when, in consequence of default, a lease under section 16 has been taken under management by the Deputy Commissioner, or has been re-sold by him, and

(c) of amounts due to the Government by any person on account of any contract relating to the excise revenue,

may be recovered from the person primarily liable to pay the same or from his surety, if any, as if they were arrears of land revenue.

(2) When a lease has been taken under management by the Deputy Commissioner, or has been resold by him, the Deputy Commissioner may recover in the manner authorised by sub-section (1), any money due to the defaulter by any lessee or assignee.

Government lien on property of defaulters

63. In the event of default by any person licensed or holding lease under this Act, all his distillery, brewery or warehouse or shop or premises, fittings or apparatus, and all stocks of intoxicants or materials for the manufacture of the same held in or upon any distillery, brewery, warehouse or shop or premises, shall be liable to be attached in satisfaction of any claim for excise revenue, or in respect of any losses incurred by the Government through such default and to be sold to satisfy such claim which shall be a first charge upon the sale proceeds.

Recovery of dues by lessee under section 16

64. Any person to whom a lease has been granted in accordance with the provisions of section 16, may, in a case where sub-letting is not forbidden by the terms of the lease, proceed against any person holding under him for the recovery of any money due in respect of such sub-lease as if it were an arrear of rent recoverable under the law for the time being in force with regard to landlord and tenant:

Provided that nothing in this section shall affect the right of any such grantee to recover any such money by a civil suit.

Refund in cases of exported liquor

65. Where excise duty has been levied in respect of the manufacture or production of any liquor in the Union territory and such liquor is subsequently exported to any other state in India and is subjected to excise or countervailing duty in that state, the Excise Commissioner may on production of proof of such payment of duty, grant refund of duty already paid to such extent as the Government may prescribe:

Provided that where the Government so directs, the Excise Commissioner may, permit during such period or periods as may be specified in such direction, the export of any liquor on which excise duty is payable, on the furnishing of adequate security for payment of the excise duty due thereon; and, on production of proof of payment of countervailing duty on such liquor in any other State give rebate to the extent prescribed under this section and collect the balance of the excise duty.

Power of Government to exempt, etc.

66. The Government may, by notification, and subject to such restrictions and conditions, as may be specified in such notification, ---

(a) exempt, reduce or remit either in whole or in part *[prospectively or retrospectively] the excise duty levied under section 21 on any liquor sold,

(i) for use or consumption by the members of the Armed Forces of the Union; or

(ii) for use for *bona fide* medicinal, scientific, industrial or such like purpose;

(b) exempt any intoxicant from any of the provisions of this Act, other than those of chapter V, in any specified area or for any specified period or occasion.

---

* Amended and deemed to have come into force on and from 23rd April, 2007 vide the Puducherry Excise (Amendment) Act, 2011.

Protection of action taken under this Act

67. No suit or other legal proceedings shall lie against the Government or any Excise Officer or any other person empowered to exercise powers or to perform the functions under this Act for anything in good faith done or intended to be done under this Act.

Limitation of suits

68. No suit shall lie against the Government or against any Excise Officer, other than a suit by the Government, in respect of anything done or alleged to have done in pursuance of this Act, unless the suit is instituted within six months from the date of the act complained of.

Offences by companies, etc.

69. (1) If the person committing of an offence under this Act, is a company, the company as well as every person in-charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence 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 exercise all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence 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 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.

Power to make rules

70. (1) The Government may, by notification and after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Government may make rules ---

(a) prescribing the powers and duties of Excise Officers;

(b) prescribing the time and manner of presenting appeals and the procedure for dealing with appeals;

(c) regulating the import, export, transport, manufacture, cultivation, collection, possession, supply or storage of any intoxicant and may, by such rules, among other matters --

(i) regulate the tapping of toddy producing trees, the drawing of toddy from such trees, the marking of same, and the maintenance of such marks,

(ii) declare the process by which spirit shall be denatured and the denaturation of spirit ascertained; and

(iii) cause spirit to be denatured through the agency or under the supervision of its own officers;

(d) regulating the periods and localities in which, and the persons or classes of persons to whom, licences for the wholesale or retail sale of any intoxicant may be granted and regulating the number of such licences which may be granted in any local area;

(e) prescribing the procedure to be followed and the matters to be ascertained before any licence for such sale is granted for any locality;

(f) regulating the time, place and manner of payment of any duty or fee and the taking of security for the due payment of any duty or fee;

(g) prescribing the authority by which, the form in which and the terms and conditions on and subject to which any licence or permit shall be granted, and may, by such rules, among other matters, ---

(i) fix the period for which any licence or permit shall continue in force;

(ii) prescribe the scale of fees, or the manner of fixing the fees payable in respect of any lease, licence or permit, or the storing of any excisable article;

(iii) prescribe the amount of security to be deposited by the holders of any licence or permit for the performance of the conditions of the same;

(iv) prescribe the accounts to be maintained and the returns to be submitted by licence holders;

(v) prohibit or regulate the transfer of licences; and

(vi) prescribe the ages under which it shall be unlawful to employ children and to sell or give to children excisable articles;

(h) providing for the destruction or other disposal of any intoxicant deemed to be unfit for use;

(i) regulating disposal of confiscated articles;

(j) regulating the grant of expenses to witnesses and to persons charged with offences under this Act, and subsequently released or acquitted;

(k) regulating the power of Excise Officers to summon witnesses;

(l) prescribing the rent payable to the Government in respect of toddy trees from which toddy is drawn;

[1] [(11) regulating the import, export, transport, sale or possession of molasses;]

(m) any other matter that may be prescribed under this Act.

*****[2-A. All rules made under this Act and published in the official gazette shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

2-B. All notification issued under this Act and published in the official gazette shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.]

(3) Every rule made under this Act shall, as soon as may be after it is made, 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 into two or more successive sessions, and if before the expiry of the session in which it is so laid, or the sessions immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made or issued, 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.

---

1. Inserted by Act 7 of 1972.

* Inserted vide the Puducherry Excise (Amendment) Act, 2011.

Power to amend the schedule

*[70A. (1) The Government may by notification, alter, add to or cancel the Schedule I.

(2) Where a notification has been issued under sub-section (1), there shall, unless, the notification is in the meantime rescinded, be introduced in the Legislative Assembly as soon as may be, but in any case during the next session of the Legislative Assembly following the date of the issue of the notification, a Bill on behalf of the Government to give effect to the alternation, addition or cancellation, as the case may be, of the Schedule I and the notification shall cease to have effect when such Bill becomes law, whether with or without modifications, but without prejudice to the validity of anything previously done thereunder:

Provided that if the notification under sub-section (1) is issued when the Legislative Assembly is in session, such a Bill shall be introduced in the Legislative Assembly during that session:

Provided further that where for any reasons a Bill as aforesaid does not become law within six months from the date of its introduction in the Legislative Assembly, the notification shall cease to have effect on the expiration of the said period of six months.

(3) All references made in this Act to the Schedule I shall be construed as relating to the said Schedule as for the time being amended in exercise of the powers conferred by this section].

Repeal and savings

71. (1) As from the commencement of this Act, any law in force in the Union territory including the Deliberations, Arrete and the Act specified in Schedule II, in so far as it makes provisions for matters covered by his Act, shall stand repealed.

(2) Nothing in sub-section (1) shall affect –

(a) the previous operation of the corresponding law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the corresponding law so repealed; or

* Amended by Act 3 of 1989 w.e.f 25.4.89.

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding 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 had not been passed.

(3) Subject to the provisions of sub-section (2), anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, any rule or form framed, certificate obtained, patent, permit or licence granted, or registration effected) under the corresponding law shall be deemed to have been done or taken under this Act.

SCHEDULE – I

(*See* section 21)

Sl. No.	Description of excisable articles	Mode of levying duty	Maximum rate of duty	++[Maximum rate of Additional Duty
(1)	(2)	(3)	(4)	(5)
1.	Spirituous liquors, liquors whether Indian made or foreign manufactured or imported in the Union territory, rectified or semi-rectified spirit and arrack patte.	On the quantity issued.	+[Rs.150 per proof litre of alcohol]	Rs.750 per bulk litre of IMFL
2.	'Wine' cider and Perrys.	On the quantity issued.	Rs.24 per bulk hecto-litre	Rs.750 per bulk litre of Wine
3.	Beer.	On the quantity issued.	Rs.*[500] per bulk hecto-litre.	Rs.50 per bulk litre of Beer]
4.	Denatured spirit, methylated spirit.	On the quantity issued.	Rs.50 per bulk hecto-litre.	
5.	Toddy.	On each variety of the following trees per year. 1. Cocoanut tree 2. sago palm 3. Palm 4. Date	 Rs. 18 per tree. Rs. 36 per tree. Rs. 6 per tree. Rs. 6 per tree.	
6.	Bottled toddy.	On the quantity issued.	Rs. 60 per bulk hecto litre.	

++ Inserted vide Amendment Act 8 of 2007 w.e.f 23.04.07.
+ Amended vide Act 5 of 2000 w.e.f 10.3.2000.
* Amended vide Act 8 of 1999 w.e.f 31.3.1999.

SCHEDULE – II

(Section 71)

Sl. No.	Deliberations	Arrete and Act.		
1.	Deliberations dated	14. 1.1906	Promulgated by Arrete dated	28. 3.1907
2.	"	24.12.1908	"	2. 2.1910
3.	"	23.12.1911	"	22. 9.1912
4.	"	30.12.1911	"	2.10.1912
5.	"	1.10.1913	"	22.11.1916
6.	"	13.12.1917	"	26.10.1918
7.	"	22.11.1918	"	11.11.1919
8.	"	25.11.1919	"	3.11.1920
9.	"	20.12.1922	"	9. 6.1923
10.	"	10.12.1923	"	28. 6.1924
11.	"	30.11.1925	"	20. 5.1926
12.	"	1.10.1952	"	9.12.1952
13.	"	…	Arrete dated	26. 7.1962
14.	Puducherry Alcoholic Liquors Consumption Duty (Amendment) Act, 1966 (Act No. 5 of 1966).			

———

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 12 OF 1970

There is no comprehensive Excise law in force in this Union territory at present. A set of French deliberations deal with toddy, while another set deals with arrack, and so on. Inspite of their large number, the existing deliberations are not able to cope with present day needs. For instance, except doubling of consumption duty in 1965, no revision of fees under the deliberation has been effected since de jure transfer. Besides, under the present set-up, no export duty can be levied on the excisable articles and similarly no duty can be levied on the import of denatured spirit. Thus the Administration is losing a sizable revenue under these items. The upward revision and levy of fees under these items have become imperative now in the context of raising the additional resources for the implementation of the Fourth Five Year Plan.

The deliberations now in force do not provide for on the spot arrest of the accused by the Excise Officers. So, in many cases, it so happens that the accused give false names and escape the clutches of law. Further, the deliberations do not provide for a deterrent punishment, as imprisonment can be given only in default of payment of fines. This has been commented upon by the Committee on Estimates also.

It has therefore become necessary to undertake a comprehensive legislation relating to production, manufacture, possession, import, export, transport, purchase and sale of liquors and the levy of duties of excise due thereon.

The Bill seeks to achieve the above objects.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 7 OF 1972

The Molasses Control Order, 1961 was extended to this Union territory on 7.6.1965. It was decided to frame rules after obtaining legislative authority under the Excise Act. When the question of framing of rules on the subject was taken up, it was felt that this could be done only after making suitable amendments to the Excise Act. It is therefore been decided to insert a new definition 2 (20-A) and a new section 8-A for the purpose. Besides, it has been considered necessary to insert a new section 37-A for providing for penalty for allowing one's premises, vehicles, etc. to be uses for the purpose of committing an offence under the Act. Schedule-I is also amended with a view to empower the Government to levy excise duty on the bottled toddy produced locally.

The Bill seeks to achieve the above objects.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 3 OF 1989

The Puducherry Excise Act, 1970 (No.12 of 1970) in Chapter VII provides for offences and penalties. The penalties provided for various offences are not adequate. Even where the offences are compoundable, the maximum compounding fee, which can be levied has been fixed at Rs.1,000 only. These inadequate penalties have no deterrent effect against the commission of offences, violating the provisions of the above said Act. The liquor trade being a spurious one having bearing on the health of the people, it is felt necessary to make the penalties under the Excise Act stringent to have the deterrent effect on the offenders. It is therefore proposed to amend the penal provisions of the Puducherry Excise Act with a view to enhance the terms of imprisonment and the amount of fine leviable for different offences and also prescribe in appropriate cases mandatory minimum punishment of imprisonment and fine. It is also felt necessary to provide for empowering the police officers to conduct searches without warrant under section 53 and to file complaint for prosecution under section 59 (b). It is further proposed to enhance the maximum limit of excise duty provided for against item No.1 of the Schedule I from Rs.2,700 to Rs.6,000. For timely revision of excise duties, it is proposed to take power to amend the Schedule by a notification subject to passing of legislation subsequently to carry out the amendment made by the notification in the Schedule I.

The Bill seeks to achieve the above objects.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 8 OF 2007

It was announced in the budget speech for the year 2007-2008 by the Chief Minister that Additional Excise Duty/Additional Countervailing Duty on IMFL, Wine and beer will be introduced in lieu of sales tax. Pursuant to the announcement, Government have issued a notification under section 70A of the Puducherry Excise Act, 1970 (12 of 1970) making an amendment to Schedule-I to the said Act providing the maximum rate of Additional Duty upto Rs.750 per bulk litre on IMFL and Wine and maximum rate of Additional Duty upto Rs.50 per bulk litre on Beer, to accommodate the subsequent increase of rates in future, if any. As required under the first proviso to sub-section (2) of section 70-A of the said Act, a bill to give effect to the above amendment to Schedule-I, is introduced in the Legislative Assembly.

The Bill seeks to achieve the above objects.

———

STATEMENT OF OBJECTS AND REASONS FOR EXCISE (AMENDMENT) ACT 2011

In order to provide a uniform law relating to the production, manufacture, possession, import, export, transport, purchase and sale of liquor and intoxicants and the levy of duties of excise thereon in the Union territory of Puducherry, the Puducherry Excise Act, 1970 was enacted on 3rd June 1970. Entry 51 of list II of Seventh Schedule to the Constitution empowers the States to collect duties of excise on the goods of alcoholic liquor for human consumption manufactured or produced elsewhere in India. It was announced in the Budget Speech for the year 2007-2008 that Sales Tax on IMFL and Beer is abolished and in lieu thereof, additional excise duty was imposed for mobilising additional revenue to the exchequer. In order to have better implementation of the rules certain modifications and amendments are required to be carried out in the relevant sections of the Puducherry Excise Act, 1970.

The Bill seeks to achieve the above objects.

———

THE PUDUCHERRY TOWN AND COUNTRY PLANNING ACT, 1969
(No. 13 of 1970)

ARRANGEMENT OF SECTIONS

CHAPTER I
Preliminary

SECTION

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

Puducherry Town and Country Planning Board

3. Puducherry Town and Country Planning Board.
4. Term of office and conditions of service of Chairman and members of the Town and Country Planning Board.
4A. No disqualification on certain cases.
5. Functions and powers of the Board.
6. Meetings of the Board.
7. Appointment of Committees by the Board.

CHAPTER III

Planning areas, Senior Town Planner and Planning Authorities.

8. Declaration of Planning areas, their amalgamation, sub-division and inclusion of any area with Planning area.
9. Powers to withdraw a planning area from operation of this Act.
10. Senior Town Planner.
11. Planning Authorities.
12. Functions and powers of the Planning Authority.
13. Term of Office and conditions of service of the Chairman and members of Planning Authorities.
14. Meetings of Planning Authorities.
15. Temporary association of persons with the Planning Authority.
16. Staff of the Planning Authority.

CHAPTER IV
Preparation of Land Use Map and Register.

17. Preparation of Existing Land and Building Use Map and Register.
18. Notice of the Preparation of the Map and Register.
19. Appeal to the Board.
20. The power of the Government in case of default of the Planning Authority to prepare the Map and Register.

CHAPTER V
Development Plans

21. Interim Development Plans.
22. Comprehensive Development Plan.
23. Power of the Government in case of default of planning Authority to prepare Development Plan.

CHAPTER VI
Detailed Development Plans.

24. Declaration of intention to make or adopt a Detailed Development Plan.
25. Notification of Resolution to make or adopt Detailed Development Plan.
26. Preparation and Submission of the Detailed Development Plan.
27. Preparation and Submission of Detailed Development Plan on direction by the Government.
28. Contents of Detailed Development Plan.
29. Powers of Government in case of default of Planning Authority to prepare a Detailed Development Plan.

CHAPTER VII
Procedure for approval and preparation of Development Plans.

30. Consent of the Government to the publication of notice of preparation of Development Plan.
31. Public notice of the preparation of the Development Plan.
32. Approval by the Government.
33. Coming into operation of the Development Plan.
34. Amendment of Development Plans.
35. Suspension of plan in emergency by the Government.

CHAPTER VIII
Control of development and use of land

36. Use and development of land to be in conformity with Development Plan.

37. Prohibition of Development without payment of development charges and without permission.

38. Appeal against grant of permission subject to conditions or refusal of permission.

39. Lapse of permission.
40. Obligation to acquire on refusal of permission, or on grant of permission in certain cases.

41. Compensation for refusal of permission or grant of permission subject to conditions in certain cases.

42. Power of revocation and modification of permission to develop.
43. Penalty for unauthorised Development or for use otherwise than in conformity with the Development Plan.

44. Power to require removal of unauthorised development.
45. Power to stop unauthorised development.
46. Power to require removal of unauthorised development or use.
47. Power to make Building Bye-laws and Zoning Regulations.

CHAPTER IX
Acquisition and disposal of land

48. Acquisition of land for purposes of Development Plan to be deemed for a public purpose.
49. Acquisition of land for Development Plan.
50. Power of Government to acquire land included in the Development Plan.
51. Amendment of the Land Acquisition Act, 1894 for purposes of acquisition.
51A. Compensation for damage suffered in consequence of delay in making award.
52. Disposal of land.

CHAPTER X

Levy, assessment and recovery of development charge

53. Levy of Development Charge.
54. Assessment of Development Charge.
55. Appeals against assessment.
56. Development Charge to be a charge on land and to be recovered as an arrear of land revenue.

CHAPTER XI

Finance, accounts and audit

57. Funds of Planning Authority.
58. Budget of the Planning Authority.
59. Accounts and Audit.
60. Annual Reports.

CHAPTER XII

Supplemental and miscellaneous provisions

61. Power of entry.
62. Service of notices, etc.
63. Public notice how to be made known.
64. Notice, etc., to fix reasonable time.
65. Authentication of orders and documents of the Board and the Planning Authority.
66. Mode of proof of records of the Board and Planning Authority.
67. Restrictions on the summoning of officers and servants of the Board or Planning Authority.
68. Penalty for obstructing contractor or removing mark.
69. Sanction of prosecution.
70. Composition of offences.
71. Jurisdiction of courts.
72. Fine when realised to be paid to the Planning Authority.
73. Members and Officers to be public servants.
74. Protection of action taken in good faith.
75. Finality of orders.
76. Validation of acts and proceedings.
77. Returns and informations.
78. Effect of other laws.
79. Power to delegate.
80. Control by the Government and the Board.
81. Power to make rules.
82. Power to make regulations.
83. Repeals and savings.

THE PUDUCHERRY TOWN AND COUNTRY PLANNING ACT, 1969

(No. 13 of 1970)

AN ACT

to provide for planning the development and use of rural and urban land in the Union territory of Puducherry and for purposes connected therewith.

BE it enacted by the Legislative Assembly of Puducherry in the Twentieth Year of the Republic of India as follows:-

CHAPTER - I

PRELIMINARY

Short title extent and commencement

1. (1) This Act may be called the Puducherry Town and Country Planning Act, 1969.

(2) It extends to the whole of the Union territory of Puducherry.

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

Definitions

2. In this Act, unless there is anything repugnant in the subject or context, -

(1) "agriculture" includes horticulture, farming, growing a crops, fruits, vegetables, flowers, grass, fodder, trees or any kind of cultivation of soil; breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees; the use of land which is ancillary to the forming of land or any other agricultural purposes, but shall not include the use of any land attached to a building for the purposes of a garden to be used along with such building, and "agricultural" shall be construed accordingly;

1.The Act came into force on the 15th day of September 1971, *Vide* Notification-I in Extraordinary Gazette No.99 dated 14th September, 1971.

(2) “amenities” include roads and streets, open spaces, parks, recreational grounds, play grounds, water and electric supply, street lighting, swerage, drainage, public works and other utilities, services and convenience;

(3) “area of bad lay-out or obsolete development” means an area consisting of land which is badly laid out or of obsolete development, together with other land contiguous or adjacent thereto which is defined by a development plan as an area of bad lay-out or obsolete development;

(4) “Board” means Puducherry Town and Country Planning Board constituted under this Act;

(5) “building” includes ---

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding 2.5 metres in height) and any other structure whether of masonry, bricks, mud, metal or any other material whatsoever;

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

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

(6) “building line” means the line which is in the rear of the street alignment or boundary and to which the plinth of a building adjoining on a street or an extension of a street or on a future street may lawfully extend and includes the line prescribed, if any, in any development plan or in the building rules;

(7) “building operations” include-

(a) erection or re-erection of a building or any part of it;
(b) roofing, re-roofing of any part of building or open space;
(c) any material alteration or enlargement of any building;
(d) any material change in the use of a building including the use of its one or more parts used for human habitation into a greater number of such parts;

(e) any such alteration of a building as is likely to effect an alteration of its drainage or sanitary arrangements or materially affects its security;
(f) the construction of a door opening on any street or land not belonging to the owner;

(8) "commerce" means carrying on any industry, trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of, with a view to make profit, hospitals, nursing homes, infirmaries, educational institutions and also includes hotels, restaurants, boarding houses not attached to any educational institution, choultries; and "commercial" shall be construed accordingly;

(9) "commercial use" includes the use of any land or building or part thereof for purposes of commerce as defined or for storage of goods, or as an office, whether attached to industry or otherwise;

(10) "Court" means a principal civil court of original jurisdiction and includes any other court empowered by the Government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction;

(11) "development" with its grammatical variations, means the carrying out of building, engineering, mining or other operations in, on, over or under the land or the making of any material change in any building or land or in the use of any building or land and includes sub-division of land;

(12) "Development plan" means an interim development plan or comprehensive development plan or detailed development plan prepared under this Act;

(13) "Engineering operations" include the formation or laying out of means of access to a road or the laying out the means of water supply, drainage, swerage or of electricity cables and lines or of telephone lines;

(14) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(15) "industry" includes the carrying out of any manufacturing process as defined in the Factories Act, 1948 (Central Act 63 of 1948); and "industrial" shall be construed accordingly;

(16) "industrial use" includes the use of any land or building or part thereof for purposes of an industry as defined;

(17) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(18) "Land Use Map" is a map that contains the existing use of every piece of land in the planning area and the existing use of every building therein;

(19) "Land Use Register" is a register which contains a set of Land and Building Use Map to record and maintain the Land and Building Use Surveys conducted from time to time;

(20) "Local authority" means a municipal council or other authority legally entitled to or entrusted by the Government with the control or management of a municipal or local fund or which is permitted by the Government to exercise the powers of a local authority, and a Local authority, is a "Local authority concerned" if any land within its local limits falls in the area of a plan prepared or to be prepared under this Act;

(21) "local Newspaper" means any newspaper published or circulated within the local planning area;

(22) "Non-conforming Use" is a use of land which does not conform to the zone use as prescribed in the Development plan;

(23) "occupier" includes –

(a) a tenant;
(b) an owner in occupation of, or otherwise using his land;
(c) a rent free tenant of any land;
(d) a licensee in occupation of any land; and
(e) any person who is liable to pay to the owner damages for the use and occupation of any land;

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

(25) “planning area” means any area declared to be a local planning area under section 8 of this Act;

(26) “Planning Authority” means any local Planning authority constituted under this Act;

(27) “prescribed” means prescribed by rules or regulations made, under this Act;

(28) “private street” means any street, road, square, court, alley, passage or riding path which is not a public street, but does not include a pathway made by the owner or premises on his own land to secure the access to or the convenient use of such premises;

(29) “public place” means any place or building which is open to the use and enjoyment of the public whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any charge or not;

(30) “public street” means any street, road, square, court alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes ---

(a) the roadway over any public bridge or causeway and
(b) the footway attached to any such street, public bridge or causeway.

(31) “Regulation” means a regulation made under this Act by the Government and includes zoning and other regulations made as a part of a Development Plan;

(32) “relocation of population” means, in relation to an area of bad lay-out or obsolete development or a slum area, making available in that area or elsewhere, of accommodation for residential purposes or for carrying on business or other activities together with amenities to persons living or carrying on business or other activities in the said area who have to be so accommodated;

(33) “residence” includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables and out-houses, if any, appertaining to such building; and “Residential” shall be construed accordingly;

(34) “rules” means a rule made under this Act by the Government by notification in the Official Gazette;

(35) "Senior Town Planner" means the Town Planner appointed by the Government under section 10;

(36) "slum area" means any predominantly residential area, where the dwellings which by reason of dilapidation, over-crowding, faulty arrangement of design, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to public safety, health or morals and which is defined by development plan as a slum area;

(37) "Town and Country Planning Department" means the Department set up by the Government for purposes assigned to under this Act;

(38) "Union territory" means the Union territory of Puducherry.

CHAPTER - II

PUDUCHERRY TOWN AND COUNTRY PLANNING BOARD

Puducherry Town and Country Planning Board

3. (1) As soon as may be, after the commencement of this Act, the Government shall, by notification in the Official Gazette, constitute, for the purpose of carrying out the functions assigned to it under this Act, a Board to be called the Puducherry Town and Country Planning Board.

(2) The Minister-in-charge of Town and Country Planning and the Secretary to the Government-in-charge of the subject shall be the Chairman and Vice-Chairman of the Board.

(3) The Board shall consist of five officers, including the Senior Town Planner and three non-officials to represent the communes to be nominated by the Government.

(4) The Senior Town Planner, an ex-officio Member, shall be Secretary to the Board.

Term of office and conditions of service of the Chairman and members of the Town and Country Planning Board

4. (1) The term of office and conditions of service of the Chairman and other members of the Board shall be three years, and shall commence from the date of publication of their names under section 3 or immediately after the expiry of the term of office of the outgoing members, whichever is later:

Provided that the Government may, by notification, extend the term of office of the members by such period or periods as it deems fit so however that the total period so extended shall not exceed one year.

(2) The Chairman and other members of the Boards shall be entitled to receive travelling allowance as may be fixed by the Government.

***[No disqualification in certain cases**

4A. No person shall be disqualified for being chosen as, or for being a member of the Legislative Assembly by virtue only of the fact that he is a Chairman or a member of the Board].

Functions and powers of the Board

5. (1) Subject to the provisions of this Act and the rules made thereunder, the functions of the Board shall be to guide, direct and assist the Planning Authorities, to advice the Government in matters relating to Town and Country Planning development and use of rural and urban land in the Union territory and to perform such other functions as the Government may, from time to time, assign to it under this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Board may, and shall if required by the Government--

(a) direct and supervise the preparation of development plans by Planning authorities;
(b) undertake, assist and encourage the collection, maintenance and publication of statistics, bulletins and monographs on Town and Country Planning and its methodology;
(c) prepare and furnish reports relating to the working of this Act;
(d) perform any other functions which are supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

(3) The Board may exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Act.

---

* Inserted by Act No. 3 of 2009 and this Act has come into force w.e.f 13.08.09.

Meetings of the Board

6. (1) The Board shall meet at such time and place as required and shall, subject to provisions of sub-sections (2) and (3), observe the procedure as may be prescribed in regard to the transaction of the business at such meetings.

(2) The Chairman or in his absence the Vice-Chairman or in the absence of the Chairman and of the Vice-Chairman, any member chosen from among the members present shall preside at a meeting of the Board.

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

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

Appointment of Committees by the Board

7. (1) For the purposes of assisting the Board in exercising its powers, discharging its duties or performing its functions as may be specified by it, the Board may constitute one or more Committees.

(2) The Committee constituted under sub-section (1) shall consist of such members as may be specified by the Board.

(3) The Board shall have the power to co-opt as members of any Committee constituted under sub-section (1), any person or persons who are not members of the Board and the person or persons so co-opted shall not have a right to vote.

CHAPTER - III
PLANNING AREAS, SENIOR TOWN PLANNER AND PLANNING AUTHORITIES

Declaration of Planning areas, their amalgamation, sub-division and inclusion of any area with Planning area

8. (1) The Government may, by notification, declare any area in the Union territory to be a planning area for the purpose of this Act, and on such declaration this Act shall apply to such area.

(2) Every such notification shall define the limits of the area to which it relates.

(3) The Government may, after consultation with the Board and the Planning Authorities concerned, amalgamate two or more planning areas into one planning area, subdivide a planning area into different planning areas and include such divided areas in any other planning area.

(4) The Government may, by notification, direct that all or any of the rules, regulations, orders, directions and powers made, issued or conferred under this Act and in force in any other planning area at the time, with such exceptions and adaptations and modifications as may be considered necessary by the Government, shall apply to the area declared as, amalgamated with or included in, a planning area under this section and such rules, regulations, bye-laws, orders, directions and powers shall forthwith apply to such planning area without further publication.

*[(5) The first publication of a notification as to the declaration of the planning area shall be deemed and have the same effect as the publication of a notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894, (Central Act 1 of 1894), except where a notification under sub-section (1) of section 4 or a declaration under section 6 of that Act has been previously made and is in force].

Powers to withdraw a planning area from operation of this Act

9. (1) The Government may, by notification, withdraw from the operation of this Act, the whole or part of any planning area declared thereunder.

(2) When a notification is issued under this section in respect of any planning area, this Act and all notifications, rules, regulations, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area.

---

* Inserted by Act, 15 of 1971, section 2. w.e.f 15-7-1972.

Senior Town Planner

10. As soon as may be after the commencement of this Act, the Government shall, by notification in the Official Gazette, appoint a Senior Town Planner for the Union territory called "Senior Town Planner" for the purpose of carrying out the functions assigned to him under this Act or rules made thereunder.

Planning Authorities

11. (1) As soon as may be, after declaration of a local planning area, the Government in consultation with the Board, shall, by notification, constitute for the purposes of the performance of the functions assigned to it, an authority to be called the Planning Authority of that area having jurisdiction over that area.

[1][(2) Every Planning Authority constituted under sub-section (1), shall consist of the following members, namely :-

(i) a Chairman appointed by the Government;
(ii) four officers appointed by the Government including the Senior Town Planner or any other officer of the Town and Country Planning Department, who shall be the Member-Secretary to the Planning Authority; and

(iii) representatives of local authorities composed as follows: -

(a) in the case of the Planning area in which only one local authority has jurisdiction, a representative nominated by that local authority from among the members of that authority;

(b) in the case of Planning area in which two or more local authorities have jurisdiction, one representative each of such local authority as the Government may consider necessary to be represented, nominated by the respective local authorities from among the members of each such local authority].

---

1. Substituted vided Act No.10 of 1981 section 2, w.e.f 08.10.1981 vide Notification published in Extra-Ordinary Gazette No.99 dated 20.10.1981.

(3) Every Planning Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued.

Functions and powers of the Planning Authority

12. (1) Subject to the provisions of this Act, the rules made thereunder and the directions of the Government and the Board, the powers and functions of the Planning Authority shall be ---

(i) to prepare in respect of the Planning area --

(a) an Existing Land Use Map and Land Use Register;
(b) an Interim Development Plan;
(c) a Comprehensive Development Plan;
(d) a Detailed Development Plan;

(ii) to prescribe uses of land within its area and for these purposes it may carry out or caused to be carried out surveys of its Planning area; and

(iii) to prepare report or reports of such survey; and

(iv) to perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

Term of Office and conditions of service of the Chairman and members of the Planning Authorities

13. (1) The term of office and the conditions of service of the Chairman and members of the Planning Authority shall be such as may be prescribed and they shall be entitled to receive such salaries or allowances as may be fixed by the Government.

(2) The Government may, if it thinks fit, terminate the appointment of the Chairman or any member of the Planning Authority at any time.

(3) The Chairman or any member may resign his membership of the Planning Authority by giving notice in writing to the Government and on such resignation being accepted by the Government, he shall cease to be a member of the Planning Authority.

(4) Any vacancy so created shall be filed by fresh appointment by the Government.

Meetings of Planning Authorities

14. (1) Each Planning Authority shall meet, at such times and places and shall, subject to the provisions of sub-sections (2) and (3) observe such procedure in regard to the transaction of business at it, meetings as may be prescribed.

(2) The Chairman of the Planning Authority or in his absence, any member nominated by him in that behalf shall preside at a meeting of the Planning Authority.

(3) All questions at a meeting of the Planning Authority shall be decided by a majority of votes of the members present and voting and in the case of an equality of votes, the Chairman or in his absence the person presiding shall have and exercise a second or casting vote.

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

Temporary association of persons with the Planning Authority for particular purposes

15. (1) The Planning Authority may associate with itself in such manner and for such purposes as may be prescribed by rules any person whose assistance or advice it may desire in performing any of its functions under this Act.

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

Staff of the Planning Authority

16. (1) Subject to such control and restrictions as may be specified in the rules made in this behalf, a Planning Authority may appoint such number of officers and employees as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(2) The officers and employees of the Planning Authority shall be entitled to receive such salaries and allowances, if any, as may be fixed by the Planning Authority and shall be governed by such terms and conditions of service as may be determined by rules and regulations made in this behalf.

CHAPTER - IV

PREPARATION OF LAND USE MAP AND REGISTER

Preparation of Existing Land and Building Use Map and Register

17. As soon as may be, after its constitution, every Planning Authority shall, not later than six months after its constitution or within such further period not exceeding six months as the Government may allow, prepare a Present Land Use Map (hereinafter called the Map) and present Land Register (hereinafter called the Register) in the form to be prescribed, indicating the present use of very piece of land in the planning area and the present use of every building therein.

Notice of the preparation of the Map and Register

18. (1) After the preparation of the Map and the Register, the Planning Authority shall publish a public notice of the preparation of the Map and Register and of the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the Map and Register within thirty days of the publication of such notice.

(2) After the expiry of the period mentioned in sub-section (1) the Senior Town Planner shall, after allowing a reasonable opportunity of being heard to all the persons who have filed the objections, make a report to the Planning Authority.

(3) The Planning Authority shall consider the report of the Senior Town Planner and may make such modification in the Map or Register or both, as it considers proper, and adopt the Map and the Register by a resolution within a period of three months from the last date allowed for the filing of the objections specified under sub-section (1).

(4) Within thirty days after the adoption of the Map and the Register, the Planning Authority shall publish a public notice of the adoption of the Map and the Register and the place or places where the copies of the same may be inspected and shall submit copies of the Map and the Register to the Board and the Government.

(5) A copy of such public notice shall also be published in the Official Gazette. The publication of the public notice in the Official Gazette in respect of the Map and the Register shall be conclusive evidence that the Map and the Register have been duly prepared and adopted.

[1][(6) Proceedings under this section and section 19 shall be deemed and have the same effect as proceedings under section 5A of the Land Acquisition Act, 1894 (Central Act 1 of 1894)].

Appeal to the Board

19. (1) Any person aggrieved by any decision of the Planning Authority may appeal to the Board within two months from the notification of adoption of the Map and Register by the Planning Authority.

(2) The Board may, after making such enquiries as it deems fit, pass orders on the appeal.

(3) The orders of the Board on such appeal shall be final.

The power of the Government in case of default of the Planning Authority to prepare the Map and Register

20. (1) Where by virtue of the foregoing provisions of this Chapter, a Map and a Register are to be prepared then ---

(a) if within the period prescribed or within such period which the Government has extended, no Map or Register has been prepared; or

(b) if at any time the Government is satisfied that the Planning Authority is not taking steps necessary to prepare such a Map and Register within that period,

the Government may direct the Senior Town Planner to prepare the Map and the Register.

1. Inserted by Act, 15 of 1971, section 3. w.e.f 15-7-1972.

(2) After preparation of the Map and the Register, the Senior Town Planner shall submit the same to the Board which shall forward the Map and Register to the Planning Authority; and the Planning Authority shall follow the procedures laid down in the Act as if the Map and Register were prepared by the Planning Authority itself.

(3) Any expenses incurred under this section in connection with the making of the Map and the Register with respect to the area of a Planning Authority shall be borne by the Planning Authority.

CHAPTER – V

DEVELOPMENT PLANS

Interim Development Plans

21. (1) As soon as may be, after the declaration of a planning area, the Planning Authority shall, not later than one year after such declaration or within such further period as the Government may, from time to time, extend but such extension being not exceeding two years, prepare and submit to the Board and the Government an Interim Development Plan for the Planning area or any of its parts.

(2) The Interim Development Plan shall –

(a) indicate broadly the manner in which the Planning Authority proposes that land in such area should be used;

(b) allocate areas or zones of land for use ---

(i) for residential, commercial, industrial and agricultural purposes;
(ii) for public or semi-public open spaces, parks and playgrounds;
(iii) for such other purposes as the Planning Authority deems fit;

(c) indicate, define and provide ---

(i) for existing and proposed national highways, arterial roads, ring roads and major streets;
(ii) the existing and proposed other lines of communication including railways, canals, air-ports;

(d) include regulations (hereinafter called zoning regulations to regulate within each zone the location, height, number of storeys and size of buildings, and other structures, the size of yards, courts and other open spaces, and the use of buildings, structures and land).

(3) The Interim Development Plan may indicate, define and provide for –

(i) the existing and proposed Public and semi-public buildings, and
(ii) all or any of the purposes and matters as may be indicated, defined and provided for

in the Comprehensive Development Plan under section 22.

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

Comprehensive Development Plan

22. (1) As soon as may be after the declaration of a planning area, the Planning Authority shall, but not later than three years after such declaration or within such further period as the Government may from time to time extend but such extension being not exceeding four years, prepare and submit to the Board and the Government a Comprehensive Development Plan for the Planning area.

(2) The Comprehensive Development Plan shall ---

(a) indicate, define and provide for all the matters that have to be or may be indicated, defined or provided for in the Interim Development Plan with such modifications as the Planning Authority deems fit;

(b) indicate, define and provide for ---

(i) areas reserved for agriculture, public and semi-public open spaces, parks, playgrounds, gardens and other recreational uses, greenbelts and nature reserves;

(ii) comprehensive land allocation of areas or zones for residential, commercial, industrial, agricultural and other purposes;

(iii) complete road and street pattern and traffic circulation pattern for present and future requirements;

` (iv) major road and street improvements;

(v) area reserved for public buildings and institutions and for new civic developments;

(vi) areas for future development and expansion and areas for new housing;

(vii) amenities, services and utilities;

(viii) all such matters as may be prescribed by the rules or may be directed by the Government or the Board to be indicated, defined and provided for;

(c) include zoning regulations to regulate within each zone, the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces and the use of buildings, structures and land;

(d) indicate the stages by which the plan is proposed to be carried out.

(3) The Comprehensive Development Plan may -

(a) indicate, define, and provide for

(i) all such matters as the Planning Authority may consider expedient to be indicated, defined and provided for in the development plan;

(ii) detailed development of specific areas for housing shopping centres, industrial areas and civic centres, educational and cultural institutions and control of architectural features, facade of buildings and structures;

(b) designate as land subject to acquisition for any public purpose, and in particular but without prejudice to the generality of this provision, for the purpose of---

(i) the Union of India, the State, the Planning Authorities or any other authority established by law and public utility concerns;

(ii) dealing satisfactorily with the areas of bad lay-out or obsolete development and slum areas and provision for rehabilitation of population;

(iii) the provision of open spaces, parks and playgrounds;

(iv) securing the use of the land in the manner specified in the development plan;

(v) any of the matters as are referred to in sub-section (2).

(4) Subject to the provisions of the rules made under this Act for regulating the form and contents of the Comprehensive Development Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals in the development plan.

Power of the Government in case of default of Planning Authority to prepare Development Plan

23. (1) Where, by virtue of the foregoing provisions of this Act, a Development Plan is to be prepared –

(a) if within the period prescribed or within such period which the Government has extended no Development Plan has been prepared; or

(b) if at any time the Government is satisfied that the Planning Authority is not taking steps necessary to prepare such a Development Plan within that period,

the Government may direct the Senior Town Planner to prepare the Development Plan.

(2) After preparation of the Development Plan, the Senior Town Planner shall submit the Development Plan to the Board and the Board shall forward the Development Plan to the Planning Authority who shall follow the procedure laid down in the Act as if the Development Plan was prepared by the Planning Authority itself.

(3) Any expenses incurred under this section in connection with the preparation of the Development Plan for the Planning Area of a Planning Authority shall be borne by the Planning Authority.

CHAPTER – VI

DETAILED DEVELOPMENT PLANS

Declaration of intention to make or adopt a Detailed Development Plan

24. A Planning Authority may, by resolution, decide ---

(i) to prepare a Development Plan to be called Detailed Development Plan in respect of any land within the Planning Area;

(ii) to adopt with or without modification even a Detailed Development Plan proposed by Co-operative Societies or any of the owners of any such land.

Notification of Resolution to make or adopt Detailed Development Plan

25. The resolution under section 24 shall be published by the Planning Authority in the prescribed manner and such notification shall indicate the boundaries of the area of the Detailed Development Plan and specify the time and place where a plan of the area may be inspected.

Preparation and submission of the Detailed Development Plan

26. As soon as may be after a notification has been published under section 25 and not later than twenty-four months from the date of notification, the Planning Authority shall prepare in the manner prescribed and submit a Detailed Development Plan to the Board and the Government.

Preparation and submission of Detailed Development Plan on direction by the Government

27. Notwithstanding anything contained in sections 24 and 26, the Government may, in respect of any land, after making such enquiry as they deem necessary, by notification in the Official Gazette require a Planning Authority to prepare and submit to the Board and to them a Detailed Development Plan.

Contents of Detailed Development Plan

28. (1) The Detailed Development Plan may be in the form of a Land Development Plan, a Re-development Plan, an improvement Plan or a Deferred Development Plan or a combination of more than one such plan and may indicate, define and provide for all matters that have to be or may be indicated, defined and provided for in the Comprehensive Development Plan or the Interim Development Plan if such Plan has been prepared, and such other matters as the Planning Authority may consider necessary in the interest of the development of the area and consistent with the objectives and purposes of this Act.

(2) Irrespective of whether an Interim Development Plan or a Comprehensive Development Plan has been prepared or not, a Detailed Development Plan, may indicate, define and provide for all or any of the following:-

(a) laying out or re-laying out of land either vacant or already built upon as building sites or for any of the purposes mentioned in this section;
(b) construction, diversion, extension, alterations, improvement or closure of lanes, streets, roads and other communications;
(c) construction, alteration, removal or demolition of buildings, bridges and other structures;
(d) acquisition by purchase, exchange or otherwise whether within or without the area included in the Detailed Development Plan and whether required immediately or not for all or any of the purposes of the Detailed Development Plan;
(e) re-distribution of boundaries and reconstitution of plots belonging to owner of property;
(f) disposal by sale, exchange, lease or otherwise of land acquired or owned by the Planning Authority;

(g) Transport facilities;

(h) water supply;

(i) lighting;

(j) drainage inclusive of sewage, surface draining and sewage disposal;

(k) allotment or reservation of land for streets, roads, squares, houses, buildings for religious and charitable purposes, open spaces, gardens, recreation grounds, schools, market shops, factories, hospitals, dispensaries, Government and Municipal buildings and public and semi-public purposes of all kinds;

(l) construction of buildings and houses generally and housing or re-housing of persons displayed by the proposals, made in the plan either within the area of such plan or outside such area;

(m) preservation of places or objects and buildings of archaeological or historic interest or of natural beauty or actually used for religious purposes or regarded by the public with special religious veneration; or protection of canal, tank or river sides, costal areas and other places of natural or landscape beauty;

(n) imposition of conditions and restrictions in regard to the character, density, architectural features and heights of buildings, the buildings or control lines for roads, railway lines and power supply lines and the purposes to which buildings or specified areas may or may not be appropriated; and provision and maintenance of open spaces in and around buildings;

(o) advance to the owners of land or buildings comprised within the Development Plan upon such terms and conditions as may be provided by the plan, of the whole or part of the amount required for the erection of buildings or for the carrying out of the works, alterations or improvements in accordance with the Development Plan;

(p) such other matters to be indicated, defined and provided for in the Comprehensive Development Plan under section 22 of this Act.

(3) Subject to the provisions of the rules made under this Act for regulating the form and contents of the Detailed Development Plan, any such plan shall include such maps and such descriptive matter as may be necessary to explain and illustrate the proposals in the development Plan.

(4) Without prejudice to the generality of this provision, every Detailed Development Plan shall contain the following particulars ---

(a) a plan showing the lines of existing and proposed streets;
(b) the ownership of all lands and buildings in the area covered by the Plan;
(c) the area of all such lands, whether public or private;
(d) a full description of all details of the plan under the provisions of sub-section (1) or (2);
(e) particulars of all land either acquired already or to be acquired for the purposes mentioned under sub-section (1) or (2);
(f) in cases where the Detailed Development Plan provides for any housing or re-housing, the particulars regarding the number and nature of houses to be provided by the Planning Authority, the approximate quantity of land to be acquired, the details of the land to be acquired and all matters supplemental, incidental or consequential to such housing or re-housing;

(g) zoning regulations and regulations for enforcing or carrying out the provisions of the plan.

Powers of Government in case of default of Planning Authority to prepare a Detailed Development Plan

29. (1) Where by virtue of the foregoing provisions of this Act, a Detailed Development Plan is to be prepared ---

(a) if within the period prescribed a Detailed Development Plan has not been prepared;
(b) if at any time the Government is satisfied that the Planning Authority is not taking steps necessary to prepare the Detailed Development Plan within the period,

the Government may, by notification in the Official Gazette, direct the Senior Town Planner to prepare and submit to the Board a Detailed Development Plan within such period as the Government may prescribe.

(2) The Board shall on receipt of the Detailed Development Plan from the Senior Town Planner forward the same to the Planning Authority concerned.

(3) The Planning Authority shall on receipt of the Plan from the Board follow the further procedures laid down in the Act as if the Detailed Development Plan was prepared by the Planning Authority itself.

(4) Any expenses incurred under this section in connection with the preparation of any such development plan for the Planning Area of a Planning Authority shall be paid by the Planning Authority.

CHAPTER – VII

PROCEDURE FOR APPROVAL AND PREPARATION OF DEVELOPMENT PLANS

Consent of the Government to the publication of notice of preparation of Development Plan

30. (1) As soon as may be after the Development Plan has been submitted to the Board and the Government, but not later than the time prescribed by the rules, the Government may direct the Planning Authority to make such modifications in the Development Plan as the Government thinks fit and there upon the Planning Authority shall make those modifications.

(2) The Government shall, after the modifications, if any, directed by it have been made, give its consent to the publication of a public notice under sub-section (1) of section 31 of the preparation of the Development Plan to the Planning Authority.

Public notice of the preparation of the Development Plan

31. (1) As soon as may be, after the Planning Authority has received the consent of the Government to the publication of the public notice, the Planning Authority shall publish a public notice in the Official Gazette and in a local newspaper, of the preparation of the Development Plan and place or places where copies of the same may be inspected, invite objections in writing from any person with respect to the Development Plan within such period as may be specified in the notice;

Provided that such period shall not be less than two months from the date the notice is published in the Official Gazette.

(2) After the expiry of the period mentioned in sub-section (1), the Planning Authority shall appoint a Committee consisting of the Senior Town Planner and not more than two of its other members to consider the objections filed under sub-section (1) and report on them within such time as the Planning Authority may fix in this behalf.

(3) The Committee so appointed shall have power to co-opt any other person. The provisions of section 15 shall apply to the persons co-opted, by the Committee.

(4) Such Committee shall allow a reasonable opportunity of being heard to any person, including representatives of Government Departments or local authorities, who has filed any objection and who has made a request for being heard and submit a report to the Planning Authority on the case.

(5) As soon as may be after the receipt of the Report from the Committee, but not later than the time prescribed by the rules, the Planning Authority shall consider the report of the Committee and may make such amendments in the Development Plan as it considers proper, and shall submit the Development Plan with or without modification together with the report of the Committee to the Board and to the Government.

Approval by the Government

32. As soon as may be after the submission of the Development Plan, but not later than the time prescribed by the rules, the Government after consultation with the Board may, either approve the Development Plan or approve it with such modifications as it may consider necessary or return it to the Planning Authority to modify the Plan or to prepare a fresh plan in accordance with such directions as the Government may issue in this behalf.

Coming into operation of the Development Plan

33. (1) Immediately after the Development Plan has been approved by the Government, the Planning Authority shall publish a public notice in the Official Gazette and in a local newspaper of the approval of the Development Plan and place or places where copies of the same may be inspected.

(2) From the date of publication of the aforesaid notice in the Official Gazette, the Development Plan shall come into operation.

(3) (a) After the coming into operation of the Development Plan, any person aggrieved by it may make an application to the court within thirty days of the coming into operation of the said Plan questioning the validity of the same or any provisions contained therein on the following grounds. –

(i) that it is not within the powers conferred by this Act, or

(ii) that any requirement of this Act, or any rules made thereunder have not been complied with in relation to the making of the Development Plan.

(b) The court after allowing an opportunity of being heard to the Planning Authority, the Board and the Government –

(i) may, stay, until the final determination of the proceedings,the operation of any provisions contained therein so far as it affects any property of the applicant; and

(ii) if satisfied that the development plan or any provision contained therein is not within the powers of this Act, or that the interest of the applicant has been substantially prejudiced by a failure to comply with any requirement of the Act or rules, may quash the plan or any provision contained therein generally or in so far as it affects any property of the applicant.

(4) Subject to the provisions of sub-section (3); a Development Plan shall not, either before or after it has been approved, be questioned in any manner, in any legal proceedings whatsoever.

[1][(5) Subject to the provisions of paragraph 3 of the Schedule, the notification under this section shall be deemed and have the same effect as a declaration under section 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), except where a declaration under the last mentioned section has been previously made and is in force].

---

1. Inserted by Act, 15 of 1971, section 4. w.e.f 15-7-1972.

Amendment of Development Plans

34. (1) At any time after the date on which the Development Plan for an area comes into operation, the Planning Authority may, and after every five years shall, carry out fresh surveys as it or the Board or the Government may consider necessary and shall review and submit to the Board and the Government any alteration or addition considered necessary to the Development Plan in operation.

(2) The provisions of sub-section (2) of section 30 and sections 31, 32 and 33 with such modifications as may be necessary shall apply to such Development Plan.

Suspension of plan in emergency by the Government

35. If the Government is satisfied that a grave emergency exists which necessitates the suspension of any Development Plan or part of any Development Plan, it may, by a notification in the Official Gazette, suspend the Development Plan or any part thereof.

CHAPTER – VIII

CONTROL OF DEVELOPMENT AND USE OF LAND

Use and development of land to be in conformity with Development Plan

36. After the coming into operation of any Development Plan in any area, no person shall use or permit to be used any land carry out any development in that area otherwise than in conformity with such Development Plan:

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

Prohibition of development without payment of development charges and without permission

37. (1) After the Development Plan comes into force in any area and subject to the provisions relating to levy, assessment and recovery of development charges and other provisions of this Act, no development, institution or change of use, of any land shall be undertaken or carried out in that area —

(a) without obtaining a certificate from the Planning Authority certifying that the development charge as leviable under this Act has been paid or that no such development charge is leviable; and

(b) without obtaining the permission in writing as provided for hereinafter:

Provided that no such permission shall be, necessary ----

(i) for carrying out works for the maintenance improvement or other alterations of any building being works which affect only the interior of the building, or which do not materially affect the external appearance of the building;

(ii) for the carrying out by the Central Government or the Government or any local authority of any works required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street;

(iii) for the carrying out by the Central Government or the Government or any local authority of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;

(iv) for the excavations (including wells) made in the ordinary course of agricultural operations;

(v) for the construction of unmetalled road intended to give access to land solely for agricultural purposes;

(vi) for normal use of land which has been used temporarily for other purposes;

(vii) in case of land normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose on occasions.

(2) (a) Any person or body (including a department of Central Government or the Government or local authority) intending to carry out any development on any land shall make an application in writing to the Planning Authority for the permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed by the rules or the regulations:

Provided that in the case of a department of Central Government or the Government or local authority intending to carry out any development on any land the department or authority concerned, as the case may be, shall notify in writing to the Planning Authority of its intention to do so, giving full particulars thereof accompanied by such documents and plans as may be prescribed by the Government from time to time, at least one month prior to the undertaking of such development; where the Planning Authority has raised any objection, in respect of the conformity of the proposed development either to any development plan under preparation, or to any of the building bye-laws in force at the time, or due to any other material consideration, under sub-section (4) the department or authority concerned, as the case may be, shall –

(i) either make necessary modification in the proposals for development to meet the objections raised by the Planning Authority, or

(ii) submit the proposals for development together with the objections raised by the Planning Authority to the Government for decision.

(b) The Government on receipt of the proposals for development together with the objections of the Planning Authority shall, in consultation with the Senior Town Planner, either approve the proposals with or without modifications or direct the Department or authority concerned, as the case may be, to make such modifications in the proposals as they consider necessary in the circumstances.

(3) (a) The Planning Authority shall, on receipt of the application refer it to the Town and Country Planning Department for advice and for assessment of the development charges as specified in this Act.

(b) On receipt of the advice of the Town and Country Planning Department and on payment of the development charges as assessed by that department, the Planning Authority shall pass orders –

(i) granting permission unconditionally; or
(ii) granting permission subject to such conditions as it may think fit; or
(iii) refusing permission.

(c) Subject to the provisions of sub-section (2), this sub-section shall not apply to any case of a department of the Central Government or the Government or local authority.

(d) Without prejudice to the generality of the foregoing clause, the Planning Authority may impose conditions to the effect that the permission granted is only for a limited period and after the expiry of that period, the land shall be restored to its previous conditions or the use of the land permitted shall be discontinued.

(4) The Planning Authority in dealing with the applications for permission shall have regard to –

(i) the provisions of the Development Plan and the building bye-laws and zoing regulations made under section 47;

(ii) the proposals or provisions which it thinks are likely to be made in any Development Plan under preparation or to be prepared; and

(iii) any other material consideration.

(5) When permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order.

(6) Any such order shall be communicated to the applicant in the manner prescribed by the regulations.

(7) If the Town and Country Planning Department is of the view that any order passed by the Planning Authority is contrary to the provision of the Act or any Development Plan or the buildings bye-laws or zoning regulations made under this Act, it may submit a report to the Government containing the facts of the case. On receipt of the report, the Government may review, cancel or modify the orders of the Planning Authority.

Appeal against grant of permission subject to conditions or refusal of permission

38. (1) Any applicant aggrieved by an order passed under section 37 may appeal to the Board within one month of the communication of that order to him in the manner and accompanied by such fees as may be prescribed by the rules.

(2) The Board after receiving the appeal, may give a reasonable opportunity of being heard to the appellant and the Planning Authority and also call for any report, if necessary.

(3) After hearing the appellant and the Planning Authority or after considering the aforesaid report, the Board may pass an order dismissing the appeal or accepting the appeal by –

(i) granting permission unconditionally; or
(ii) granting permission subject to such conditions as it may think fit; and
(iii) removing or modifying the conditions, subject to which permission has been granted and imposing other conditions, if any, as it may think fit.

(4) The Board may, by a resolution, delegate any of its functions and powers under this section to the Senior Town Planner on such occasion and subject to such conditions, if any, as may be specified, therein.

Lapse of permission

39. Every permission for any development granted under this Act shall remain in force for three years only from the date of such permission:

Provided that the Planning Authority may, on application made in this behalf before the expiry of the aforesaid period, extend such period, for such time as it may think proper but such extended period shall in no case exceed three years:

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

Obligation to acquire on refusal of permission, or on grant of permission in certain cases

40. (1) Where any person interested in the land aggrieved by an order in appeal under section 38 refusing to grant permission to develop the land, or granting permission subject to condition, claims —

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

(b) in a case where permission to develop the land was granted subject to conditions that the land cannot be rendered capable of reasonably beneficial use by carrying out the permitted development in accordance with these conditions,
he may, within three months and in the manner prescribed by the rules, serve on the Government a notice (hereinafter referred to as an acquisition notice) requiring the Government to acquire his interest in the land.

(2) A copy of such notice shall, at the same time, be served on the Board and the Planning Authority.

(3) After receiving notice under sub-section (1), the Government shall appoint a person who shall give reasonable opportunity to the person interested serving the acquisition notice, the Planning Authority and the Board, to be heard and shall submit a report, thereon to the Government; after receiving such report; the Government –

(a) if satisfied that the conditions specified in clause (a) or clause (b) of sub-section (1), are not fulfilled, shall pass an order refusing to confirm the notice;

(b) if satisfied that the conditions specified in clause (a) or clause (b) of sub-section (1) are fulfilled regarding the land or any part of the land, shall pass an order –

(i) confirming the notice; or

(ii) directing the Planning Authority to grant such permission to develop the land or grant the permission subject to such conditions as will keep the land capable of reasonably beneficial use:

Provided further that the Government shall not confirm the notice if the order appealed against was passed on the ground of not complying with any provisions of this Act, rules or regulations that may be applicable.

(4) If within the period of one year from the date on which an acquisition notice is served under sub-section (1) the Government has not passed any order under sub-section (3), the notice shall be deemed to have been confirmed at the expiry of that period.

(5) Upon confirmation of the notice under sub-section (3) or (4), the Government shall proceed to acquire the land or that part of any land regarding which the notice has been confirmed within one year of the confirmation of the acquisition notice.

Compensation for refusal of permission or grant of permission subject to conditions in certain cases

41. (1) Where an order in appeal under section 38 refusing to grant permission, or granting permission subject to conditions, relates to any of the following developments ---

(a) the re-erection of a building which has been destroyed or demolished so long as the cubic content of the original building is not exceeded by more than one-tenth;

(b) the enlargement, improvement or other alteration of any building which was in existence on the date a Development Plan relating to the area comes into operation for the first time, so long as the cubic content of the original building is not exceeded by more than one-tenth:

(c) the carrying out, on land used for the purposes of agriculture, of any building or other operation required for that purpose, other than operations for the erection, enlargement, improvement or alteration of a building for human habitation or of building used for the purpose of marketing of the produce of land;

(d) Where any part of any building or other land which on the date of coming into operation for the first time of a Development Plan relating to the area, is used for a particular purpose, the use of that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building or land used for that purpose on that day, or as the case may be, one-tenth of the area of the land so used on that date, the owner may, within the time and in the manner prescribed by the rules made under this Act, claim upon the Planning Authority, if he has not served an acquisition notice or if the acquisition is not confirmed by the Government under section 40, compensation for such refusal or for grant of permission subject to conditions:

Provided that no compensation shall be claimable if such refusal or grant of permission subject to conditions was based on any provision of any Development Plan.

(2) The compensation shall be equal to

(a) where permission is refused, the difference between the value of the land as if the permission had been granted and the value of the land in its existing state;

(b) where permission is granted subject to conditions, the difference between the value of the land as if the permission had been granted unconditionally and the value of the land with the permission granted subject to conditions.

(3) When a claim is received by the Planning Authority, the Senior Town Planner shall, after giving an opportunity of being heard to the applicant, make a report to the Planning Authority.

(4) The Planning Authority shall, after considering the aforesaid report, assess the compensation and offer it to the owner.

(5) If the owner does not accept the compensation and gives notice, within such time as may be prescribed, of his refusal to accept, the Planning Authority shall refer the matter for the adjudication of the Court and the decision of the Court shall be final and be binding on the owner and Planning Authority.

Power to revocation and modification of permission to develop

42. (1) If it appears to the Planning Authority that it is expedient having regard to the development plan prepared, under preparation or to be prepared and to any other material considerations, that any permission to develop land granted under this Act or any other law should be revoked or modified, the Planning Authority may, by an order, revoke or modify the permission to such extent as appears to it to be necessary:

Provided that ---

(a) where the permission relates to the carrying out of building or other operations no such order –

(i) shall affect such operations as have been previously carried out;

(ii) shall be passed after these operations have been completed;

(b) where permission relates to a change of use of land, no such order shall be passed at any time after the change has taken place.

(2) When permission is revoked or modified by an order made under sub-section (1), if the owner claims from the Planning Authority within the time and in the manner prescribed, compensation for the expenditure incurred in carrying out the works after the grant of permission and in accordance with such permission which has been rendered abortive by the revocation or modification, the Planning Authority shall, after giving the owner a reasonable opportunity of being heard by the Senior Town Planner and after considering the Senior Town Planner's report, assess and offer such compensation to the owner as it thinks fit.

(3) If the owner does not accept the compensation and gives notice, within such time as may be prescribed of his refusal to accept, the Planning Authority shall refer the matter for the adjudication of the Court and the decision of the Court shall be final and be binding on the owner and the Planning Authority.

Penalty for unauthorised Development or for use otherwise than in conformity with the Development Plan

43. (1) Any person who, whether at his own instance or at the instance of any other person or anybody commences, undertakes or carries out development, institutes, or changes use of any land –

(a) in contravention of any development plan;
(b) without payment of development charges;
(c) without permission as required under this Act;
(d) in contravention of any condition subject to which such permission has been granted;
(e) after the permission for development has been revoked under section 42;

(f) in contravention of the permission which has been modified under section 42;

(g) in contravention of the provisions of sub-section (3) of section 47;

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

(2) Any person who continues to use or allows the use of any land or building in contravention of the provisions of a Development Plan without having been allowed under provisio to section 36 or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed, shall be punishable with a fine which may extend to five thousand rupees and in the case of a continuing offence with a further fine which may extend to five hundred rupees for everyday during which such offence continues after conviction for the first commission of the offence.

Power to require removal of unauthorised development

44. (1) Where any development of the land has been carried out as described in section 43, the Planning Authority may, within three years of such development, serve on the owner a notice requiring him, within such period, being not less than one month, as may be specified therein after the service of the notice, to take such steps as may be specified in the notice —

(i) in cases specified in clauses (a), (c) or (e) of sub-section (1) of section 43 to restore the land to its condition before the said development took place;

(ii) in cases specified in clauses (b) of sub-section (1) of section 43 to restore the land to its condition before the said development, took place or to pay the development charge and such penalty if any, as may be prescribed by the rules;

(iii) in cases specified in clause (d) or (f) of sub-section (1) of section 43 to secure compliance with the conditions or with the permission as modified.

and in particular any such notice may for the purpose aforesaid require-

(a) the demolition or alteration of any building or works;

(b) the carrying out on land, of any building or other operations; or

(c) the discontinuance of any use of land:

Provided that in the case the notice requires the discontinuance of any use of land, the Planning Authority shall serve as notice on the occupier also.

(2) Any person aggrieved by such notice may, within the period and in the manner prescribed —

(a) apply for permission under section 37 for the retention of the land or any building, work or for the continuance of any use of the land, to which the notice relates, or

(b) appeal to the Board,

(3) (i) The notice shall be of no effect pending the final determination or withdrawal of the application or the appeal.

(ii) If such permission as aforesaid is granted on the application, the notice shall not take effect, or if such permission is granted for the retention only of some buildings or works or for the continuance of use of only a part of the land, the notice shall not take effect regarding such buildings or works or such part of the land but shall have full effect regarding other buildings or works or other parts of the land.

(4) On an appeal made to the Board under sub-section (2) the Senior Town Planner or any other person appointed by him in this behalf after obtaining the remarks of the Planning Authority concerned and making such enquiries as may be deemed necessary submit a report to the Board.

(5) After considering the aforesaid report and hearing the appellant, the Board may dismiss the appeal or accept the appeal by quashing or varying the notice as it may think fit.

(6) If within the period specified in the notice or within such period as may be prescribed after the disposal or withdrawal of the application for permission or the appeal under the sub-section (2), the notice or so much of it as continues to have effect, or the notice with variation made in appeal, is not complied with, the Planning Authority may

(a) prosecute the owner for not complying with the notice and in the case where the notice required the discontinuance of any use of land, any other person also who uses the land or causes or permits the land to be used in contravention of the notice, and

(b) (i) in the case of a notice requiring the demolition or alteration of any building or works or carrying out of any building or other operations, itself cause the restoration of the land to its condition before the development took place and secure the compliance with the conditions of the permission or with the permission as modified, by taking such steps as the Planning Authority may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operations.

(ii) the Planning Authority may recover the cost of any expense incurred by it in this behalf from the owner as arrears of land revenue.

(7) Any person prosecuted under sub-section (6) (a) shall be punishable with a fine which may extend to ten thousand rupees, and in the case of a continuing offence with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

Power to stop unauthorised development

45. (1) Where any development of land as described in section 43 is being carried out but has not been completed, the Planning Authority may serve on the owner and the person carrying out the development a notice requiring the development of land to be discontinued from the time of the service of such notice.

(2) Where such notice has been served the provisions of sub-sections (2), (4) and (5)of section 44 shall apply, with such modifications as may be necessary:

Provided that the provisions of sub-section (3) (i) of section 44 shall not apply and in spite of the filing of an application for permission for development or an appeal as provided in sub-section (2) of section 44 the notice shall continue to have full effect.

(3) Any person, who continues to carry out the development of land, whether himself or on behalf of the owner or any other person, after such notice has been served shall be punishable with a fine which may extend to ten thousand rupees and when the non-compliance is a continuing one, with a further fine which may extend to five hundred rupees for everyday after the date of the service of the notice during which the non-compliance has continued or continues.

(4) If such notice is not complied forthwith, the Planning Authority or such officer of the Planning Authority who may be authorised in this behalf may require any police officer to remove such person and all assistants and workmen from the land at anytime after the service of such notice and such police officer shall comply with the requisition accordingly.

(5) After the requisition under sub-section (4) has been complied with, the Planning Authority or such officer of the Planning Authority who may be authorised in this behalf may, if he thinks fit, depute, by a written order, a police officer or any officer or employee of the Planning Authority to watch the land in order to ensure that the development is not continued.

(6) Where a police officer or an officer or employee of the Planning Authority has been deputed under sub-section (5) to watch the land, the cost of such deputation shall be paid by the person at whose instance such development is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such persons as arrears of land revenue.

Power to require removal of unauthorised development or use

46. (1) If it appears to a Planning Authority that it is expedient in the interest of the proper planning of its areas (including the interest of amenities) having regard to the development plan prepared, or under preparation, or to be prepared, and to any other material considerations –

(a) that any use of land should be discontinued; or
(b) that any conditions should be imposed on the continuance thereof; or
(c) that any building or work should be altered or removed;

the Planning Authority may, by notice served on the owner
(i) require the discontinuance of that use, or
(ii) impose such conditions, as may be specified in the notice on the continuance thereof, or

(iii) require such steps, as may be specified in the notice to be taken for the alteration or removal of any buildings or work, as the case may be, within such period, being not less than one month, as may be specified therein, after the service of the notice.

(2) Any person aggrieved by such notice may, within the said period and in the manner prescribed, appeal to the Board.

(3) If an appeal is filed under the last foregoing sub-section, the provisions of clause (i) of sub-section (3) and sub-section (4) and (5) of section 44 shall apply with such modifications as may be necessary.

(4) If any person---

(i) who has suffered damage in consequence of the compliance with the notice, by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, or

(ii) who has carried out any work in compliance with the notice.

claims from the Planning Authority within the time and in the manner prescribed, compensation in respect of that damage or of any expense reasonably incurred by him for complying with the notice the provisions of sub-sections (3) to (5) of section 41 shall apply with such modifications as may be necessary.

(5) (a) If any person interested in the land in respect of which a notice is issued under this section claims that, by the reason of the compliance with the notice, the land will become incapable of reasonably beneficial use, he may within the period specified in the notice or within such period after the disposal of the appeal, if any, filed under sub-section (2) and in the manner prescribed, serve on the Government an acquisition notice requiring it to acquire his interests in the land.

(b) When a notice is served under the last foregoing sub-section, the provisions of sub-sections (2) to (4) of section 40 shall apply with such modifications as may be necessary.

Power to make Building Bye-laws and Zoning Regulations

47. (1) The Government, in consultation with the Town and Country Planning Department, may, by notification in the Official Gazette, make Building Bye-laws and Zoning Regulations to be applicable to such areas as may be specified in the notification to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such Bye-laws and Zoning Regulations may provide for all or any of the following matters, namely: -

(i) the plot size, area to be covered, floor area ratio, height of the buildings, size of yards and building lines;

(ii) the use of zones such as residential, commercial, industrial, recreational, agricultural and other purposes;

(iii) any other matter which is to be or may be prescribed.

(3) No building operations shall be undertaken in a Planning area contrary to the building Bye-laws and Zoning Regulations made under sub-section (1) above without permission in writing from the Planning Authority.

CHAPTER –IX

ACQUISITION AND DISPOSAL OF LAND

Acquisition of land for purposes of Development Plan to be deemed for a public purpose

48.Land needed for purposes of Development Plan whether contemplated, notified or sanctioned shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

Acquisition of land for Development Plan

49. The Planning Authority may, at any time, and for the purposes of a Development Plan acquire any land with the sanction of the Government.

Power of Government to acquire land included in the Development Plan

50. (1) If, at any time, the Government is of opinion that any land included in the Development Plan is needed for a public purpose other than that for which it is included in the development plan, it may make a declaration to that effect in the Official Gazette in the manner provided in section 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894). The declaration so published shall, notwithstanding anything contained in the said Act, deemed to be a declaration duly made under the said section.

(2) On the publication of a declaration under sub-section (1) the Government shall proceed to acquire the land and the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) as amended by section 51 of this Act, shall so far as may be, apply to the acquisition of the said land.

(3) In the proceedings under the Land Acquisition Act, 1894 (Central Act 1 of 1894), the Planning Authority shall be deemed to be a person interested in the land acquired and in determining the amount of compensation to be awarded to the Planning Authority, the Government or the Court, as the case may be, may take into consideration the value, if any, paid by the Planning Authority for the acquisition of the said land under section 48 or otherwise and proportionate cost of the development plan, if any, incurred by the Planning Authority and rendered abortive by reason of the variation of the Development Plan on account of such acquisition.

(4) On the land vesting in the Government under section 16 or section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), as the case may be, the Development Plan shall be deemed to have been suitably varied by reason of the acquisition of the land.

Amendment of the Land Acquisition Act, 1894 for the purposes of acquisition

[1][51. Where any land is compulsorily acquired by the Planning Authority for the purposes of development under this Act, the provisions of the Land Acquisition Act, 1894, (Central Act 1 of 1894) shall apply subject to the modifications specified in the Schedule.

Compensation for damage suffered in consequence of delay in making award

51A. (1) Where the Collector has not made an award under section 11 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), in respect of any land within a period of three years from the date of the publication of the declaration under section 6 of that Act or the issue of notification under section 33, as the case may be, the owner of the land shall, unless he has been responsible for the delay to a material extent, be entitled to receive compensation for the damage suffered by him in consequence of the delay.

1. Substituted by Act, 15 of 1971, section 5. w.e.f 15-7-1972.

(2) the provisions of Part-Ill of the Land Acquisition Act, 1894 (Central Act 1 of 1894), shall apply, so far as may be, to the determination of the compensation payable under this section].

Disposal of land

52. The immovable property acquired under section 49 for the execution of any development plan shall be disposed of to any person or body (including a department of the Government or the local authority or the Central Government) intending to carry out such development on such land in the manner prescribed by the rules.

CHAPTER --- X

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT CHARGE

Levy of Development Charge

53. (1) Where permission for a change in the use or development of any land or building is granted under Chapter-Vill of this Act in the whole or any part of the planning area, and such change or development is capable of yielding a better income to the owner, the Planning Authority may levy a charge (hereinafter called the Development Charge) not exceeding one-third of the estimated increase in the value of the land or building in the prescribed manner for permitting such change in use or development.

(2) The Development Charge shall be leviable on any person who undertakes or carries out any such development or institutes or changes any such use.

(3) Notwithstanding anything contained in sub-section (1), no Development Charge shall be levied on development or institution of, or change of use of any land vested in or under the control or possession of the Central Government or the Government.

(4) The Government may, by rules, provide for the exemption from the levy of Development Charge any development or institution or change of any use of any land specified in the rules.

(5) The Development Charge shall not exceed the limit prescribed under the rules from time to time.

Assessment of Development Charge

54. (1) Any person who intends to carry out any development or institute or change any use of any land or building for which permission under the provision of Chapter-VIII of this Act is necessary whether he has applied for such permission or not or who has commenced carrying out any such development or has carried out such development or instituted or changed any such use shall apply to the Planning Authority in the manner prescribed for the assessment of Development Charge payable in respect thereof.

(2) The Planning Authority shall, on such application being made or if no such application is made after serving a notice on the person liable for Development Charge, refer it to the Senior Town Planner for a report.

(3) The Senior Town Planner shall, after making such enquiries as he may deem necessary and after giving a reasonable opportunity of being heard to the person who made an application under sub-section (1), make a report to the Planning Authority.

(4) After taking into consideration the aforesaid report, the Planning Authority shall assess the Development Charge by an order:

Provided that ---

(a) where permission under Chapter-VIII of this Act has not been granted for carrying out the said development, the Planning Authority may postpone the assessment of the Development Charge;

(b) where the application relates to the carrying out of any development, the Planning Authority may refuse to assess the Development Charge payable in respect thereof unless it is satisfied that the applicant has an interest in the land or building sufficient to enable him to carry out such development or that the applicant is able to obtain such interest and that the applicant will carry out the development within such period as the Planning Authority considers appropriate;

(c) where the application relates to the institution or change of any use, the Planning Authority may refuse to assess the amount of Development Charge in respect thereof unless it is satisfied that the use will be instituted within such period as it considers appropriate.

(5) The Planning Authority shall deliver or serve a copy of such order on the applicant or the person liable for the Development Charge.

(6) Such order of assessment subject to provisions of section 55 shall be final and shall not be questioned in any Court.

Appeals against assessment

55. (1) If any person liable for such Development Charge is dissatisfied with the order of assessment, he may, within such time and in such manner as may be prescribed, appeal to the Board.

(2) On an appeal made to the Board under sub-section (1), the Board shall pass such order as it deems fit.

Development Charge to be a charge on land and to be recovered as an arrear of land revenue

56. (1) If any development of land is commenced or carried out or any use is instituted changed without payment of the amount of the Development Charge assessed under the provisions of this Chapter, the amount of Development Charge shall, subject to prior payment of land revenue, if any, be a first charge upon the interest of the person so liable in the land on which development has been commenced or carried out or use has been instituted or changed and also in any other land in which such person has any interest.

(2) The Development Charge or any amount due and recoverable under this Act shall be recoverable as arrears of land revenue.

CHAPTER – XI

FINANCE, ACCOUNTS AND AUDIT

Funds of Planning Authority

57. (1) The Planning Authority shall have and maintain its own fund to which shall be credited, --

(a) all moneys received by the Planning Authority from the Government by way of grants, loans, advances, or otherwise:

(b) all Development Charge or other charges or fees received by the Planning Authority under this Act or rules or regulations thereunder;

(c) all moneys received by the Planning Authority from any other source.

(2) The funds shall be applied towards meeting –

(a) the expenditure incurred in the administration of this Act;
(b) the cost of acquisition of land in the Planning area for the purposes of development;
(c) the expenditure for any development of land in the planning area; and
(d) the expenditure for such other purposes as the Government may direct.

(3) The Planning Authority may keep in current account of the State Bank of India or any other Bank approved by the Government in this behalf such sum of money out of its funds as may be prescribed by the rules and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(4) The Government may make such grants, advances and loans to the Planning Authority as it may deem necessary for the performance of the functions under this Act, and all grants, loans and advances made shall be on such terms and conditions as the Government may determine.

Budget of the Planning Authority

58. Every Planning Authority shall prepare in such form and at such time every year as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Planning Authority in respect of the administration of this Act and shall forward to the Government and the Board, such number of copies thereof as may be prescribed.

Accounts and Audit

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

(2) The accounts of every Planning Authority shall be subject to audit annually by the Accountant General or any officer authorised by him in this behalf.

(3) The Accountant-General or any person appointed by him in connection with the audit of accounts of the Planning Authority shall have the same right, privilege and authority in connection with such audit as the Accountant-General has in connection with the Government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers to inspect the office of the Planning Authority.

(4) The accounts of the Planning Authority as certified by the Accountant-General or any person appointed by him in this behalf together with the audit report thereon shall be forwarded to the Government and the Board.

Annual reports

60. Every Planning Authority shall prepare every year a report of its activities under this Act during that year and submit the report to the Government and the Board in such form on or before such date as may be prescribed.

CHAPTER – XII

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

Power of entry

61. (1) The Senior Town Planner or any person authorised by the Board or any Planning Authority in this behalf may enter into or upon any land or building with or without assistants or workmen for the purpose of –

(a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;

(b) setting out boundaries and intended lines of work;

(c) marking such levels, boundaries and lines by placing marks and cutting trenches;

(d) examining works under construction and ascertaining the course of sewers and drains;

(e) digging or boring into the sub-soil;

(f) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or rules or regulations thereunder;

(g) doing any other acts necessary for the efficient administration of this Act:

Provided that ---

(i) in the case of any building used as a dwelling house or upon any enclosed part or garden attached to such a building no such entry shall be made (unless with the consent of the occupier thereof) without giving such occupier at least twenty-four hours notice in writing of the intention to enter;

(ii) sufficient opportunity shall, in every instance, be given to enable women, if any, to withdraw from such land or building;

(iii) due regard shall always be had so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious feelings of the occupants of the land or building entered.

(2) The power of Senior Town Planner or the Board under sub-section (1) shall extend to the whole of the Union territory and the power of the Planning Authority under sub-section (1) shall extend only to its planning area and such other area which the Government may be directed to be included in a development Plan.

(3) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or molests such person after such entry, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

Service of notices, etc.

62. (1) All documents including notices and orders required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or rule or regulation, be deemed to be duly served

(a) where the document is to be served on a Government department, railway, local authority, statutory authority, company, corporation, society or other body, if the document is addressed to the head of the Government Department, Secretary or the Principal Officer of the local authority, statutory authority, company, corporation, society or any other body at its principal, branch, local or registered office, as the case may be, and is, either

(i) sent by registered post to such office; or
(ii) delivered at such office;

(b) where the person to be served with such notice is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either ---

(i) sent by registered post; or
(ii) delivered at the said place of business.

(c) in any other case, if the document is addressed to the person to be served and

(i) is given or tendered to him; or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming or describing that land or building) without further name or description and shall be deemed to be duly served

(a) if the document so addressed is sent or delivered in accordance with clause (c) of sub-section (i); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the Secretary to the Board or the Planning Authority or any other officer authorised by the Board or any Planning Authority, in this behalf, may, by notice in writing, require the occupier (if any) of the property to state the name and address of the owner thereof.

(5) Where a person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) A servant is not a member of the family within the meaning of this section.

Public notice how to be made known

63. Every public notice given under this Act or rules or regulations made thereunder shall be in writing over the signature of the Secretary to the Board of any Planning Authority or such other officer who may be authorised in this behalf by the Board or any Planning Authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper and by any other means which the Secretary of the Board or the Planning Authority thinks fit.

Notice, etc., to fix reasonable time

64. Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or rule or regulations, the notice, order or other document shall specify a reasonable time for doing the same.

Authentication of orders and documents of the Board and the Planning Authority

65. All permissions, orders, decisions, notices and other documents of the Board and Planning Authority shall be authenticated by the signature of the Secretary to the Board or the Planning Authority or such other officer as may be authorised by the Board or the Planning Authority in this behalf.

Mode of proof of records of the Board and Planning Authority

66. A copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Board or the Planning Authority, if duly certified by the Secretary to the Board or Planning Authority or any other person authorised by the Board or the Planning Authority in this behalf, shall be received as prima facie evidence of the existence of the entry of document and shall be admitted as evidence of the matters and transactions therein recorded in every case, where, and to the same extent as the original entry or document would, if produced, have been admissible to prove such matters.

Restrictions on the summoning of officers and servants of the Board or Planning Authority

67. No Chairman, Secretary, Member, officer or servant of the Board or Planning Authority, shall, in any legal proceedings to which the Board or the Planning Authority is not a party, be required to produce any register or document the contents of which can be proved under section 66 by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless, by order of the court, made for special cause.

Penalty for obstructing contractor or removing mark

68. If any person, ---

(a) obstructs or molests any person engaged or employed by the Board or Planning Authority or any person with whom the Board or Planning Authority has entered into a contract, in the performance or execution by such person of his duty or of anything of which he is empowered or required to do under this Act, or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act,

he shall be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months.

Sanction of prosecution

69. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Board of the Planning Authority or any officer authorised by the Board or the Planning Authority in this behalf.

Composition of offences

70. (1) The Board or the Planning Authority or any person authorised in this behalf by general or special order may either before or after the institution of the proceedings compound any offence made punishable by or under this Act.

(2) When an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded:

Jurisdiction of Courts

71. No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act.

Fine when realised to be paid to the Planning Authority

72. All fines realised in connection with prosecution under this Act shall be paid to the Planning Authority concerned.

Members and Officers to be public servants

73. Every member and every officer of the Board and Planning Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

Protection of action taken in good faith

74. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulations made thereunder.

Finality of orders

75. Save as otherwise expressly provided in this Act, every order passed or direction issued by the Government or Board or notice issued by Planning Authority under this Act shall be final and shall not be questioned in any suit or other legal proceeding.

Validation of acts and proceedings

76. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of, -

(a) the existence of any vacancy in, or any defect in the constitution of, the Board or Planning Authority;

(b) any person having ceased to be a member;

(c) any person associated with Planning Authority under section 15 having voted in contravention of the said section; or

(d) the failure to serve notice on any person where no substantial injustice has resulted from such failure; or

(e) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board and Planning Authority the minutes of the proceedings of which have been duly signed as prescribed in sub-section (4) of section 6 and sub-section (4) of section 14 shall be taken to have been duly convened and to be free from all defects and irregularities.

Returns and informations

77. (1) The Board and Planning Authority shall furnish to the Government such reports, returns and other information as the Government may from time to time, require.

(2) The Planning Authority shall furnish to the Board such reports, returns, and other information as the Board may from time to time, require.

Effect of other laws

78. (1) Save as aforesaid, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

(2) Notwithstanding anything contained in any such other law,

(a) when permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such law for such development has not been obtained.

(b) when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the, fact that permission, approval or sanction required under such other law for such development has been obtained.

Power to delegate

79. The Senior Town Planner may, by an order in writing, delegate any power exercisable by him under this Act, rules or regulations to any officer of the Government or local authority in such case and subject to such conditions, if any, as may be specified therein.

Control by the Government and the Board

80. (1) The Board and the Planning Authority shall carry out such directions as may be issued from time to time by the Government for the efficient administration of this Act and the Planning Authority shall carry out also such directions as may be issued from time to time by the Board for the purpose.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any Planning Authority under this Act, any dispute arises between the Planning Authority under this Act, any dispute arises between the Planning Authority, the local authority the Board and the Government, the decision of the Government on such disputes shall be final.

Power to make rules

81. (1) The Government may, by notification in the Official Gazette, 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 functions and powers of the Board and the Planning Authority;

(b) the term of office and conditions of service of the Chairman, Vice-Chairman, Secretary and other members of the Board and Planning Authority;

(c) the qualification and disqualification for being chosen as, and for being, members of the Board or Planning Authority;

(d) the time and place of holding the meetings of the Planning Authorities and the procedure to be followed;

(e) the functions, powers and duties of the Senior Town Planner;

(f) the manner in which and the purposes for which the Planning Authority may associate with itself any person;

(g) the time within which the Government is to direct modifications in, or to give its consent for the publication of notice of preparation of and approval to, any Development Plan;

(h) the form and content of the Interim Development Plan and the Comprehensive Development Plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form and the manner of publication of the notice relating to such plan;

(i) the periodical amendment of development plans, the period on the expiration of which such an amendment may be taken up, the procedure to be followed in making such amendment;

(j) the form in which any application for permission for development shall be made, the particulars to be furnished in such application and documents and plans which shall accompany such application;

(k) the form of registration of application and the particulars to be contained in such registers;

(1) the manner of filing, and the fees to be paid for and the procedure to be followed in appeals;

(m) the manner in which an acquisition notice is to be served, and claim for compensation to be made, the time within which such claim is to be made and the procedure to be followed for assessment of compensation;

(n) the procedure for the levy of Development Charge and exemption from it on any development or institution or change of any use of any land;

(o) the manner in which the application for the assessment of Development Charge is to be made;

(p) the form of the budget of the Planning Authority, the number of copies that have to be sent to the Board and the Government;

(q) the form of the annual report of the Planning Authority and the date on or before which it shall be submitted to the Board and the Government:

(r) any other matter which has to be or may be prescribed by rules.

(3) 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 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 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.

Power to make regulations

82. The Planning Authority may, with the previous approval of the Government, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act.

Repeals and savings

83. The corresponding provisions of any law in force in the Union territory of Puducherry or in any area thereof relating to matters covered by this Act shall be deemed to have been repealed with effect from the date on which this Act comes into force, except as respects things done or omitted to be done thereunder before such repeal.

[1][SCHEDULE

(See Section 51)

Modifications to the Land Acquisition Act, 1894

1. In the Land Acquisition Act, 1894 (hereinafter referred to in this Schedule as the said Act), in section 3, after clause (ee), the following clause shall be inserted, namely : -

"(eee) the expression 'local authority' includes the Planning Authority constituted under section 11 of the Puducherry Town and Country Planning Act, 1969".

2. After section 17 of the said Act, the following section shall be inserted, namely: -

"17 A. Transfer of land to Planning Authority. –

In every case referred to in section 16 or in section 17, the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Planning Authority constituted under section 11 of the Puducherry Town and Country Planning Act, 1969; and the land shall thereupon vest in the said Authority subject to the liability to pay any further cost which may be incurred on account of its acquisition".

3. In the said Act, for sections 23 and 24, the following sections shall respectively be substituted, namely:---

"23. Matters to be considered in determining compensation. —

(1) In determining the amount of compensation to be awarded for the land or any interest therein acquired under this Act, the Court shall take into consideration –

first, the market value of the land as on the date of the declaration of the area as a planning area under section 8 of the Puducherry Town and Country Planning Act, 1969;

secondly, the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time when the possession was taken from him;

thirdly, the damage, it any, sustained by the person interested at the time of the possession being taken from him, by reason of severing such land from his other land;

---

1. Schedule inserted by Act, 15 of 1971, section 6, w.e.f 15-7-1972.

fourthly, the damage, if any, sustained by the person interested at the time of the possession being taken from him of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner or his earnings; and

fifthly, if in consequence of the acquisition of the land the person interested is compelled to change his residence or place of business the reasonable expenses, if any, incidental to such change.

(2) In addition to the market value of the land as provided in sub-section (1), the Court shall in every case award a sum of fifteen per centum on such market value, in consideration of the compulsory nature of the acquisition.

24. Matters to be neglected in determining compensation: --

The Court shall not take into consideration –

first, the degree of urgency which led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of publication of the notice under section 33 of the Puducherry Town and Country Planning Act, 1969 by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;

seventhly, any outlay or improvements on, or disposal of the land acquired, commenced, made or effected with the sanction of the local authority after the date of the declaration of the area as a planning area under section 8 of the Puducherry Town and Country Planning Act, 1969;

eighthly, the special suitability or adaptability of the land for any purpose, if that purpose is a purpose to which it could be applied in pursuance of any law or for which there is no market apart from the special needs of the local authority.

ninthly, any increase in the value of the land by reason of the use thereof or any premises thereon in a manner which could be restrained by any court, or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health.].

———

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 13 OF 1970

Under The French law viz. the Decree of 12th March, 1880, the Mayors are empowered with the approval of the local Government to issue orders regarding building lines, public streets, thoroughfares etc. But these powers are not adequate and in conformity with the present requirements. The Puducherry town and its environs are having a non-planned growth and buildings, factories and workshops have been coming up without any regard for ventilation, sanitary facilities, causing also a problem for public safety and health. Slums have been also developing like mushrooms. At present, there is no local enactment for regulating town planning or for enforcing Zoning or building regulations. Therefore, the present Bill has been prepared on the model Bill sent by the Government of India to provide for planned development and use of rural and urban land in the Union territory of Puducherry.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 15 OF 1971

The Puducherry Town and Country Planning Act, 1969 (No. 13 of 1969) was assented to by the President on 20th May 1970. While communicating the assent, the Government of India pointed out that the section in the Act with respect to the acquisition of the property for the purposes of development plan should be amended in such a way to dispense with notification under section 4 and declaration under section 6 of the Land Acquisition Act, 1894 and to achieve these objects by making suitable references in the provisions of the Act itself. It was also suggested that while determining the amount of compensation, the market value could be fixed as on the date of notification of the Planning area under section 8 of the Act, especially in view of the decision of the Supreme Court (in State of Gujarat Vs. Shanthilal AIR 1969 S.C. 634). Accordingly amendments have been made to sections 8, 18,33 and 51 of the Act. The other provisions of the Land Acquisition Act are also made applicable with such modifications referred to in the Schedule to the Act.

The Bill thus seeks to achieve the objects stated above.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 10 OF 1981

The Puducherry Town and Country Planning Act, 1969 (No. 13 of 1970) in sub-section (2) of section 11, as originally enacted specified the members to be appointed on every Planning Authority constituted under sub-section (1) of the said section. The said sub-section (2) was amended by section 132 of the Puducherry Housing Board Act, 1973 (No. 7 of 1974) which states that the Chairman and members of the Housing Board constituited under section 3 of the said Act will be the Chairman and members of every Planning Authority. As this provision is not found to be helpful to achieve the objects of the Puducherry Town and Country Planning Act, it is felt necessary to further amend sub-section (2) of section 11 of the said Act enabling appointment of Chairman and members of every Planning Authority independent of the Chairman and members of the Puducherry Housing Board.

The Bill seeks to achieve the above object.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 3 OF 2009

Section 4 of the Act provides for the term of office and conditions of service of the Chairman and members of the Board. Sub-section (2) of section 4 provides that the Chairman and the other members of the Board shall be entitled to receive travelling allowances as may be fixed by the Government. Now, in view of the specific provision of sub-section (2) of section 4 and in view of the fact that the Minister in-charge of Town and Country Planning has been statutorily nominated as the Chairman of the Board, it has become necessary to declare by law that no person shall be disqualified for being chosen as or for being a member of the Legislative Assembly by virtue only of the fact that he is a Chairman or a member of the Board.

For the said purpose, a new section 4A is proposed to be incorporated in the Act to meet the above-mentioned requirements.

The Bill seeks to achieve the above objects.

———

THE PUDUCHERRY REVENUE RECOVERY ACT, 1970
(Act No.14 of 1970)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement
2. Definitions
3. Security for revenue.
4. Revenue when becomes due and payable.
5. Arrear of revenue and defaulter.
6. Arrear of revenue how recovered.
7. Interest on arrears.
8. Procedure for seizure and sale of movable property.
9. Procedure when defaulter neglects to pay after notice.
10. Distress to be withdrawn on tender of arrear, etc., prior to sale.
11. Distrained crops how dealt with,.
12. Distrained cattle or goods not be used.
13. Recovery of loss from neglect in respect of distrained property.
14. Distress to be proportionate to the arrear.
15. Time of distress.
16. Penalty of fraudulent conveyance of property to prevent distress.
17. Claims to property distrained and sold.
18. Penalty forcibly or clandestinely taking away distrained property.
19. What places distrainer may force open.
20. Powers of distrainer to force open doors, etc, in the presence of a police officer.
21. Penalty for unlawful entry.
22. Proclamation of time of sale and of property to be sold.
23. Sale how conducted.
24. Payment on purchase of distrained property.
25. Demand to be served prior to attachment of land and mode of service.
26. Procedure when defaulter neglects to pay.
27. Mode of attachment.
28. Management of attached property.
29. Notice of assumption of management.
30. Duties of agents.
31. Liability of agent to suit or prosecution.
32. Effect of existing agreements between landholder and tenants.
33. Payments by tenants.
34. Settlement on withdrawal of attachment.
35. Release of land from attachment by persons interested.
36. Procedure in sale of immovable property.

37. Certain provisions of section 36 not to apply to cases of purchase by Government.
38. Tender of arrears upto sunset on day before sale.
39. Application to set aside sale of immovable property on deposit.
40. Application to set aside sale on grounds of mistake, fraud, etc.
41. Proclamation of sale.
42. Delivery of possession.
43. Contracts and payments binding on purchaser.
44. Sale to be free of all encumbrances and disposal of surplus.
45. Recovery of arrears due to defaulter on the date of sale.
46. Sale of land for arrears.
47. Sale may be postponed on tender of security.
48. Powers of arrest in case of wilful on fraudulent non-payment of arrears.
49. Procedure in case of arrest.
50. Mode of enforcing payment by sureties.
51. Removal of crops may be prevented where revenue is payable in kind.
52. Simlar process in case of other species of revenue, advances fees, cesses etc.
53. Process servers to be paid batta.
54. Interest and chares recoverable as arrears.
55. Who to bear expenses of countermanded sale and recovery thereof.
56. Receipts for payments of revenue.
57. Procedure where defaulter or surety resides out of region.
58. Cognizance of questions relating to rate of revenue.
59. Suits by persons aggrieved by proceedings.
60. Claim of Government to have precedence over all others.
61. Repeal and savings.

———

THE PUDUCHERRY REVENUE RECOVERY ACT, 1970
(Act No. 14 of 1970)

20th June, 1970.

AN ACT

to provide for the recovery of arrears of revenue in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-first Year of the Republic of India as follows: -

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Revenue Recovery Act, 1970.

(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.

Definitions

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

(a) "Collector" means the Secretary to Government, Revenue, Finance and Planning Department, Puducherry and includes the Deputy Collector (Revenue), Puducherry, for Puducherry region, and the Administrators, Karaikal, Mahe and Yanam in their respective regions *[and any officer whom the Government may, by notification in the Official Gazette, appoint to perform the functions of a Collector under this Act];

(b) "Fasli Year" means the year commencing from the 1st July of every year and ending with the 30th June of next year;

(c) "Government" means the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

+ The Act came into force on the 1st day of August, 1970 vide Notification No. B-819/ 68-Rev. I, dated 25th July 1970.

* Inserted vide Act No.12 of 1988, section 2, with effect from 19.5.88.

(d) "revenue" in relation to land includes all dues payable to Government whether under the provisions of any law for the time being in force or under any agreement in respect of such land;

(e) "sales officer" means any officer appointed by the Government to hold sales under the provisions of this Act;

(f) "Union territory" means the Union territory of Puducherry.

Security for revenue

3. The land, the buildings upon it, and its products, shall be regarded as security for payment of revenue.

Revenue when becomes due and payable

4. (1) The revenue leviable on account of a fasli year shall become due on the first day of that year and it shall be payable at such times, in such instalments, to such persons, at such places and in such manner, as may be specified by Government, by an order in this behalf.

(2) Any period elapsing between the first day of the fasli year and date specified under sub-section (1) for the payment of revenue shall be deemed to be a period of grace and shall not affect the provisions of sub-section (1).

Arrear of revenue and defaulter

5. Any instalment of revenue or part thereof which is not paid on the date specified for payment under section 4 shall become an arrear of revenue and the person responsible for the payment shall become a defaulter.

Arrear of revenue how recovered

6. Whenever revenue is in arrear, it shall be lawful for the Collector, or other officer empowered by him in this behalf, to proceed to recover the arrear, together with interest and costs of process, by the sale of the defaulter's movable or immovable property or both or by execution against the person of the defaulter in the manner hereinafter provided:

Provided that the following properties shall not be liable for sale, namely:-

(i) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, his wife and children, and such personal ornaments as, in accordance with the religious usage, cannot be parted with by any woman;

(ii) tools of artisans and, if the defaulter is an agriculturist, his implements of husbandry, except an implement driven by mechanical power and such cattle and seed as may, in the opinion of the Collector, be necessary to enable him to earn his livelihood as such and also such portion of the agricultural produce as in the opinion of the Collector is necessary for the purpose of providing, until the next harvest, for the due cultivation of the land and for the support of the holder and his family;

(iii) articles set aside exclusively for the use of religious endowments;

(iv) houses and other buildings (with the materials and sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him.

Interest on arrears

7. Arrears of revenue shall bear interest at the rate of *[12 percent per annum].

Procedure for seizure and sale of movable property

8. In the seizure and sale of movable property for arrears of revenue, the following procedure shall be followed, namely:

(i) (a) The Collector or other officer empowered by him in this behalf, shall furnish to the person employed to distrain the property of a defaulter (hereinafter called the distrainer), a demand in writing, duly signed by him, specifying the name of the defaulter, the amount of the arrear for which the distress is to be issued and the date on which the arrear fell due.

---

* Amended vide Act No.8 of 1990, section 2, w.e.f 7.11.90.

(b) The distrainer shall produce such demand to the defaulter and if the arrear together with the batta due to him under section 53 is not paid at once, the demand itself shall be his authority for making the distress.

(ii) On the day on which the property is distrained, the distrainer shall deliver a copy of the demand to the defaulter, endorsing thereon a list or inventory of the property distrained and the name of the place where it may be lodged or kept.

(iii) The demand shall also state that the distrained property will be immediately brought to public sale, unless the amount, with interest, batta, and all the expenses of the distress, are previously discharged.

(iv) When a defaulter is absent, a copy of the demand along with the endorsement, shall be fixed or left at his usual place of residence, or on the premises where the property may have been distrained, before the expiration of the third day, calculating from the day of the distress.

Procedure when defaulter neglects to pay after notice

9. Where the amount due is not paid in accordance with the terms of the demand, and no arrangement for securing such amount has been entered into to the satisfaction of the Collector or other officer empowered by him in this behalf, the distrainer shall transmit an inventory of the property distrained to the Sales Officer so that it may be publicly sold for the discharge of the arrear due, with interest, batta, and the cost of distraint.

Distress to be withdrawn on tender of arrear, etc., prior to sale

10. Where a defaulter tenders payment of the arrear demanded together with interest, batta and all necessary expenses attending distress after his property has been distrained, but prior to the date fixed for sale, the distrainer shall receive the amount so tendered and shall forthwith release the property.

Distrained crops how dealt with

11. (1) The distrainer attaching the crops or ungathered products of the land belonging to a defaulter, may either cause them to be sold when fit for reaping or gathering, or may cause them to be reaped or gathered in due season and stored in proper places until sold and in the latter case, the expense of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

(2) When crops or products belonging to a tenant are sold, it shall be lawful for such tenant to deduct the value of the crops or products so sold from any rent which may be due from him, then or afterwards, to the defaulter, in respect of the land on which such crops or products have been grown and it shall also be lawful for a tenant whose crops are attached for an arrear of revenue to pay the arrear and deduct the amount in the aforesaid manner from any rent due from him, then or afterwards.

Distrained cattle or goods not to be used

12. The distrainer shall not work the bullocks or cattle, or make use of the goods or effects distrained and shall provide the necessary food for the cattle or livestock, and any expenses so incurred shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Recovery of loss from neglect in respect of distrained property

13. Where property distrained are stolen or lost, or damaged by reason of the necessary precautions for its due preservation not having been taken, or from its having been improperly made use of, the amount of such loss or damage shall be recoverable by summary process by the Collector from the officer from whose neglect or act the loss or damage was occasioned and the amount so recovered shall be paid to the person damnified.

Distress to be proportionate to the arrear

14. The distress levied shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate to the amount of the arrear.

Time of Distress

15. Any distress shall be made after sunrise and before sunset and not otherwise.

Penalty for fraudulent conveyance of property to prevent distress

16. Where a defaulter makes any fraudulent conveyance of property to prevent the distress for arrears, any civil court of competent jurisdiction, upon proof thereof, shall summarily cause the property to be delivered up to the distrainer:

Provided that nothing in this section shall preclude the defaulter from being proceeded with under Section 424 of the Indian Penal Code.

Claims to property distrained and sold

17. Where any person, not being a defaulter or his surety, claims a right to the property distrained and if the distrainer causes the property to be sold notwithstanding such claim, the claimant may, after establishing his right in a civil court of competent jurisdiction, recover from the distrainer the full value of the property with interest, cost and damages:

Provided that no such claim to crops on, or to be gathered from, the land attached in the possession of the defaulter and founded upon a previous sale, mortgage or otherwise shall bar the claim of revenue due from that land.

Penalty for forcibly or clandestinely taking away distrained property

18. Where it is proved to the satisfaction of any civil court of competent jurisdiction that any person has forcibly or clandestinely taken away property once distrained, the court may, without prejudice to any action being taken under the provisions of the Indian Penal Code, summarily cause such property to be restored to the distrainer.

What places distrainer may force open

19. It shall be lawful for the distrainer to force open any stable, cowhouse, granary, godown, out-house or other building, and shall also enter any dwelling house the outer door of which is open, and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged therein:

Provided that no apartment in such dwelling house which is in the actual occupancy of women, who according to the usage or customs of the country do not appear in public, shall be broken open or entered into by the distrainer except as provided in section 20.

Powers of distrainer to force open doors, etc, in the presence of a police officer

20. Where a distrainer has reason to believe that the property of a defaulter is lodged within a dwelling house, the outer door of which is shut or within any apartment in such dwelling house which is in the actual occupancy of women, who according to the usage or customs of the country do not appear in public, such distrainer shall break open the dwelling house or enter the said apartment only in the presence of a police officer:

Provided that no apartment in the actual occupancy of women shall be entered except after due notice has been given for their withdrawal and after giving them reasonable facility for such withdrawal.

Penalty for unlawful entry

21. Whoever forces open the outer door of a dwelling house or enters into an apartment which is in the actual occupancy of women in contravention of the provisions of section 20 shall, on conviction before a Magistrate of the First Class, be punishable with imprisonment of either description for a term not exceeding six months or with fine not exceeding five hundred rupees.

Proclamation of time of sale and of property to be sold

22. (1) The sales officer shall cause to be affixed to the outer door of the defaulter's house or on the premises where the property has been distrained, a list of the property to be sold, with a notice specifying the place and time at which the property distrained shall be sold and shall also cause a proclamation of the intended sale to be made by beat of drum in the village in which the lands in respect of which the arrear has fallen due is situate and in such other place or places as the Collector or other officer empowered by him in this behalf may consider necessary.

(2) No sale shall take place until after the expiration of a period of fifteen days from the date on which the notice has been affixed under subsection (1).

Sale how conducted

23. At the appointed time, the property shall be put up in one or more lots, as the sales officer may consider advisable, and shall be sold to the highest bidder. Where the property is sold for more than the amount of the arrear, the excess amount shall, after deducting the expenses of process and interest, be paid to the defaulter.

Payment on purchase of distrained property

24. (1) The property shall be paid for in cash at the time of the sale or as soon after as the officer holding the sale shall appoint and the purchaser shall not be permitted to carry away any part of the property until he has paid for the same in full.

(2) Where the purchaser fails to pay the purchase money under subsection (1), the property shall be brought up for re-sale and the defaulting purchaser shall be liable for any loss arising therefrom as well as the expenses incurred on the re-sale and if the property is sold on the re-sale for a higher price than the first sale, the difference or increase in the price *[shall be the property of the defaulter subject to the right of the Government to appropriate towards arrears remaining, if any].

Demand to be served prior to attachment of land and mode of service

25. (1) Before a Collector, or other officer empowered by him in this behalf, proceeds to attach the land of the defaulter, or buildings thereon, he shall cause a written demand to be served upon the defaulter, specifying the amount due, the land in respect of which it is claimed, the name of the party in arrear, the batta due to the person who shall serve the demand, and the time allowed for payment which shall be fixed with reference to the distance from the land on which the arrear is due to the place at which the money is to be paid.

(2) Such demand shall be served by delivering a copy to the defaulter, or to some adult male member of his family at his usual place of abode, or to his authorised agent, or by affixing a copy thereof on some conspicuous part of his last known residence or on some conspicuous part of the land about to be attached.

---

* Substituted by Act 11 of 1973, section 2, w.e.f 15.10.1973.

Procedure when defaulter neglects to pay

26. When the amount due has not been paid pursuant to the terms of the demand, and no arrangement for securing the same has been entered into to the satisfaction of the Collector, or other officer empowered by him in this behalf, he shall proceed to recover the arrear by the attachment and sale of the defaulter's land in the manner hereinafter contained.

Mode of attachment

27. (1) The attachment shall be effected by affixing a notice thereof to some conspicuous part of the land.

(2) The notice referred to in sub-section (1) shall setforth that unless the arrear, with interest and expenses, are paid within the date specified therein, the land shall be brought to sale in due course of law.

(3) The attachment shall be notified by public proclamation on the land, and by publication of the notice in the Official Gazette.

Management of attached property

28. It shall be lawful for the Collector, when attaching the land of a defaulter, or at any time during such attachment, to assume the management of the property attached and in such case, he shall appoint an agent with a proper establishment of officers to manage the property, and shall give the agent a certificate of appointment with written instructions under his seal and signature, and the expenses of management shall be defrayed out of the income of the property:

Provided that where the property is so small as not to admit of its being charged with the salary of an agent, it shall be committed to the care of such revenue officer as the Collector may determine, and all the provisions herein contained and applicable to agents shall be applicable to the revenue officer in the management of the property.

Notice of assumption of management

29. Notice of assumption of management of the property under section 28 shall forthwith be served on the defaulter in the same manner in which a demand is served under section 25 and shall also be notified by proclamation on the land and by publication in the Official Gazette.

Duties of agents

30. (1) It shall be the duty of the agent, during the continuance of management under section 28, to collect the rents and profits due, or accruing due upon the property according to the engagements subsisting between the defaulter and the parties holding under him, or according to established usage where no specific engagements exist.

(2) The agent shall keep proper account of all his receipts and disbursements, and submit the same and pay over the balance, to the Collector, or other officer empowered by him in this behalf, monthly or whenever required and the defaulter shall be at liberty to inspect the accounts at all reasonable times and to take copies of the same at his own expense without payment of any fee.

Liability of agent to suit or prosecution

31. It shall be lawful for the defaulter to proceed by prosecution or suit against the agent, in respect of any criminal or illegal act done by him to the injury of the defaulter or his property and all tenants or other persons holding by subordinate title, shall have the same remedies against such agent as they would have had against the defaulter if the act were done by the defaulter.

Effect of existing agreements between landholder and tenants

32. (1) Subject to the provision of sub-section (2), all agreements entered into between the defaulter and his tenants shall, while the attachment is in force, be binding on the Collector.

(2) All such agreements made collusively with a view to defeat or delay the effect of the attachment and all leases of land at a rate lower than the usual rates of lease prevailing in the locality and not made bonafide for the purpose of erecting factories or buildings or of bringing waste-land into cultivation and all agreements made subsequent to the attachment shall be null and void against the Collector unless he declares otherwise and all charges or any encumbrances upon such land shall be postponed to the payment of the revenue:

Provided that nothing in this section shall affect the right of the parties to such agreement to bring a suit against the Collector in a civil court to establish their claim.

Payments by tenants

33. (1) All payments relating to rent or profits actually due, made before the public proclamation of the notice of assumption of management under section 29 to or on behalf of any defaulter by any person holding under him, shall not be called in question by the Collector.

(2) All payments referred to in sub-section (1) made after such public proclamation, or made before they were actually due shall be null and void against the Collector who shall be entitled to recover, as arrears of rent, the full amount from the parties by whom it was paid leaving them to proceed against the defaulter by way of suit.

Settlement on withdrawal of attachment

34. All sums received from the property attached, shall, after paying the expenses of attachment and management, be credited towards the discharge of the arrears due, and interest thereon at the rate of six per cent per annum, and as soon as all arrears, interest, costs of attachment, and expense of management have been liquidated, the attachment shall be withdrawn, and a full account shall be rendered of all receipts and disbursements during the continuance of such attachment.

Release of land from attachment by persons interested

35. (1) It shall be lawful for any person claiming an interest in land which has been or is about to be, attached, to obtain its release by paying the arrears, interest thereof and cost incurred on such attachment.

(2) Any tenant making a payment under sub-section (1) may deduct such sum paid from any rent then or afterwards due by him to the defaulter.

(3) If such sums are paid by a bonafide mortgagee or other encumbrancer upon the property or by any person not being in possession thereof but bonafide claiming an interest therein adverse to the defaulter, the amounts paid shall be a charge upon the land.

Procedure in sale of immovable property

36. In the sale of immovable property under this Act, the following procedure shall be followed, namely:

(i) The sale shall be made by public auction to the highest bidder and the time and place of sale shall be fixed by the Collector in whose jurisdiction the property is situated or other officer empowered by him in this behalf:

Provided that no sale shall be conducted during the currency of a Fasli year.

(ii) The Collector, or other officer empowered by him in this behalf shall, before every sale is held under this section, issue a notice thereof in English and in the language of the region, specifying the name of the defaulter, the position and extent of land and of his buildings thereon, the amount of revenue assessed on the land, or upon its different sections, the proportion of the public revenue due during the remainder of the current fasli, and the time, place and conditions of sale and the notice shall be fixed up one month at least before the date of sale in the Collector's Office, in the Office of the Tahsildar or Deputy Tahsildar, as the case may be, in the nearest police station-house, and on some conspicuous part of the land.

(iii) A sum of money equal to fifteen per cent of the price of the land shall be deposited by the purchaser in the hands of the Collector, or other Officer empowered by him in this behalf, at the time of the purchase, and if the remainder of the purchase money is not paid within thirty days of such purchase, the money so deposited shall be liable to forfeiture.

(iv) Where the purchaser refuses or omits to deposit the said sum of money, or to complete the payment of the remaining purchase-money within the period specified in clause (iii), the property shall be re-sold at the expense and hazard of such purchaser, and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of revenue and where in the second sale, the lands are sold for a higher price than at the first sale, the difference or increase in the price shall be credited to the defaulter.

(v) All persons bidding at a sale shall be required to state whether they are bidding on their own behalf or as agents, and, in the latter case, a written authority signed by their principals shall be deposited failing which their bids shall be rejected.

Certain provisions of section 36 not to apply to cases of purchase by Government

37. The provisions of clauses (iii) and (iv) of section 36 shall not apply to cases where immovable property sold under this Act is purchased by the Government.

Tender of arrears up to sunset on day before sale

38. (1) It shall be competent to the defaulter or to any person acting on his behalf, or claiming an interest in the land, to tender the full amount of the arrears of revenue with the interest thereon, and all charges which have been incurred in demanding the arrears, or in attaching or managing the estate or in taking the steps necessary for sale up to the day previous to the date fixed for sale under section 36 and the sale shall thereupon be stayed.

(2) All sums paid under this section or under section 39 by any tenant or a bonafide mortgagee or other encumbrancer or any person claiming an interest in the property adverse to the defaulter may be recovered in the manner laid down in section 35.

Application to set aside sale of immovable property on deposit

39. (1) Any person owning or claiming an interest in immovable property sold under this Act, may, at any time within thirty days from the date of sale, deposit into the treasury of the region in which the immovable property is situated —

(a) a sum equal to five per cent of the purchase money, and

(b) a sum equal to the arrears of revenue for which the immovable property was sold, together with interest thereon and the expenses of attachment, management and sale and other costs due in respect of such arrears, and may apply to the Collector to set aside the sale.

(2) If such deposit and application are made within thirty days from the date of sale, the Collector shall pass an order setting aside the sale, and shall repay to the purchaser the purchase money so far as it has been deposited, together with the five per cent deposited by the applicant:

Provided that if more person than one have made the deposit and application under this section, the application of the first depositor to the officer authorised to set aside the sale shall be accepted.

(3) If a person applies under section 40 to set aside the sale of immovable property, he shall not, unless he withdraws such application, be entitled to make an application under this section.

Application to set aside sale on grounds of mistake, fraud, etc

40. (1) At any time within thirty days from the date of the sale of immovable property, an application may be made to the Collector to set aside the sale on the ground of some material irregularity, or mistake, or fraud, in publishing or conducting it, but, except as otherwise is hereinafter provided, no sale shall be set aside on the ground of any such irregularity or mistake unless the applicant proves to the satisfaction of the Collector that he has sustained substantial injury by reason thereof.

(2) If the application made under sub-section (1) is allowed, the Collector shall set aside the sale and may direct a fresh one.

(3) On the expiration of thirty days from the date of the sale, if no application to have the sale set aside is made under section 39 or under subsection (1) or if such application has been made and rejected, the Collector shall make an order confirming the sale:

Provided that if the Collector has reason to think that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

(4) Whenever the sale of any lands is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.

(5) After the confirmation of any such sale, the Collector shall register the lands sold in the name of the person declared to be the purchaser and shall execute and grant a certificate of sale bearing his seal and signature to such purchaser.

(6) The certificate of sale granted under sub-section (5) shall state the property sold and the name of the purchaser, and it shall be conclusive evidence of the fact of such purchase unless the authority before whom it is produced doubts its genuineness.

Proclamation of sale

41. Where lands are purchased at public sale under, this Act, the Collector, or other officer empowered by him in this behalf, shall publish in the village in which the land is situated, in the office of Tahsildar or Deputy Tahsildar as the case may be, in the Office of the Collector, and in the Official Gazette, the name of the purchaser and the date of purchase, together with a declaration of the lawful succession of such purchaser to all the rights and property of the former landholder in the said lands.

Delivery of possession

42. Where, notwithstanding such publication under section 41, any lawful purchaser of land is prevented from obtaining possession of the land, any court of competent jurisdiction, shall, on application and production of the certificate of sale granted under section 40, cause the proper process to be issued for the purpose of putting such purchaser in possession in the same manner as if the said lands had been decreed to the purchaser by a decision of such court.

Contracts and payments binding on purchaser

43. All contracts entered into by the defaulter with his tenants, and all payments made to him by the said tenants shall be binding upon the purchaser to the same extent and under the same conditions as the contracts and payments are binding on the Collector under sections 32 and 33.

Sale to be free of all encumbrances and disposal of surplus

44. All lands brought to sale on account of arrears of revenue shall be sold free of all encumbrances, and if any amount remains after liquidating the arrears with interest and the expenses of attachment and sale and other costs due in respect to such arrears, it shall be paid over to the defaulter unless such payment is prohibited by any court of competent jurisdiction.

Recovery of arrears due to defaulter on the date of sale

45. Arrears of rent which on the date of sale is due to the defaulter from his tenants shall, in the event of the sale, be recoverable by him after the sale, by any process, except distraint which would have been utilised by him for that purpose before the said sale.

Sale of land for arrear

46. It shall be lawful for the Collector, or other officer empowered by him in this behalf, to sell the whole or any portion of the land of a defaulter in the discharge of an arrear of revenue:

Provided that, as far as may be practicable, no larger portion of the land shall be sold than may be necessary to discharge the arrears with interest, the expenses of attachment, management, and sale.

Sale may be postponed on tender of security

47. (1) When a defaulter tenders security, it shall be lawful for the Collector, or other officer empowered by him in this behalf, to accept it and postpone the sale of the defaulter's property upon such conditions and until such time as he may appoint.

(2) In the event of default being made in the performance of such conditions, the Collector or such officer may sell the property and proceed against the defaulter or against his security, or both.

Powers of arrest in case of wilful or fraudulent non-payment of arrears

48. When arrears of revenue, with interest and other charges cannot be liquidated by the sale of the property of the defaulter or of his surety, and the Collector has reason to believe that the defaulter or his surety is wilfully withholding the payment of the arrears, or has been guilty of fraudulent conduct in order to evade payment, it shall be lawful for him to cause the arrest and imprisonment of the defaulter, or his surety, not being a female, in the manner specified in section 49:

Provided that no person shall be imprisoned on account of an arrear of revenue for a longer period than two years or for a longer period than six months, if the arrear does not exceed rupees five hundred, or for a longer period than three months, if the arrear does not exceed rupees fifty:

Provided further that such imprisonment shall not extinguish the debt due to the Government by the defaulter, or his surety.

Procedure in case of arrest

49. (1) The Collector shall issue a warrant for the arrest of the defaulter, or his surety, or both which shall specify his name or their names, the amount of revenue due and the date on which it became payable, and the warrant shall be signed and sealed by the authority by whom it was issued.

(2) The officer charged with the execution of the warrant shall thereupon arrest the defaulter, or his surety, or both and send him or them to the Central Jail at Puducherry, and deliver the warrant to the Jailor, which shall be a sufficient authority to him to receive the prisoner or prisoners.

(3) A copy of such warrant shall be retained by the jailor, who shall forthwith despatch the original to the Officer in charge of the Central Jail.

Mode of enforcing payment by sureties

50. All the remedies specified by this Act in case of revenue defaulters may be employed against their sureties, and it shall be lawful for the Collector, or other officer empowered by him in this behalf, to enforce the same simultaneously with, or either previously or subsequently to, their enforcement against the defaulters; so, however, that not more than the total sum in arrears, and interest with costs and charges, shall be realised from the defaulters and the sureties.

Removal of crops may be prevented where revenue is payable in kind

51. When land-revenue is payable in kind, it shall be lawful for the Collector or other officer empowered by him in this behalf, to prevent the removal of the crop from the land until a division has been made, and the portion which belongs to the Government has been set apart, unless the landholder furnishes such security as the Collector may deem satisfactory.

Similar process in case of other species of revenue, advances, fees, cesses etc

52. All arrears of revenue other than land-revenue due to the Government, all advances made by the Government for cultivation or other purposes connected with the revenue, all fees or other dues payable by any person to or on behalf of the village servants employed in revenue or police duties, all cesses lawfully imposed upon land and all sums due to the Government, including compensation for any loss or damage sustained by them as a result of a breach of contract, may be recovered in the same manner as arrears of land revenue under the provisions of this Act, unless the recovery thereof has been or may hereafter be otherwise specially provided for.

Process servers to be paid batta

53. The persons employed in serving notices, or other processes under this Act, shall be entitled to batta at such rates as may, from time to time, be fixed by the Government and published in the Official Gazette.

Interest and charges recoverable as arrears

54. The batta fixed under section 53 as well as interest and all costs and charges incurred under the authority of this Act, shall be recoverable from the defaulter or his sureties in the same manner as arrears of revenue.

Who to bear expense of countermanded sale and recovery thereof

55. Where property attached or distrained is put up for sale, and the sale is countermanded, the proprietor shall, nevertheless, be responsible for the expenses incurred in consequence of the attachment or distraint, in the same manner as if the sale had taken place; and in the event of such proprietor omitting to discharge the amount, it shall be recoverable by the same process under which the original demand would have been recoverable.

Receipts for payments of revenue

56. Every person making a payment of revenue shall be entitled to a receipt for the same, signed by the Collector or other officer empowered by him in this behalf and such receipt shall state the name of the person making the payment and the subject-matter in respect of which it is paid, and, in case of land-revenue, shall describe the land on which the assessment is due and the names of the persons entered in respect thereof in the settlement account.

Procedure where defaulter or surety resides out of region

57. (1) Where a defaulter or his surety resides or holds property outside a region, wherein default has been made, the Collector of the region, in which such defaulter or surety resides or holds property shall, on the written application of the Collector in whose region such default has been made, proceed in all respects against the defaulter and his surety, and his or their property in the same manner as if the default had been made in his own region.

(2) Every application under sub-section (1) shall be signed and sealed by the Collector making it and shall be conclusive as to the amount due, and the party in arrear, in all proceedings against the Collector acting upon such application, or any person acting under his authority; and no proof of the seal, or signature or official character of the Collector making the application shall be required, unless the court has reason to doubt its genuineness:

Provided that nothing herein contained shall affect the right of any party to sue in his own region the Collector who made the application.

(3) A Collector may delegate all or any of his powers and duties under this section to any subordinate revenue officer not below the rank of a Deputy Tahsildar.

Cognizance of questions relating to rate of revenue

58. No Civil Court shall have authority to take into consideration or decide any question as to the rate of land revenue payable to the Government, or as to the amount of assessment fixed, or to be hereafter fixed on the portions of a divided estate.

Suits by persons aggrieved by proceedings

59. Nothing contained in this Act shall prevent the parties deeming themselves aggrieved by any proceedings under this Act, except as herein before contained in section 58, from applying to the civil courts for redress:

Provided that no court shall take cognizance of such suit unless it is instituted within six months from the date on which the cause of action arose.

Claim of Government to have precedence over all others

60. The claim of the Government to any moneys recoverable under the provisions of this Act shall have precedence over any other debt, demand or claim whatsoever whether in relation to any mortgage, judgment, decree, execution or attachment or otherwise against any land or the holder thereof.

Repeal and savings

61. All laws in force in the Union territory 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, properties distrained or sold, under the law 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.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 14 OF 1970

At present the French Law for the recovery of arrears of revenue is being followed in this Union Territory. This law has several infirmities and the procedure is cumbrous. There is also no provision enabling the Government to recover amounts due to the other State Government and Central Government. Very frequently, this Administration has also to approach the other State Governments for recovery of amounts due to this Government from persons residing outside the Union Territory. In order to remedy these defects, it has been, decided to enact a self-contained legislation on the lines of the Madras Revenue Recovery Act, 1864 with suitable modifications to this territory.

STATEMENT OF OBJECTS AND REASONS ACT 11 OF 1973

The Puducherry Revenue Recovery Act, 1970 (No.14 of 1970) came into force in this Union territory on the 1st day of August, 1970.

Section 24 (2) of the Act provides that where a property destrained for arrear of revenue fetches at a resale a higher price than what it had fetched at the first sale the increase shall be paid to the defaulter. So, it is not possible to adjust the increase towards the arrears of revenue for which distraint was made. With a view to enable such adjustment, it is proposed to suitably amend section 24 (2) of the Act.

The Bill seeks to achieve the above object.

STATEMENT OF OBJECTS AND REASONS FOR ACT 12 OF 1988

The Puducherry Revenue Recovery Act, 1970 at present, defines the expression “Collector” in clause (a) of section 2 to mean specified officers. It is necessary to take powers to appoint any officer to perform the functions of the Collector under the said Act so that when new functionaries are created for revenue recovery they can be vested with the powers of the Collector. It is therefore proposed to amend clause (a) of section 2 of the said Act for the purpose.

STATEMENT OF OBJECTS AND REASONS FOR ACT 8 OF 1990

The Puducherry Revenue Recovery Act, 1970 at present prescribes levy of interest on arrears of revenue at 6 per cent per annum. With the amendment of the State Financial Corporations Act, 1951, the loans advanced by the Financial, Industrial Development Corporations can also be recovered as arrears of land revenue under the Revenue Recovery Act of the State. In many cases, where the repayment of loan has not been done, action has been taken to recover the same under the Puducherry Revenue Recovery Act, 1970. The Puducherry Industrial Promotion Development and Investment Corporation is getting funds from the Industrial Development Bank of India at 9.5 per cent rate of interest. When the arrears of loans are only charged with 6 per cent interest under the recovery proceedings of the Puducherry Revenue Recovery Act, 1970, the Corporation is at a loss.

With a view to avoid the loss that the Corporation may sustain on account of the difference in the rate of interest paid by the Corporation with those chargeable on the defaulting loanees of the Corporation under the revenue recovery proceedings and also in view of the hike in Bank interest rates at present, it is proposed to revise the rate of interest on the arrears of revenue under the Puducherry Revenue Recovery Act from 6 per cent to 12 per cent. It is also expected that the revision will also induce the loanees to effect prompt repayment in future. It is therefore proposed to amend suitably the provisions of section 7 of the said Act of the said purposes.

The Bill seeks to achieve the above object.

———

THE PUDUCHERRY PLANT DISEASES AND PESTS ACT, 1970
(No. 16 of 1970)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Power to declare affected area, plant diseases, plant pests, plant parasites and noxious weeds.
4. Appointment of Inspecting Officers.
5. Power to issue directions.
6. Duties of occupier on the issue of notice under section 5.
7. Power of Inspecting Officer to enter in or upon any land, water or premises.
8. Power to carry out measures.
9. Power to carry out measures in emergent situations.
10. Appeal.
11. Penalties.
12. Cognizance of offences.
13. Obligation of certain officers to report plant diseases, plant pests, etc.
14. Bar of suits and other legal proceedings.
15. Delegation of powers.
16. Power to make rules.

———

THE PUDUCHERRY PLANT DISEASES AND PESTS ACT, 1970
(Act No. 16 of 1970)

20th June, 1970.

AN ACT

to provide for the prevention of the introduction into or spread or reappearance in the Union territory of Puducherry, of plant diseases, plant pests, plant parasites and noxious weeds, and for matters connected therewith.

BE it enacted by the Legislative Assembly of Puducherry in the Twentieth Year of the Republic of India as follows:

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Plant Diseases and Pests Act, 1970.

(2) It extends to the whole of the Union territory of Puducherry.

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

Definitions

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

(a) "affected area" means any area declared as such under section 3;

(b) "competent authority" means the officer appointed by the Government to exercise the powers and perform the functions of the competent authority under this Act;

(c) "Government" means the Administrator of the Union territory of Puducherry appointed by the president under article 239 of the Constitution;

(d) "Inspecting Officer" means an Inspecting Officer appointed under section 4;

---

1. The Act came into force on the 1st day of October, 1971, vide Notification - I, S.O. No. 58 in Extraordinary Gazette. No.103, dated 30th September 1971.

(e)"noxious weed" means any weed declared as such under section 3;

(f) "Occupier" means person having for the time being the right of occupation of any land, water or premises, or his authorised agent, or any person in actual occupation of the land, water or premises;

(g) "Official Gazette" means La Gazette de L'Etat de Puducherry;

(h) "Plant" includes all horticultural or agricultural crops, trees, bushes or herbs and also includes the seeds, fruits, leaves, trunks, roots, barks or cutting or any other part, of a plant;

(i) "Plant disease" means any disease caused to a plant by fungoid, bacteria, virus, parasite or any other organism declared as such under section 3;

(j) "Plant parasite" means any plant or animal carrying on its existence, wholly or in part, on agricultural crop, plant, tree, bush or herb and declared as such under section 3;

(k)"Plant pest" means any insect or animal, whether vertebrate or tebrate, declared as such under section 3 and includes any animal organism;

(1) "prescribed" means prescribed by rules made under this Act.

Power to declare affected area, plant diseases, plant pests, plant parasites and noxious weeds

3. Where it appears to the Government that any disease, pest, parasite or weed in any area is injurious to plants or is likely to contaminate water or is obstructive to water-ways and that it is necessary to take measures to eradicate such disease, pest, parasite or weed or to prevent its introduction into, or spread or reappearance in, any area in the Union territory of Puducherry (hereinafter referred to as the "Territory"), the Government may, by notification in the Official Gazette, declare that area to be an affected area for such period as may be specified therein and may, with reference to such area, also

(a) declare that such disease, pest, parasite or weed is a plant disease, plant pest, plant parasite or noxious weed;

(b) prohibit or restrict the movement or removal of any plant, soil or manure from one plant to another;

(c) prohibit the plantation or growing of any plant which is, or is likely to be, injurious to other plants; and

(d) direct that such other preventive or remedial measures, as the competent authority may consider necessary, to eradicate, destroy or prevent the introduction into, or spread or reappearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed, shall be carried out.

Appointment of Inspecting Officer

4. The Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspecting Officers for the purposes of this Act and specify the areas in respect of which each Inspecting Officer shall exercise jurisdiction.

Power to issue directions

5. (1) On or after the issue of a notification under section 3, the competent authority may, by notice ---

(a) direct every occupier within the affected area to carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested) as may be specified in the notice, to eradicate, destroy or prevent the introduction into, or spread or reappearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed;

(b) call upon any male person, not below the age of eighteen years and residing within the said area, to render such assistance as may be specified in the notice, in carrying out the measures referred to in clause (a):

Provided that ---

(i) no person shall be called upon to render whole-time service for a period exceeding seven days at a time, and where he has rendered such service, there shall be an interval of not less than ninety days, computed from the day when the previous whole-time service ended before he is again called upon to render whole-time service; and

(ii) no person who is, by reason of old age, physical disability or any other reasonable cause, incapable of rendering assistance, or who lives at a distance of more than eight kilometers from the place where his presence is required for the purpose of rendering assistance, shall be called upon to render such assistance; and

(c) specify the area within which and the period during which the measures referred to in clause (a) are to be carried out.

(2) It shall not be necessary to serve notices on every occupier under clause (a) of sub-section (1) or every other person whose assistance is required under clause (b) of the said sub-section, and a proclamation in this behalf made, by beat of drum or other customary mode of publication, in the concerned area, village or locality shall be deemed sufficient notice to all persons residing in that area, village or locality.

Duties of occupier on the issue of notice under section 5

6. On the issue of a notice under sub-section (1) of section 5, it shall be the duty of ---

(a) every occupier within the affected area to carry out such preventive or remedial measures as may be specified in the notice; and

(b) every male person residing within the affected area to render assistance in the manner specified in the notice.

Power of Inspecting Officer to enter in or upon any land, water or premises

7. An Inspecting Officer may, after giving reasonable notice to the occupier, enter in or upon any land, water or premises situated in the affected area for the purpose of ascertaining, --

(i) Whether there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises; and

(ii) Whether any preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have been carried out.

Power to carry out measures

8. (1) If, on inspection of any land, water or premises, an Inspecting Officer finds, that there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises and that the preventive or remedial measures specified in the notice issued under sub-section(1) of section 5 have not been carried out, he may, subject to any general or special orders of the competent authority and without prejudice to any action that may be taken against the defaulter under section 11, carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be infested).

(2) The Inspecting Officer may, by order, direct an occupier to pay such sum as may be specified in the order, towards the costs of any preventive or remedial measures carried out under sub-section (1) and the occupier shall pay the said sum on demand, and if he fails or omits to pay the said sum within such time as may be specified by the Inspecting Officer, the said sum shall be recoverable from him as if it were an arrear of land revenue.

(3) The order referred to in sub-section (2) shall be served on the occupier in such manner as may be prescribed.

Power to carry out measures in emergent situations

9. (1) Notwithstanding anything contained in section 3 and sections 5 to 8, if the Government is satisfied that plants in any affected area are in danger of being damaged or destroyed by any plant disease, plant pest, plant parasite or noxious weed prevalent or existing in that area and that it is necessary to take immediate preventive or remedial measures, it may, by notification in the Official Gazette, ----

(a) declare that it shall be competent for any Inspecting Officer to carryout such preventive or remedial measures in the affected area or any part thereof or to take such other steps (including the removal or destruction of plants which are, or are likely to be infested) as he may deem fit;

(b) direct that every occupier in respect of whose land, water or premises such preventive or remedial measures or other steps have been taken shall be liable to pay the cost thereof at such rate and within such time as the Inspecting Officer may, by order from time to time determine, having regard to the following, namely:--

(i) the reasonable charges, incurred for labour, material or use of implements; and

(ii) any other reasonable charges incurred for the purposes aforesaid.

(2) Subject to any general or special order of the Government, any Inspecting Officer may upon the issue of a notification under sub-section (1) enter in or upon any land, water or premises within the affected area and carry out such preventive or remedial measures or take such other steps referred to in clause (a) of sub-section (1) as he may deem fit.

(3) The Inspecting Officer shall assess the amount payable by an occupier in respect of the preventive or remedial measures carried out or other steps taken under sub-section (2) and he may, by an order in writing, direct the occupier to pay the sum so assessed.

(4) If the occupier fails to pay the amount so assessed within the time fixed under clause (b) of sub-section (1) or within such further time as may be granted by the Inspecting Officer, the amount shall be recoverable from him as if it were an arrear of land revenue.

(5) Any order referred to in such sub-section (1) or sub-section (3) shall be served on the occupier in such manner as may be prescribed.

Appeal

10. (1) Any occupier aggrieved by an order made under sub-section (2) of section 8 may within thirty days from the date of service on him of the order, prefer an appeal to the competent authority, on the ground that the charges for labour, material or use of implements, as included in the cost are unreasonably high.

(2) Any occupier aggrieved by an order made by the Inspecting Officer under sub-section (1) or sub-section (3) of section 9 may, within thirty days from the date of service on him of the order, prefer an appeal to the competent authority on the ground-

(a) that the assessment or determination of the amount payable has not been made in accordance with the rates fixed by the Inspecting Officer; or

(b) that the amount assessed includes charges other than the charges mentioned in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of section 9; or

(c) that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(3) On receipt of an appeal under sub-section (1) or sub-section (2), the competent authority shall, after making such inquiry as it may deem fit and after giving the occupier a reasonable opportunity of being heard, pass such order thereon as it may deem fit.

(4) Every order passed under sub-section (3) shall be final.

Penalties

11. (1) If any person, ---

(a) acts in contravention of the prohibition or restriction contained in any notification issued under section 3; or

(b) acts in contravention of the direction contained in a notice issued under sub-section (1) of section 5, or fails to render assistance, having been called upon to do so by notice issued under the said sub-section; or

(c) obstructs the entry of the Inspecting Officer under section 7 or sub-section (2) of section 9; or

(d) obstructs the carrying out of the preventive or remedial measures under sub-section (1) of section 8 or sub-section (2) of section 9,

he shall be punishable for the first offence with fine which may extend to fifty rupees, and for the second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) If a person is convicted under this section for the contravention of the prohibition or restriction contained in any notification issued under section 3, the plant or soil or manure in respect of which such contravention has been made may be forfeited to the Government of Puducherry.

Cognizance of offence

12. No magistrate shall take cognizance of an offence under this act except upon a complaint made by an Inspecting Officer.

Obligation of certain officers to report plant diseases, plant pests, etc

13. All village officers and such other officers as may be specified in the rules made under this Act, of the village or villages adjoining an affected area shall forthwith report the existence within the village or villages of any plant disease, plant pest, plant parasite or noxious weed of the nature specified in the notification issued under section 3 in respect of the said area, to the competent authority, which shall, after making such enquiry as it may deem fit, make a further report to the Government.

Bar of suits and other legal proceedings

14. No suit, prosecution or other legal proceedings shall lie against the Government, the competent authority or any other officer of the Government of Puducherry in respect of anything done or intended to be done in good faith under this Act, or for any damage caused by any action taken in good faith in carrying out the provision of this Act.

Delegation of powers

15. The Government may, by notification in the Official Gazette, delegate to any officer all or any of the powers conferred on it by this Act, except the power to make rules under section 16, and any power so delegated shall be exercised by that officer subject to such restrictions and conditions as may be specified in the notification.

Power to make rules

16. (1) The Government may, after previous publication, by notification in the Official Gazette, make rules for carrying out the purpose 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 manner in which any notice or order issued or made under this Act is to be served or the conditions under which such notice or order shall be deemed to have been served;

(b) the form in which an appeal under sub-section (1) or sub-section (2) of section 10 shall be filed;

(c) the officers other than village officers who shall make a report under section 13;

(d) such other matters as are required to be or may be, prescribed.

(3) Any rule made under this Act may provide that a contravention of any such rules shall be punishable with fine which may extend to fifty rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, 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 agrees in making any modification in the 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.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.16 OF 1970

At present there is no law for effectively preventing the spread or reappearance of plant disease, plant pests, plant parasite and noxious weed in the Union territory of Puducherry. To achieve this object and also to have an uniform legislation throughout India, the Government of India have prepared a model Bill and sent to the State Governments and Union territories to make suitable legislation for controlling plant pests and diseases. Accordingly, the present Bill has been framed on the lines of the model Bill and the said Bill seeks to achieve the above objects.

———

NOTES ON CLAUSES

Clause 1 – This is a title clause and defines the jurisdiction of the Act. The Government is empowered to fix the date of enforcement of the Act.

Clause 2 – This clause defines the various terms occurring in the Bill.

Clause 3 – This clause empowers the Government by notification in the Official Gazette to declare any area to be an affected area for such period as may be specified if the Government considers that any disease, pest, parasite or weed in any area is injurious to plants or is likely to contaminate water supply etc.

Clause 4 – This clause empowers the Government by notification in the Official Gazette to appoint Inspecting Officers for such local areas as may be specified in the notification.

Clause 5 – This clause empowers the competent authority to issue notice on or after the issue of notification under clause 3 directing every occupier within the affected area to carry out such preventive or remedial measures (including the removal or destruction of plants which are infested or likely to be infested) as the competent authority may specify. Provision has been made to call upon any male person who is physically fit not being below the age of eighteen years and residing within the affected area to render assistance in carrying out the remedial measures, such as eradication, destroy, or prevent the introduction, spread, or reappearance of any plant disease, plant pest, plant parasite or noxious weed.

Clause 6 – This clause deals with the duties of occupier on the issue of notice under clause 5.

Clause 7 – This clause empowers the Inspecting Officer after giving reasonable notice to the occupier to enter upon any land or premises situated in the affected area for the purpose of ascertaining whether there is any plant disease, plant pest, plant parasite or noxious weed and whether any preventive or remedial measures specified under sub-clause (1) of clause 5 have been carried out.

Clause 8 – This clause empowers the Inspecting Officer to carry out prevention or remedial measures and to recover the cost of the same from the occupier who has not complied with the instructions.

Clause 9 – This clause deals with the powers of the Government to carry out preventive and remedial measures in emergent situations. It empowers the Government to recover from the occupier the expenditure incurred for such preventive or remedial measures. If the occupier fails to pay the amount so assessed, the amount shall be recoverable from him as an arrear of land revenue.

Clause 10 – This clause provides for appeal, to the competent authority, against the orders of the Inspecting Officers within thirty days from the date of service of the order. The order passed by the competent authority in appeal is final.

Clause 11 – This clause empowers the Government to take penal action against a person who contravenes the provisions of the Act referred to in sub-clause (1) and he is liable to fine not exceeding fifty rupees for the first offence and which may extend to two hundred and fifty rupees for the second and subsequent offences.

Clause 12 – This clause lays down that no magistrate shall take cognisance of an offence under this Act except upon a complaint made by an Inspecting Officer.

Clause 13 – This clause makes it obligatory on the village officers and such other officers as may be prescribed to report the existence of the plant diseases, plant pests etc., to the competent authority who shall after making such enquiry, make a further report to the Government.

Clause 14 – This clause bars suits prosecutions or other legal proceedings against the Government or any of its officers in respect of anything done or intended to be done in good faith under this Act.

Clause 15 – This clause empowers the Government by notification in the Official Gazette to delegate to any officer or authority all or any of the powers (except the rule-making powers) conferred on him under this Act to be exercised subject to such restrictions and conditions as may be specified in the notification.

Clause 16 – This clause empowers the Government to make rules for carrying out the purposes of this Act. Sub-clause (3) empowers the Government to provide by rules that a contravention of any rule shall be punishable with fine which may extend to fifty-rupees. The rules framed under this Act shall be laid before the Legislative Assembly.

———

THE REGISTRATION (PUDUCHERRY AMENDMENT) ACT, 1970

(Act No. 17 of 1970)

26th June, 1970.

AN ACT

to amend the Registration Act, 1908 in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-first Year of the Republic of India as follows:

Short title, extent and commencement

1. (1) This Act may be called the Registration (Puducherry Amendment) Act, 1970.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on such [1]date as the Administrator of the Union territory of Puducherry may, by notification in the Official Gazette, appoint.

Amendment of section 17 of Central Act 16 of 1908

2.In sub-section (3) of section 17 of the Registration Act, 1908, in its application to the Union territory of Puducherry (hereinafter referred to as "the principal Act"), for the words and figures "the 1st day of January 1872', *Substitute* the words and figures "the 9th day of January 1969".

Amendment of section 50 of Central Act 16 of 1908

3. In section 50 of the principal Act, for the Explanation, the following Explanation shall be *substituted*, namely: -

"*Explanation* : 'Unregistered ' means not registered according to any law in force before the 9th day of January 1969 or this Act".

---

[1] This Act came into force with effect from 1-11-1970, vide Ordinary gazette No.42, dated 20-10-1970.

Amendment of section 52 of Central Act 16 of 1908

4. In section 52 of the principal Act,-

(a) in sub-section (1),-

(i) in clause (a), the word “and“ shall be added at the end;

(ii) in clause (b), the word “and” occurring at the end shall be omitted; and

(iii) clause (c) shall be omitted;

(b) after sub-section (1), the following sub-sections shall be inserted, namely: -

“(1-A) Subject to the provisions contained in section 62, where any document, not being of the class specified in the rules made under sub-section (3), is admitted to registration; it shall, without unnecessary delay, be copied in the appropriate book according to the order of its admission.

(1-B) Subject to the provisions contained in section 62 and in the rules made under sub-sections (3) and (4) and under section 89-A, where any document of the class specified in the rules made under sub-section (3) is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission.’;

(c) after sub-section (2), the following sub-sections shall be added, namely: -

“(3) The State Government may, from time to time, specify by rules the classes of documents in respect of which true copies shall be filed in the appropriate book under sub-section (1-B).

(4) The true copy referred to in sub-section (1-B), shall be neatly handwritten, printed, typewritten, lithographed, or otherwise prepared in accordance with such rules as may be made in this behalf and where such copy is handwritten, it shall be prepared by a scribe who may be licensed for this purpose by the State Government on payment of such fees as may be prescribed.

(5) The provisions of this Act shall, in their application to the classes of documents specified in the rules made under sub-section (3), have effect, subject to the modifications set out in the Schedule.”.

Amendment of section 81 of Central Act 16 of 1908

5. In section 81 of the principal Act,---

(i) in the marginal heading, for the words "or registering" the words "registering or filing" shall be *substituted*;

(ii) *for* the words "or the registering of any document", the words "registering, or filing a true copy, of any document" shall be *substituted*;

(iii) *for* the words "or registers such document", the words "registers, or files a copy of, such document" shall be *substituted*.

Amendment of section 82 of Central Act 16 of 1908

6. In clause (b) of section 82 of the principal Act, for the words and figures "under section 19 or section 21", the words "under this Act or the rules made thereunder" shall be *substituted*.

Insertion of new section 89-A of Central Act 16 of 1908

7. After section 89 of the principal Act, the following section shall be inserted, namely: --

Power to make rules for filing of copies of documents.

"89-A (1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under 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) specifying the classes of documents in respect of which true copies shall be filed;

(b) the furnishing of true copies of documents by the person presenting the document for registration;

(c) the manner in which true copies of documents shall be prepared;

(d) the manner of filing of such copies, and

(e) the licensing of scribes for preparing the true copies of documents, and the fees to be paid for issue of licence to the scribes.

(3) All rules made under this section 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 section shall, as soon as possible after it is made, be laid before the Legislative Assembly, Puducherry, while it is in session for a total period of 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 Legislative 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."

Insertion of Schedule in Central Act 16 of 1908

8. After section 91 of the principal Act, the following Schedule shall be inserted, namely: --

THE SCHEDULE

[See section 52(5)]

MODIFICATION OF CERTAIN PROVISIONS OF THE ACT

1. In section 45,--

(a) in sub-section (1), for the words and figure "cause the contents thereof to be copied into his Book No. 3", *substitute* the words and figure "cause a true copy of the contents thereof to be made and filed in his Book No.3"; and

(b) in sub-section (2), for the words "copy has been made", *substitute* the words, "true copy has been filed".

2. In sub-section (2) of section 46,--

(a) *for* the words "unless the will has been already copied", *substitute* the words, "unless a true copy of the will has already been filed"; and

(b) *for* the words and figure "cause the will to be copied into his Book No. 3", *substitute* the words and figure "cause a true copy of the will to be made and filed in his Book No. 3".

3. In section 51, --

(a) for sub-section (2), substitute the following sub-section, namely: -

"(2) In Book No. 1 shall be filed,

(i) true copies of all documents; and

(ii) all memoranda,

registered under sections 17, 18 and 89 which relate to immovable property, and or not wills"; and

(b) in sub-section (3), for the words "entered all documents", *substitute* the words "filed true copies of all documents.".

4. In section 54, for the words "copied or filed", substitute the words "filed a true copy of, or".

5. In section 55,---

(a) in sub-section (2), *for* the words, "every document entered or memorandum filed", *substitute* the words "every document of which a true copy, or memorandum is filed";

(b) in sub-section (4), *for* the words and figure "every will and authority entered in Book No.3", *substitute* the words and figure "every will and authority of which a true copy is filed in Book No. 3" and

(c) in sub-section (5), *for* the words "document entered", *substitute* the words "document of which a true copy is filed".

6. In sub-section (1) of section 60, for the words "the document has been copied", *substitute* the words "the true copy of the document has been filed".

7. In sub-section (1) of section 61, for the words "copied into the margin of the register book" *substitute* the words "copied in the true copy of the document filed under sub-section (1-B) of section 52".

8. In section 62, for sub-section (1), *substitute* the following sub-section, namely:

"(1) when a document is presented for registration under section 19, the translation together with the true copy of the document shall be filed in the appropriate book".

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 17 OF 1970

After introduction of the Registration Act, 1908 in the Union territory of Puducherry, it has been observed in some cases that by virtue of the existing provisions of section 28 of the said Act, a small extent of land is purchased in the adjoining State by the landowners in this Union territory and two properties, one in the adjoining State and another in the Union territory of Puducherry are conveyed in the adjoining State itself. Thereby, the loss of revenue to this Government has been estimated to be to the tune of about Rs.7.06 lakhs between the years 1990 and 1993.

The Bill seeks to achieve the above objects.

———

THE REGISTRATION (PUDUCHERRY AMENDMENT) ACT, 1998.

(Act No. 5 of 1999)

An

Act (4-5-1999)

further to amend the Registration Act, 1908 in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Forty-ninth Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Registration (Puducherry Amendment) Act, 1998.

(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.

Substitution of section 28.

2. In the Registration Act, 1908 (Central Act 19 of 1908) (hereinafter referred to as the principal Act), for section 28, the following section shall be substituted, namely:-

Place for registering documents relating to land

28. Save as in this Part otherwise provided,---

(a) every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17 in so far as such document affects immovable property and in clauses (a), (b), (c) and (cc) of section 18 shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate in the Union territory of Puducherry; and

(b) any document registered outside the Union territory of Puducherry in contravention of the provisions of clause (a) shall be deemed to be null and void.

+ Act No. 5 of 1999 came into force w.e.f 11.08.2000 vide Notification published in the EG pt. I No. 101 dated 24.08.2000.

Amendment of Section 30 of Central Act 16 of 1908

7. In the principal Act, in section 30, sub-section (2) shall be omitted.

Omission of section 67 of Central Act 16 of 1908

4. In the principal Act, section 67, shall be omitted.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 17 OF 1998

After introduction of the Registration Act, 1908 in the Union territory of Puducherry, it has been observed in some cases that by virtue of the existing provisions of section 28 of the said Act, a small extent of land is purchases in the adjoining State by the landowners in this Union territory and two properties, one in the adjoining State and another in the Union territory of Puducherry are conveyed in the adjoining State itself. Thereby, the loss of revenue to this Government has been estimated to be to the tune of about Rs.7.06 lakhs between the years 1990 and 1993.

It is therefore proposed to amend section 28 of the Registration Act, 1908 as applicable to this Union territory to prevent such registration and loss of revenue to this Union territory in future and to treat any document relating to property situate in the Union territory of Puducherry and registered outside this Union territory to be null and void. It has also been proposed to make consequential amendments to sections 30 and 67 of the said Act.

The Bill seeks to achieve the above objects.

———

THE REGISTRATION (PUDUCHERRY AMENDMENT) ACT, 2002.

(Act No. 11 of 2002)

AN [16-7-2002]

ACT

further to amend the Registration Act, 1908 in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Fifty-third Year of the Republic of India, as follows:-

Short title and commencement.

1. (1) This Act may be called the Registration (Puducherry Amendment) Act, 2002.

(2) It shall come into force on such date as the Government may, by notification in the official gazette, appoint.

Insertion of new section 22-A

2. In the Registration Act, 1908 (Central Act 16 of 1908), after section 22, the following section shall be inserted, namely:-

Documents registration of which is opposed to pubic policy

22A. (1) The state Government may, by notification in the official gazette, declare that the registration of any document or class of documents is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document or class of documents to which a notification issued under sub-section (1) is applicable.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 17 OF 2002

Under, the provisions of the Registration Act, 1908 as in force in the Union territory of Puducherry, the Registering Officers are not empowered to verify the title of the executant. This has given rise to a number of instances where several documents involving alienation of landed properties have been registered in contravention of the provisions of socio-economic legislations like the Puducherry Cultivating Tenants Protection Act, 1970; the Puducherry Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1973; the Puducherry Land Reforms (Fixation of Ceiling on Land), 1973; Land Grant Rules, 1975 etc. On a study of the position obtaining in other States on the subject matter, it has been found that insertion of an additional provision viz., section 22-A in the Registration Act enabling the Registering Officers to refuse to register documents notified as opposed to public policy would go a long way in curtailing the malpractices. Documents purporting to alienate lands covered by socio-economic legislations can be notified as documents opposed to public policy. This power vested in the Registering Officers has enabled the prevention of the incidence of malpractices mentioned above, to a great extent. It is, therefore, proposed to bring an amendment in the Registration Act, 1908 in its application to the Union territory of Puducherry on the above lines.

The Bill seeks to achieve the above objects.

———

THE REGISTRATION (PUDUCHERRY AMENDMENT) ACT, 2004
(Act No. 9 of 2004)

(15-12-2004)

AN

ACT

further to amend the Registration Act, 1908 in its application to the Union Territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Fifty-fifth Year of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Registration (Puducherry Amendment) Act, 2004.

(2) It extends to the whole of the Union Territory of Puducherry.

(3) It shall come into force at once.

Amendment of section 2.

2. In the Registration Act, 1908(Central Act 16 of 1908), in its application to the Union Territory of Puducherry (hereinafter referred to as the principal Act), in sub-section (2) of section 2, after the words “includes a portion of book”, the words “and the information in storage devices like floppy disk, hard disk or compact disk” shall be added.

Amendment of Section 16.

3. In section 16 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

(2.A) The State Government shall provide for the office of every registering officer the books and also the information processing and storage devices like computer and scanners alongwith the software prescribed by the Inspector-General of Registration, from time to time necessary for purpose of this Act”.

Amendment of section 51 of Central Act 16 of 1908

4. In section 51 of the principal Act, in sub-section (1), for the words "The following books", the words "The following books and the information storage devices as specified in sub-section (1) of the section 16" shall be substituted.

Amendment of section 61 of Central Act 16 of 1908

5. In section 61 of the principal Act, after sub-section (1), the following proviso shall be added, namely:

provided that the copying of the items referred to above may be done using electronic devices like scanner.

Insertion of Part-XI-A of Central Act 16 of 1908

6. After Part-XI of the principal Act, the following Part-XI-A shall be inserted, namely:-

"PART — XI-A

Registration of documents by means of electronic devices

70.A. **Application of this part**. — This part shall apply to the areas in respect of which a notification is issued by the Government of Puducherry under section 70-B.

70-B. **Documents scanned by electronic devices in areas notified by the Government**. - (1) The State Government may, by notification, in the official gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and the compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the registering officer in charge of the office shall also be received in evidence of any transaction as is described in the said document.

70-C. **Saving**. - Nothing in this part shall apply,--

(i) to any document which in the opinion of registering officer is not in a condition fit to be processed by means of electronic devices;

(ii) in the case of unforeseen eventuality like breakdown of the computerised system of registration:

Provided that the registering officer shall record the reasons in writing therefor:

Provided further that the registering officer shall ensure that the data and images of the document registered during the period of non- application of this part due to a breakdown of the computerised system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector-General of Registration.

Amendment of section 89.

7. In section 89 of the Principal Act, after the words “shall file the copy in his Book No. 1”, wherever they occur, the words “or get scanned “ shall be added.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 17 OF 2004

The Government of Puducherry has proposed to computerize the activities relating to registration of documents and issuance of copies thereof under Registration Act, in order to reduce delay and introduce transparency.

It is therefore necessary to amend the provisions of the sections 2, 16, 51, 61 and 89 suitably and insert a new Part-XI-A containing sections 70-A, 70- B and 70-C in the Registration Act, 1908 in its applications to the Union Territory of Puducherry so as to enable computerization of the process of registration of documents in addition to the existing manual system as provided in the said Act. It will obviate the problems faced in the manual system and will speed up the work of registration offices besides making it transparent.

The Bill seeks to achieve the above objects.

———

THE REGISTRATION (PUDUCHERRY AMENDMENT) REGULATION, 1977

No. 2 of 1977 07-02-1977

Promulgated by the President in the Twenty-eighth Year of the Republic of India.

A Regulation further to amend the Registration Act, 1908, as in force in the Union territory of Puducherry.

In exercise of the powers conferred by the second proviso to clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:-

1. (1) This Regulation may be called the Registration (Puducherry Amendment) Regulation, 1977.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on such +date as the Administrator may, by notification in the Puducherry Gazette, appoint.

Insertion of clause (bb) of sub-section (1) of section 69 of Central Act 16 of 1908

13. In the Registration Act, 1908, as in force in the Union territory of Puducherry (hereinafter referred to as the Principal Act), in section 69, in subsection (1), after clause (b) the following clause shall be inserted, namely:-

"(bb) Providing for the grant and renewal of licences of document writers, the revocation of such licences, the terms and conditions subject to which and the authority by which such licences shall be granted or renewed or revoked, the penalties for breaches of the terms and conditions of such licence, the authority by which such breaches shall be investigated, the scale of fees to be charged by document writers, the exemption of any class of document writers from the licensing provisions, the conditions subject to which such exemption may be granted, and generally for all purposes connected with the writing of documents to be presented for registration;".

Insertion of sub-section (2) of section 78 of Central Act 16 of 1908

15. In the Principal Act, section 78 shall be renumbered as sub-section (1) thereof and, after subsection (1) as so renumbered, the following sub-section shall be inserted, namely:-

"(2) The State Government, if it is of opinion that there are reasonable grounds for doing so, may, by order published in the Official Gazette, remit in the whole or any part of the Union territory of Puducherry, any fee or fees payable in respect of any matter or matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

+This Regulation has come into force w.e.f 12.04.1977 vide Notification published in EG No. 119 dt. 21.04.1977.

THE INDIAN STAMP (PUDUCHERRY AMENDMENT) ACT, 1970

(Act No. 21 of 1970)

AN ACT

9th July,1970.

to amend the Indian Stamp Act, 1899, in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-first Year of the Republic of India as follows:

Short title and extent

1. (1) This Act may be called the Indian Stamp (Puducherry Amendment) Act, 1970.

(2) It extends to the whole of the Union territory of Puducherry.

Substitution of new section for section 24

2. For section 24 of the Indian Stamp Act, 1899 (Central Act 2 of 1899) (hereinafter referred to as the principal Act), the following section shall be substituted, namely: --

How transfer of property subject to mortgage to be charged

"24. Where property subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer the amount of any duty already paid in respect of the mortgage.

ILLUSTRATION

A mortgages a house to B for Rs.5,000. A afterwards sells the house to B. The market value of the house at the time of sale is Rs.10,000, Stamp duty is payable on Rs.10,000 less the amount of stamp duty already paid for the mortgage."

Amendment of section 25

3. In section 25 of the principal Act, --

(a) in the opening paragraph, for the words "or where the consideration for a conveyance is an annuity or other sum payable periodically the amount secured by such instrument or the consideration for such conveyance, as the case may be" the words "the amount secured by such instrument" shall be substituted;

(b) in clause (b), the words "or conveyance" in the two places where they occur shall be omitted;

(c) in clause (c), the words "or conveyance" shall be omitted.

Amendment of section 27

4. In section 27 of the principal Act, after the words and brackets "The consideration (if any) "the words" and the market value" shall be inserted.

Substitution of new section for section 28

5. For section 28 of the principal Act, the following section shall be substituted, namely: -

Direction as to duty in case of certain conveyances

"28. Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with *ad valorem* duty in respect of the market value of the property which is the subject matter of conveyance and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the market value of the property which is the subject matter of conveyance, or, where such duty would exceed five rupees, with a duty of five rupees.".

Amendment of section 33

6. In section 33 of the principal Act,---

(i) sub-section (1) shall be lettered as clause (a) of that sub-section and after clause (a) as so lettered, the following clause shall be inserted, namely: -

"(b) Notwithstanding anything contained in section 31, but without prejudice to the provisions of clause (a), the Collector before whom any instrument is brought under section 31 for determining the duty with which the
instrument is chargeable, shall, if it appears to him that such instrument is not duly stamped, impound the same:

Provided that nothing contained in this clause shall be deemed to authorise the Collector to impound any instrument which has not been executed but is brought to him under section 31 for determining the duty with which the instrument is chargeable or any instrument which he is authorised to endorse under section 32";

(ii) in sub-section (2) ---

(a) for the words "every such person", the words, "every such person and the Collector" shall be substituted;

(b) for the words "coming before him", the words, "coming or brought before him" shall be substituted.

Amendment of section 45

7. In sub-section (2) of section 45 of the principal Act, for the words "within three months of the order charging the same", the words "within six months from the date of payment" shall be substituted..

Insertion of new section 47-A

8. After section 47 of the principal Act, the following section shall be inserted, namely: -

Instruments of conveyance, etc., under-valued how to be dealt with

"47-A. (1) If the registering officer appointed under the Indian Registration Act, 1908 (Central Act 16 of 1908), while registering any instrument of conveyance, exchange or gift has reason to believe that the market value of the property which is the subject matter of conveyance, exchange or gift has not been truly set forth in the instrument, he may, after registering such instrument refer the same to the Collector for determination of the market value of such property and the proper duty payable thereon.

(2) On receipt of a reference under sub-section (1), the Collector shall, after giving the parties a reasonable opportunity of being heard and after holding an enquiry in such manner as may be prescribed by rules made under this Act, determine the market value of the property which is the subject matter of conveyance, exchange or gift and the duty as aforesaid. The difference, if any, in the amount of duty, shall be payable by the person liable to pay the duty.

(3) The Collector may, ***suo motu***, within two years from the date of registration of any instrument of conveyance, exchange or gift not already referred to him under sub-section (1), call for and examine the instrument for the purpose of satisfying himself as to the correctness of the market value of the property which is the subject-matter of conveyance, exchange or gift and the duty payable thereon and if, after such examination, he has reason to believe that the market value of such property has not been truly set forth in the instrument he may determine the market value of such property and the duty as aforesaid in accordance with the procedure provided for in

sub-section (2). The difference, if any, in the amount of duty, shall be payable by the person liable to pay the duty:

Provided that nothing in this sub-section shall apply to any instrument registered before the date of the commencement of the Indian Stamp (Puducherry Amendment) Act, 1970.

(4) (a) Any person aggrieved by an order of the Collector under subsection (2) or sub-section (3) may appeal to the appellate authority specified in sub-section (5).

(b) All such appeals shall be preferred within such time, and shall be heard and disposed of in such manner, as may be prescribed by rules made under this Act.

(5) The appellate authority shall be the Subordinate Judge, or if there are more than one Subordinate Judge, the Principal Subordinate Judge having jurisdiction over the area in which the property concerned is situated.

Explanation: For the purposes of this Act, market value of any property shall be estimated to be the price which in the opinion of the Collector or the appellate authority, as the case may be, such property would have fetched or fetch, if sold in the open market on the date of execution of instrument of conveyance, exchange or gift".

Substitution of new section for section 78

9. For section 78 of the principal Act (Central Act 2 of 1899), the following section shall be substituted, namely: -

Duty or allowance to be rounded off to the next higher multiple of five paise.

"78. If the total amount of duty payable, or of allowance to be made, under this Act is not a multiple of five paise, the total amount shall be rounded off to the next higher multiple of five paise,".

Amendment of Schedule I

10. In Schedule I to the principal Act (Central Act 2 of 1899),---

(a) in entry 18, in clause (c), in the entries in the second column, for the word "consideration", the words "market value" shall be substituted;

(b) in entry 23, for the words, letters and figures "where the amount or value of the consideration for such conveyance as set forth therein does not exceeds Rs. 50", the words, letters and figures "where the market value of the property which is the subject-matter of conveyance does not exceed Rs. 50" shall be substituted;

(c) in entry 31, for the entries in the second column, the following shall be substituted namely:-

"The same day as a Conveyance (No. 23) for a market value equal to the market value of the property of greater value which is the subject-matter of exchange.";

(d) in entry 32, in clause (a) and sub-clause (i) of clause (b), in the entries in the second column, for the word "consideration", the words "market value" shall be substituted;

(e) in entry 33, for the entries in the second column, the following shall be substituted, namely:-

"The same duty as a Conveyance (No. 23) for a market value equal to the market value of the property which is the subject matter of gift.";

(f) in entry 35, in the entries in the second column, for the word "consideration" wherever it occurs, the words "market value" shall be substituted;

(g) in entry 40 in clause (a), in the entries in the second column, for the word "consideration", the words "market value" shall be substituted;

(h) in entry 45, in the entries in the second column, for clause (b) of the proviso, the following clause shall be substituted, namely:-

"(b) where the land is held on Revenue Settlement and paying the full assessment, the value for the purpose of duty shall be calculated at twenty-five times the annual revenue.";

(i) in entry 48, in clause (e), for the entries in the second column, the following shall be substituted, namely:-

"The same duty as a Conveyance (No. 23) for a market value equal to the amount of the consideration." ;

(j) in entry 54, in clause (a), for the entries in the second column, the following shall be substituted, namely:-

"The same day as a Conveyance (No. 23) for a market value equal to the amount of such consideration as set forth in the reconveyance.";

(k) in entry 59, in the entries in the second column for the word "consideration", the words "market value" shall be substituted.

(l) in entry 63, in the entries in the second column for the word, "consideration" in the first place it occurs, the words "market value" shall be substituted.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 21 OF 1970

Under Article 23 of Schedule I of the Indian Stamp Act, 1899 (Central Act 2 of 1899), the stamp duty on documents relating to conveyance of properties is chargeable only on the value of consideration. It is difficult to adduce evidence as to the receipt of higher consideration. So, naturally, the parties note only lesser consideration in the documents and evade stamp duty. This criterion is proposed to be changed so as to enable the assessment of stamp duty based on the market value of the property.

A definite procedure has to be laid down in dealing with cases of under valuation. So, a new Section 47-A is introduced. Sections 24, 25, 27, 28 and some of the articles under Schedule I are proposed to be amended only as a sequel to the revised procedure.

At present, the Collector has no power to impound a document produced before him for adjudication under section 31 of the Act. The amendment made in clause 6 of the Bill confers this power on the Collector.

Section 45 of the Act is proposed to be amended to allow more time for application to refund the excess duty levied. This is of no consequence except that it gives more time to the party.

Section 78 prescribes the rounding of the duty payable to the nearest ten paise. But the amendment proposed in clause 9 of the Bill permits the rounding of to the next higher multiple of five paise.

The general consequence of the amendments is to prevent under valuation of documents resulting in loss of revenue to Government.

The present Bill seeks to achieve the above objects.

———

THE INDIAN STAMP (PUDUCHERRY AMENDMENT) ACT, 1993

(Act No. 8 of 1993)

[28-7-1993]

AN

ACT

to amend the Indian Stamp Act, 1899, in its application to the Union territory of Puducherry

BE it enacted by the Legislative Assembly of Puducherry in the Forty-fourth Year of the Republic of India, as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Indian Stamp (Puducherry Amendment) Act, 1993.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on and from the date of its publication in the official gazette.

Amendment of schedule I.

2. In Schedule I to the Indian Stamp Act, 1899 (Central Act 2 of 1899), -

for entry 46, the following shall be *Substituted* namely:-

"46. Partnership.-	
A. Instrument of. –	
(a) where the capital of the partnership does not exceed Rs.1,000	Fifteen Rupees
(b) in any other case	Sixty Rupees
B. Dissolution. ---	
(a) where the property, which belonged to one partner or partners when the partnership commenced is distributed or allotted or given to another partner or partners, whether or not the property is brought into the stock of the firm.	The same duty as a conveyance (No.23) for a market value equal to the market value of the property distributed or allotted or given to the partner or partners under the instrument of dissolution in addition to the duty which would have been

	payable on such dissolution if such property had not been distributed or allotted or given.
(b) in any other case	Thirty Rupees].

STATEMENT OF OBJECTS AND REASONS FOR ACT 8 OF 1993

It has been observed that with a view to avoid the higher stamp duty payable on conveyance, parties are resorting to the practice of entering into partnerships and, thereafter, dissolving them and transferring properties to one another through such dissolution.

2. With a view to avoid leakage of revenue it is found necessary to enhance the stamp duty for the dissolution of partnerships where such dissolution involves the transfer of property belonging to one partner or partners to the other partner or partners.

3. It is therefore proposed to amend Entry No.46 of Schedule I to the Indian Stamp Act, 1899 (Central Act No.2 of 1899) so as to provide for charging as conveyance the instrument of dissolution of partnership involving transfer of property from one partner or partners to other partner or partners.

4. The Bill seeks to achieve the above object.

THE INDIAN STAMP (PUDUCHERRY AMENDMENT) ACT 2000

(Act No. 7 of 2001)

[5-10-2001]

AN

ACT

further to amend the Indian Stamp Act, 1899 in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Fifty-first Year of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Indian Stamp (Puducherry Amendment) Act, 2000.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on and from the date of its publication in the official gazette.

Amendment of Schedule – I.

2. In Schedule-I to the Indian Stamp Act, 1899 (Central Act 2 of 1899), -

(a) in entry 5, in clause (c), for the words "Rs. two and paise twenty-five", the words "Rs. ten" shall be substituted;

(b) in entry 17, for the words "Twenty –two rupees and fifty paise", the words "Fifty rupees" shall be substituted;

(c) for entry 23 and the entries relating thereto, the following shall be substituted, namely:-

23. CONVEYANCE, as defined by section 2 (10), not being a Transfer charged or exempted under No.62-		
where the market value of the property which is the subject matter of conveyance does not exceed Rs.50;	..	Two rupees and fifty paise.
where it exceeds Rs.50 but does not exceed Rs.100;	..	Five rupees.
where it exceeds Rs.100 but does not exceed Rs.200;	..	Ten rupees.
where it exceeds Rs.200 but does not exceed Rs.300;	..	Fifteen rupees.

where it exceeds Rs.300 but does not exceed Rs.400;	..	Twenty rupees.
where it exceeds Rs.400 but does not exceed Rs.500;	..	Twenty-five rupees.
where it exceeds Rs.500 but does not exceed Rs.600;	..	Thirty rupees.
where it exceeds Rs.600 but does not exceed Rs.700;	..	Thirty-five rupees.
where it exceeds Rs.700 but does not exceed Rs.800;	..	Forty rupees.
where it exceeds Rs.800 but does not exceed Rs.900;	..	Forty-five rupees.
where it exceeds Rs.900 but does not exceed Rs.1,000;	..	Fifty rupees.
and for every Rs.500 or part thereof in excess of Rs.1,000.	..	Twenty-five rupees

Exemption:
Assignment of copyright under the Copyright Act, 1957 (Central Act 14 of 1957), section 18.

(d) in entry 40,-

(i) in clause (a), for the words, brackets and figures 'The same duty as a conveyance (No.23) for a market value equal to the amount secured by such deed", the figures and words "0.5% with monetary ceiling of Rs.50,000" shall be substituted; and

(ii) in clause (b), for the words, brackets and figures "The same duty as a Bottomry Bond (No.16) for the amount secured by such deed", the figures and words "2% with monetary ceiling of Rs.2 lakhs" shall, be substituted; and

(e) for entry 45 and the entries relating thereto, the following shall be substituted, namely:-

"45. PARTITION --- Instrument of [as defined by section 2 (15)].	..	1% subject to a ceiling of Rs.5,000"

(f) in entry 48,-

(i) in clause (c), for the letters and figures "Rs.16.90", the letters and figures "Rs.20.00" shall be substituted; and

(ii) in clause (d), for the letters and figures "Rs.33.75", the letter and figures "Rs.l00.00" shall be substituted;

(g) for entry 58 and the entries relating thereto, the following shall be substituted, namely:-

"58. SETTLEMENT –

A. INSTRUMENT OF (including a deed of dower)	..	The same duty as an instrument of partition (No.45) for a sum equal to the amount or market value of the property settled as set forth in such settlement: Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed Rs.3.00.

Exemptions:

(a) Deed of dower executed on the occasion of a marriage between Muhammadans.

B. REVOCATION OF	..	The same duty as an instrument of partition (No.45) for a sum equal to the amount or market value of the property concerned as set forth in the Instrument of Revocation but not exceeding one hundred rupees.

STATEMENT OF OBJECTS AND REASONS FOR ACT 7 OF 2001

The Indian Stamp Act, 1899 (Central Act 2 of 1899) was extended to the Union territory of Puducherry with effect from 9-1-1969 and after such extension lesser rates of stamp duty were prevailing in this Union territory. In view of this there is a loss of revenue felt on the exchequer. In order to avoid this and in view of the exigency of the budgetary needs, Schedule-I to the Indian Stamp Act, 1899 is proposed to be amended so as to enhance the stamp duty chargeable on the instruments viz. Agreement, Conveyance, Cancellation, Gift, General Power of Attorney, and Settlement. With a view to bring the rates of stamp duty in conformity with the recommendations of the Committee of Finance Ministers, it is also proposed to revise the rates of stamp duty chargeable on the instruments, namely, Partition and Mortgage.

The Bill seeks to achieve the above objects.

THE INDIAN STAMP (PUDUCHERRY AMENDMENT) REGULATION, 1976[1]

[No. 6 of 1976] 06-04-1976

[Promulgated by the President in the Twenty-seventh Year of the Republic of India]

A Regulation further to amend the Indian Stamp Act, 1899 in its application to the Union territory of Puducherry

In exercise of the powers conferred by the second proviso to clause (1) of Article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:-

Short title, extent and commencement.

(1) This Regulation may be called the Indian Stamp (Puducherry Amendment) Regulation, 1976.

(2) It extends to the whole of the Union territory of Puducherry.

2. Amendment of Section 10.

In Section 10 of the Indian Stamp Act, 1899 (2 of 1899) (hereinafter referred to as the Principal Act), after sub-section (2), the following sub-section shall be inserted, namely:-

1. Promulgated by the President on April 6, 1976, published in Gazette of India, Extra., Part II, S. I, dated 6th April, 1976, pp. 479-80.

"(3) (a) Notwithstanding anything contained in sub-section (1), where the State Government is satisfied that on account of temporary shortage of stamps in any region in the Union territory of Puducherry duty cannot be paid, and payment of duty cannot be indicated on instruments, by means of stamps, it may, by notification in the Official Gazette, direct that, in such region and for such period as may be specified in such notification, the duty may be paid in cash in any branch of the State Bank of India or in a Government treasury or sub-treasury and the Collector shall, on production of challan evidencing payment of stamp duty in the State Bank of India, Government treasury or sub-treasury, certify by endorsement on the instrument, in respect of which the stamp duty is paid, that the duty has been paid and state in the said endorsement the amount of the duty so paid.

(b) An endorsement made on any instrument under clause (a) shall have the same effect as if the duty of an amount equal to the amount stated in the endorsement had been paid in respect of, and such payment had been indicated on such instrument by means of stamps, under sub-section (1)."

3. **Insertion of new Section 64 A.**- After Section 64 of the Principal Act, the following section shall be *inserted*, namely:-

"64A. *Recovery of amount of deficit stamp duty* - (1) Where any person liable to pay duty under this Act is convicted of an offence under Section 64, in respect of any instrument (not being an instrument specified in entry 91 of List I in the Seventh Schedule to the Constitution), the Magistrate shall, in addition to the punishment which may be imposed for such offence, recover summarily and pay over to the Collector the amount of duty, if any, due under this Act from such person in respect of that instrument and the Collector shall thereupon certify by endorsement on that instrument that proper duty has been levied in respect thereof:

Provided that if the person referred to in this sub-section has already paid any amount towards the duty payable under this Act in respect of the instrument in relation to which such person was convicted, the Magistrate shall recover only the difference in the amount of duty.

(2) The amount recoverable under sub-section (1) shall be recovered by the Magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1973 (2 of 1974)."

———

THE INDIAN STAMP (PUDUCHERRY SECOND AMENDMENT) REGULATION, 1976[1].

No. 12 of 1976 11.08.1976

Promulgated by the President in the Twenty-seventh Year of the Republic of India.

A Regulation further to amend the Indian Stamp Act, 1899, as in force in the Union territory of Puducherry.

In exercise of the powers conferred by the second proviso to clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:-

Short title, extent and commencement.

1. (1) This Regulation may be called the Indian Stamp (Puducherry Second Amendment) Regulation, 1976.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on such date as the Administration of the Union territory of Puducherry may, by notification in the Official Gazette, appoint.

Amendment of section 47 A.

2. In section 47 A of the Indian Stamp Act, 1899 (2 of 1899.) as in force in the Union territory of Puducherry (hereinafter referred to as the principal Act), for the words "conveyance, exchange or gift wherever they occur, the words "conveyance, exchange, gift, partition or settlement "shall be substituted.

Amendment of Schedule I.

3.In Schedule I to the principal Act, -

(a) in Article 45, in the entries in the second column, for the words "amount of the value of the separated share or shares of the property" the words "amount of the market value of the separated share or shares of the property" shall be substituted;

(b) in Article 58, in the entries in the second column, for the words "value of the property settled as set forth in such settlement", the words "market value of the property settled in such settlement" shall be substituted.

1. Promulgated by the President on August 11, 1976, published in Gazette of India, Extra., pt. II section 1, dated 11th August, 1976, p 1013-14.

———

THE PUDUCHERRY PATENTE (ABOLITION) ACT, 1970
(No. 23 of 1970)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definition.
3. Repeal and savings.
4. Protection of action taken in good faith.

———

THE PUDUCHERRY PATENTE (ABOLITION) ACT, 1970
(Act No. 23 of 1970)

23rd July, 1970.

AN ACT

to provide for the abolition of the "patente" in the Union territory of Puducherry and for matters connected therewith.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-first Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Patente (Abolition) Act, 1970.

(2) It extends to the whole of the Union territory of Puducherry.

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

Definition

2. In this Act, "Government" means the Administrator appointed by the President under article 239 of the Constitution.

1. This Act came into force on 15th day of August, 1970, *vide* Notification No. B-840/68-Rev., dated 13-8-1970.

Repeal and savings

3. (1) On the commencement of this Act, the Deliberations dated 15th December, 1938 enforced by the Arrete dated 17th December, 1938 shall stand repealed.

(2) Notwithstanding anything contained in sub-section (1), every proceeding or transaction pending under the provisions of the Deliberations and the Arrete referred to in sub-section (1) immediately before the commencement of this Act shall, after such commencement, stand transferred to the Deputy Collector (Revenue), Puducherry, or the Administrator of the respective regions, as the case may be, and such proceeding or transaction shall be disposed of in accordance with the provisions of the said Deliberations and Arrete as if the said Deliberations and Arrete had continued in force and this Act had not been passed.

(3) The provisions of sub-section (2) shall be without prejudice to the general application of section 6 of the General Clauses Act, 1897 (Central Act 10 of 1897) as applicable under section 2 of the Puducherry General Clauses Act, 1965 (13 of 1965) to the interpretation of Acts of the Legislature of the Union territory of Puducherry and the said section 6 shall apply to the repeal of the Deliberations and the Arrete referred to in sub-section (1) as if the said Deliberations and Arrete were enactments.

Protection of action taken in good faith

4. No suit or other legal proceedings shall lie against the Government or any person authorised by the Government for anything which is in good faith done or intended to be done in pursuance of this Act.

_____

STATEMENT OF OBJECTS AND REASONS FOR ACT 23 OF 1970

Patente is a tax on professions levied and collected in the Union territory of Puducherry under the French Deliberations dated 15t December, 1938 enforced by the Arrete dated 17t December, 1938. This tax is levied on every individual who carries on business, runs an industry or engages himself in a profession and the basis of the collection varies according to the nature of the profession. The business community of Puducherry have been paying this tax in addition to the Turnover Tax. When the Sales Tax Act, 1967 came into force, the Turnover tax was withdrawn. But the Patente has been continued as no provision was made in the Sales Tax Act to repeal the Deliberations relating to Patente.

There have been a number of representations both inside and outside the Legislature for abolition of the Patente. It has therefore been decided to abolish the Patente. The above Bill seeks to achieve the above object.

_____

THE KARAIKAL AGRICULTURAL LABOURER FAIR WAGES ACT, 1970
(No. 25 of 1970)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement and duration.

2. Definitions.

3. Appointment of Conciliation Officers.

4. Constitution of Revenue Courts.

5. Fair wages payable to agricultural labourers.

6. Enforcement of payment of fair wages.

7. Wages for harvest.

8. Appeal.

9. Revision by the District Court.

10. Decision in appeal or revision to be given effect to.

11. Bar of jurisdiction of civil courts.

12. Power to take evidence on oath.

13. Act to override contract and other laws.

14. Power to make rules.

THE KARAIKAL AGRICULTURAL LABOURER FAIR WAGES ACT, 1970

1st August, 1970

(Act No. 25 of 1970)

AN ACT

to provide for payment of fair rates of wages for agricultural labourers in the Karaikal region of the Union territory of Puducherry and for matters incidental thereto.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-first Year of the Republic of India as follows:

Short title, extent, commencement and duration

1. (1) This Act may be called the Karaikal Agricultural Labourer Fair Wages Act, 1970.

(2) It shall extend to the region known as Karaikal in the Union territory of Puducherry.

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

(4) It shall remain in force for a period of [2]six years from the date of the commencement of this Act and upon the expiry of this Act, the provisions of section 6 of the General Clauses Act, 1897 (Central Act 10 of 1897), as applicable under section 2 of the Puducherry General Clauses Act, 1965 (13 of 1965), shall apply as if this Act had then been repealed by a Puducherry Act.

Definitions

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

(1) "agricultural labourer" means a person who, in consideration of wages payable to him by a landowner performs manual labour on the agricultural land of such landowner, but does not include ---

---

1. The Act came hto force on the 10th day of September 1970, vide Notification No. B9494/69-I dated 5th September 1970.
2. Substituted by Act 6 of 1974, section 2, w.e.f. 10-9-1973.

(a) a pannaiyal as defined in the Karaikal Pannaiyal Protection Act, 1966 (3 of 1966);

(b) a person engaged in the house-hold work of the landowner or for cleaning cattleyard, or for storing manure at the backyard of the house;

(2) "agricultural land" means any land used for the cultivation of paddy, and includes any land used for any purposes subservient thereto, but does not include house-site or land used exclusively for non-agricultural purposes;

(3) "Conciliation Officer" means a Conciliation Officer appointed under this Act;

(4) "fair wages" means the rate of wages specified in the Schedule;

(5) "Government" means the Administrator of the Union territory of Puducherry appointed by the President of India under article 239 of the Constitution;

(6) "landowner"

(a) in relation to a land personally cultivated, means the owner of such land and includes the heirs, assigns and legal representatives of such owner or persons deriving rights through him, and

(b) in relation to a land cultivated by a cultivating tenant means such cultivating tenant.

Explanation. --- "cultivating tenant" shall have the same meaning as in sub-clause (b) of clause 2 of the Karaikal Tenants Protection Order, 1960.

(7) "Revenue Court" means a Revenue Court constituted under this Act.

Appointment of Conciliation Officers

3. The Government may, by notification in the Official Gazette, appoint for such area as may be specified therein, any officer of the Revenue Department not below the rank of a Tahsildar, to be a Conciliation Officer for the purpose of performing the functions entrusted to a Conciliation Officer by or under this Act.

Constitution of Revenue Courts

4. The Government may, by notification in the Official Gazette, constitute for such area as may be specified therein, a Revenue Court which shall be presided over by an Officer not below the rank of a Deputy Collector (Revenue), for the purpose of performing the functions entrusted to a Revenue Court by or under this Act.

Fair wages payable to agricultural labourers

5. Every landowner shall pay fair wages to any agricultural labourer engaged by him.

Enforcement of payment of fair wages

6. (1) If any landowner pays less than the fair wages or refuses to pay the fair wages to any agricultural labourer, the agricultural labourer may make an application to the Conciliation Officer for a direction under subsection (2).

(2) On receipt of such application, the conciliation officer shall hear the applicant and the landowner and after such inquiry, if any which he may consider necessary, direct —

(i) in the case of a claim arising out of the payment of less than the fair wages, the payment to the agricultural labourer of the amount by which the fair wages payable to him exceeds the amount actually paid by the landowner.

(ii) in the case of a claim arising out of non-payment of fair wages, the payment of the fair wages to the agricultural labourer.

Wages for harvest

7. (1) The fair wages for harvest shall be paid at the threshing floor on which the threshing takes place and no portion of the produce shall be removed from the threshing floor without payment of fair wages to the agricultural labourer concerned.

(2) If, as a result of a direction under sub-section (2) of section 6, any amount of fair wages becomes payable to an agricultural labourer, the Conciliation Officer, or any person authorised by him not below the rank of a Revenue Inspector (hereinafter referred to as the authorised person) may, ---

(i) in the case of harvest,

(a) recover in kind such amount of fair wages at the threshing floor from out of the harvested paddy, and

(b) if the harvested paddy or any portion thereof has been removed from the threshing floor in contravention of the provisions of sub-section (1), the Conciliation Officer or the authorised person shall recover in kind the amount of fair wages from the landowner concerned and if such recovery is not possible, the Conciliation Officer or the authorised person shall recover the amount of cash value of such fair wages from the landowner concerned as if such amount were an arrear of land revenue, and pay the amount so recovered to the agricultural labourer concerned;

(ii) in the case of any work other than harvest the Conciliation Officer, or the authorised person may recover in kind or in cash the amount of such fair wages from the landowner concerned as if such amount were an arrear of land revenue and pay it to the agricultural labourer concerned.

(3) The Conciliation Officer, or the authorised person shall have all such powers as are necessary to effect the payment of the fair wages to the agricultural labourer including the power to enter upon any land on which or into any building in which the harvested paddy is kept.

Appeal

8. (1) Against any final order passed by a Conciliation Officer under section 6, an appeal shall lie to the Revenue Court within such time as may be prescribed and the decision of the Revenue Court on such appeal shall, subject to the provisions of section 9, be final.

(2) The Revenue Court shall have no power to stay the operation of the order of the Conciliation Officer pending the disposal of the appeal.

Revision by the District Court

9. The District Court may call for and examine the record of any Revenue Court in respect of any proceeding under this Act to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed thereon; and if, in any case, it appears to the District Court that any such proceeding, decision or order should be modified, annulled or reversed or remitted for reconsideration, it may pass orders accordingly:

Provided that the District Court shall have no power to stay the operation of any decision or order of the Revenue Court pending the exercise of the powers under this section:

.

Provided further that the powers of the District Court under this section shall not be exercised in respect of an interim order passed by the Revenue Court:

Provided also that the District Court shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity of being heard.

Decision in appeal or revision to be given effect to

10. (1) Where the amount of fair wages paid under sub-section (2) of section 7 to any agricultural labourer is less than the amount of fair wages payable as a result of the decision in appeal or revision, the balance shall be recovered from the landowner concerned as if it were an arrear of land revenue and paid to the agricultural labourer concerned.

(2) Where the amount of fair wages paid under sub-section (2) of section 7 to any agricultural labourer is in excess of the amount of fair wages payable as a result of the decision in appeal or revision, such excess shall be recovered from the agricultural labourer concerned as if it were an arrear of land revenue, and paid to the landowner concerned.

Bar of jurisdiction of civil courts

11. (1) Save as otherwise provided in this Act, no civil court shall entertain any suit or other proceeding to set aside or modify any order or decision passed by any Officer or authority or in respect of any other matter falling within his or its scope.

(2) No injunction shall be granted by any court in respect of any action taken or to be taken by any officer or authority in pursuance of any power conferred by or under this Act.

Power to take evidence on oath

12. Any officer or authority exercising powers under this Act shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), when trying a suit in respect of the following matters, namely: --

(a) enforcing the attendance of any person and examining him on oath;
(b) requiring the discovery and production of documents;
(c) receiving evidence on affidavit;
(d) issuing commissions for the examination of witnesses;

and any proceeding before the officer or authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (Central Act 45 of 1860).

Act to override contract and other laws

13. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any pre-existing law, custom, usage, agreement or decree or order of a court.

Power to make rules

14. (1) The Government may, by notification in the Official Gazette, 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 procedure to be followed by the Conciliation Officer and the Revenue Court;

(b) the fees to be paid for applications and appeals under this Act;

(c) the powers of the Conciliation Officer and the authorised person necessary for effective enforcement of the provisions of this Act;

(d) the manner of estimating the cash value of fair wages in kind;

(e) any other matter, which is required to be, or may be prescribed under this Act.

(3) All rules, made under this Act shall, as soon as may be after they are made, 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 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 or issued, 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 SCHEDULE

[See Section 2(4)]

PART-I

Men

All kinds of work during cultivating season.	Rs. 3-00 or six litres of Paddy plus Re.1.25 p per day.

Women

All kinds of work during cultivating season.	Re. 1-75 P. or five litres of Paddy plus 0.25 p per day.

Explanation.- 'Work' does not include ploughing where bullocks and ploughs are provided by the agricultural labourer.

PART -II

Harvest

Six litres out of every fifty-four litres of harvested paddy.

Explanation. - For arriving at the wages specified above no deduction shall be made either for kalavady or for any other expenses from out of the harvested heap till the agricultural labourers' wages are paid.

Illustration --- If 5,400 litres of paddy is the total amount of paddy harvested, the wages payable for the agricultural labourers engaged for the harvest will be 600 litres and the balance will be 4,800 litres from which alone, the landowner will have to make any deduction for kalavady or for any other expenses.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 25 OF 1970

Representations have been received from the Agricultural labourers of Karaikal region for the enactment of a Legislation for providing them fair rates of wages. The Karaikal Pannayal Protection Act, 1966 (No.3 of 1966) has already been passed to regulate the relationship between the farm labourers (Pannayals) and the landowners and provide a machinery for the settlement of disputes between them. But, there is no law to provide for the payment of fair rates of wages to the agricultural labourers. In the context of Tamilnadu having introduced a legislation in parts of Tanjore District bordering Karaikal region, the need for the enactment of a similar legislation has now become imperative. The present Bill which has been prepared on the model of the Tamilnadu Agricultural Labourer Fair Wages Act, 1969 (No.19 of 1969) seeks to achieve this object.

STATEMENT OF OBJECTS AND REASONS FOR ACT 6 OF 1974

The Karaikal Agricultural Labourer Fair Wages Act, 1970 provides for the payment of fair wages specified in the Act by every landowner to agricultural labourers engaged by him for all kinds of work during the cultivation season and at harvest. This Act was enforced with effect from lOth September, 1970 and so, as per sub-section (4) of section (1) of the Act, the law expired on 9-9-1973. The legislation was originally enacted because a similar law, viz., The Tamil Nadu Agricultural Labourer Fair Wages Act, 1969 was in force in the adjoining district of Tanjore. The said Tamil Nadu Act, though originally was intended for 3 years, has now been made permanent. It is, therefore, considered necessary that the life of the Karaikal Agricultural Labourer Fair Wages Act is extended by another 3 years in the first instance. The action taken after the expiry of the Act and before the commencement of the amending Act, are also to be validated.

The Bill intends to achieve the above objects.

———

THE PUDUCHERRY MONEY LENDER'S ACT, 1970
(No. 26 of 1970)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definition.
3. Money-lender to obtain licence.
4. Grant and refusal of licences.
5. Change of place of business by money-lender.
6. Money-lenders to exhibit their names over shops.
7. Interest and charges allowed to money-lenders.
8. Power to deposit in Court, money due on loan.
9. Money-lender to keep books, give receipts, etc.
10. Appointment of Inspectors and their powers.
10-A. Entry of wrong sum in bond, etc., to be an offence.
11. Money-lender advancing smaller amount or securing higher interest than hat specified in the accounts, etc., to be punishable.
12. Cognizance of offences.
12-A. Offences under section 18A to be cognizable.
13. Penalty for molestation of debtor.
14. Power to cancel licences, etc.
15. Publication of order of cancellation.
16. No compensation for cancellation of licence.
17. Penalty for carrying on business without licence.
18. Penalties.
18-A. Non-citizens not to carry on business of money lending.
19. Transfer of licence to heir.
20. Jurisdiction to try offences.
20-A. Power of court to limit interest recoverable in certain cases.
20-B. Power of court to direct payment of decretal amount by instalments.
20-C. Reopening of transaction.
20-D. Inquiry for taking accounts and declaring the amount due.
20-E. Composition of offence.
21. Contracts not to be void on account of offence.
21-A. Savings
22. Power to make rules.

THE PUDUCHERRY MONEY LENDER'S ACT, 1970
(Act No. 26 of 1970)

AN ACT

to regulate and control the business of money lenders in the Union territory of Puducherry.

BE it enacted in the Twenty-first Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Money Lender's Act, 1970.

(2) It extends to the whole of the Union territory of Puducherry.

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

Definitions

2. In this Act, unless the context otherwise requires,--
*[(a) "bank" means –

(i) a banking company to which the Banking Regulation Act, 1949 (Central Act 10 of 1949) applies;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955);

(iii) a subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks)Act, 1959 (Central Act 38 of 1959);

(iv) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970);

---

1. The Act came into force on the 1st day of October 1970, vide Notification No. E-2763-69/ Rev, dated 18th September 1970.
* Amended vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

(v) a Regional Rural Bank established under the Regional Rural Banks Act, 1976 (Central Act 21 of 1976);

(vi) the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964 (Central Act 18 of 1964);

(vii) the Agricultural Refinance and Development Corporation established under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963);

(viii) the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956);

(ix) the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948 (Central Act 15 of 1948); and

(x) any other financial or banking institution notified in this behalf by the Government in the Official Gazette;

(aa) "citizen of India" means a person who is a citizen of India within the meaning of Part II of the Constitution of India and the Citizenship Act, 1955 (Central Act 5 of 1955);

(b) "co-operative society" means a society registered or deemed to be registered under any law for the time being in force in the Union territory relating to co-operative societies;]

(c) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(d) "Inspector" means an Inspector appointed under section 10;

(e) "interest" includes the return to be made over and above what was actually lent, whether the same is charged or sought to be recovered specifically by way of interest or otherwise but does not include any sum charged by a lender in accordance with the provisions of this Act or any other law for the time being in force, for or on account of costs; charges or expenses;

(f) "licence" means a money-lender's licence granted under this Act;

(g) "loan" means an advance whether 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 Bank in a company as defined in the Companies Act, 1956 (Central Act 1 of 1956) or with a co-operative society;

(ii) an advance made by a bank or a co-operative society or an advance made from a provident fund to which the Provident Funds Act, 1925 (Central Act 19 of 1925) applies;

(iii) an advance made by any 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 authority specified by Government by notification;

(v) an advance made bona fide by any person 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;

(vi) an advance made on the basis of a negotiable instrument as defined in the Negotiable Instruments Act, 1881 (Central Act 26 of 1881) exceeding [rupees ten thousand];

(vii) an advance made to its members by any Nidhi or Permanent Fund registered under any law in force in India;

(viii) an advance made under any Chit Fund Scheme;

(ix) an advance made by an agriculturist to his tenant;

---

* Amended vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

(h) a person shall be deemed to "molest" another person if he----

(i) obstructs or uses violence to, or intimidates, such other person, or.

(ii) persistently follows such other person from place to place or interferes with any property owned or used by him or deprives him of, or hinders him in the use of, any such property, or

(iii) loiters at or near a house or other place where such other person resides, or works, or carries on business, or happens to be, or

(iv) does any act calculated to annoy or intimidate the members of the family or such other person, or

(v) moves or acts in a manner which causes or is calculated to cause alarm or danger to the person or property of such other person;

(i) "money-lender" means a person whose main or subsidiary occupation is the business of advancing and realising loans, but excludes a bank or a co-operative society;

Explanation: --- Where a person who carries on in the Union territory the business of advancing and realising loans is resident outside the Union territory, the agent of such person resident in the Union territory shall be deemed to be the money-lender in respect of that business for the purposes of this Act.

(j) "notification" means a notification published in the Official Gazette;

(k) "prescribed" means prescribed by rules made under this Act;

(1) "principal" in relation to a loan means the amount actually lent to the debtor;

(m) "Union territory" means the Union territory of Puducherry;

(n) "year" means the financial year.

Money-lender to obtain licence

3. (1) No person shall on and after the date on which the provisions of this Act are brought into force, carry on, or continue to carry on, business as a money-lender in the Union territory, except under and in accordance with the terms of a licence.

(2) Where a money-lender has more than one shop or place of business, whether in the same town or village or in different towns or villages, he shall obtain a separate licence in respect of each such shop or place of business.

(3) (a) Where a money-lender is a registered firm the licence shall be obtained in the firm's name.

(b) Where a money-lender is an undivided Hindu family, the licence shall be obtained in the name of the manager, or the karnavan or the yajaman, as the case may be, described as such in the licence.

(c) Where a money-lender is any other association of individuals, not required to be registered under the Companies Act, 1956 (Central Act 1 of 1956), a separate licence shall be obtained by each such individual in his name describing himself as a member of the association:

Provided that nothing contained in the sub-section shall affect the operation of section 69 of the Indian Partnership Act, 1932 (Central Act 9 of 1932).

Grant and refusal of licences

4. (1) Every application for a money-lender's licence shall be in writing and shall be made to the licensing authority prescribed under this Act:

Provided that a person under the age of eighteen years shall be eligible to apply for a licence only through a guardian:

Provided further that if any person acting as a guardian on behalf of a minor applies for and obtains a licence under this Act, such guardian shall be subject to all the provisions of this Act as if the licence has been granted to himself.

*[(2) Every licence shall be granted and renewed in such form and subject to such conditions including conditions as to payment of licence fee not exceeding five hundred rupees as the Government may from time to time, by notification in the official gazette, determine].

(3) The licensing authority may be order in writing refuse to grant *[and renew] a licence if any authority is satisfied:-

(a) that the applicant has not complied with the provisions of this Act or the rules made thereunder in respect of an application for the grant of a licence; or

(b) that the applicant has made wilful default in complying with or knowingly acted in contravention of any requirement of this Act; or

(c) that the applicant has:--

(i) knowingly participated in or connived at any fraud or dishonesty in the conduct of or in connection with the business of money- lending; or

(ii) been found guilty of an offence under Chapter XVII or Chapter XVIII of the Indian Penal Code (Central Act 45 of 1860); or

(iii) been found guilty of an offence **[under section 10A or section 11 or section 13] on two or more occasions; or

(d) that the applicant has his licence cancelled within six months before the date of application.

(4) Any person aggrieved by an order of the licensing authority under sub-section (3) may, within one month from the date of communication of such order to him, appeal to the prescribed authority.

(5) Every licence granted under this Act shall, subject to the provisions of sub-section (7), expire on the last day of the year in which it was granted.

---

* Amended vide Act No: 7 of 2004 w.e.f 7-9-2004 and published in Extraordinary Gazette Part-II No. 24 dated 10-9-2004.

** Amended vide Act No: 7 of 1983 w.e.f 11-12-83 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-83.

(6) A licence granted under sub-section (2) may be renewed from year to year and the provisions of sub-sections (1) to (5) shall apply in relation to the renewal of a licence as they apply in relation to the grant of a licence.

(7) If orders refusing to renew a licence are not communicated to a money-lender by the licensing authority before the expiry of his current licence, the money-lender shall, notwithstanding such expiry, be deemed to have a valid licence till orders are received by him on his application for renewal.

(8) Nothing in this section shall be deemed to disentitle a moneylender, whose licence, has expired or has not been renewed, from taking steps to recover any loan advanced during the period when the licence was in force.

Change of place of business by money-lender

5. No money-lender shall change his place of business without previous notice to the licensing authority and without having the address of the new place of business duly endorsed on his licence.

Money-lenders to exhibit their names over shops

6. Every money-lender shall always keep exhibited over his shop or place of business his name with the word "money-lender" and its equivalent in the regional language.

Interest and charges allowed to money-lenders

7. *[(1) Notwithstanding anything contained in the decree dated 22nd September, 1935, no money lender shall charge interest on any loan, at a rate exceeding such rate as the Government may, by notification, fix from time to time:

Provided that the rate of interest as may be fixed by the 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.]

---

* Amended vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

(2) A money-lender may demand and take from the debtor such charges and in such cases, as may be prescribed.

(3) A money-lender shall not demand or take from the debtor any interest, profit or other sum whatsoever in excess of that payable under subsection (1).

Power to deposit in Court, money due on loan

8. (1) Where a money-lender refuses to accept the whole or any portion of the money or other property due in respect of his loan, the debtor may deposit the said money or property into the Court having jurisdiction to entertain a suit for recovery of such loan and apply to the Court to record full or part satisfaction of the loan, as the case may be.

(2) Where any such application is made, the Court shall after due inquiry, pass orders recording full or part satisfaction of the loan, as the case maybe.

(3) The procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the trial of suits shall, as far as may be, apply to applications under this section.

(4) An appeal shall lie from an order passed by a Court under subsection (2) as if such an order relates to the execution, discharge or satisfaction of a decree within the meaning of section 47 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

Money-lender to keep books, give receipts, etc.

9. (1) Every money-lender shall:-

(a) regularly record and maintain or cause to be recorded and maintained, an account showing for each debtor separately-

(i) the date of the loan, the amount of the principal of the loan, the rate of interest charged on the loan and the nature of security taken, if any; and

(ii) the amount of every payment received by the money-lender in respect of the loan, and the date of such payment;

(b) give to the debtor or his agent a receipt for every amount paid by him, duly signed and, if necessary, stamped at the time of such payment;

(c) on requisition in writing made by the debtor furnish to him, 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 fee therefor as the Government may prescribe:

Provided that no such statement shall be required to be furnished to a debtor if he is supplied by the money-lender with a pass book in the prescribed form containing an up-to-date account of the money-lender's transactions with the debtor; and

(d) submit such returns relating to the loans advanced by him to the Inspector concerned, in such form and at such times as may be prescribed.

(2) All records or entries made in the books, accounts and documents referred to in sub-section (1) shall be in such language as may be prescribed in respect of any area.

(3) A debtor to whom a statement of account has been furnished under clause (c) 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.

(4) In the receipt to be given under clause (b) of sub-section (1) or in the statement of account to be furnished under clause (c) of that sub-section, the figures shall be entered only in international form of Indian numerals.

(5) In any suit or proceeding relating to a loan if the Court finds that a money-lender has not maintained an account as required by clause (a) of sub-section (1), he shall not be allowed his costs.

(6) If any money-lender fails to give the debtor or his agent a receipt as required by clause (b) of sub-section (1) or to furnish on a requisition made under clause (c) of that sub-section a statement of account as required therein within one month after such requisition has been made, he shall not be entitled to any interest for the period of his default.

(7) Notwithstanding any agreement between the parties or any law for the time being in force, when a statement is furnished to a debtor under this section on any day during a month, the interest due shall be calculated as payable for the entire month irrespective of the fact that such statement is furnished on any such day.

Appointment of Inspectors and their powers

10. (1) The Government 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.

(3) (a) *[(i) A District Magistrate, an Additional District Magistrate or a Sub-Divisional Magistrate] may, on receiving a report from an Inspector that a person carries on without a licence or that a money-lender carries on in contravention of the provisions of this Act or the conditions of licence granted thereunder the business of money-lending at any place within the jurisdiction of such Magistrate, issue a warrant empowering the Inspector to enter such place with such assistants as he considers necessary and inspect the books, accounts, records, files, documents, *[securities, safes and vaults] in such premises.

(ii) On receiving the warrant referred to in sub-clause (i), the Inspector may enter the place and inspect the books, accounts, records, files, documents, *[Securities, safes and vaults] in such premises and may take to his office for further investigation such books, accounts, records, files *[documents and securities] as he considers necessary:

Provided that if the Inspector removes from the premises any books accounts, records, files *[documents and securities], he shall give to the person in charge of the place, a receipt describing the books, accounts, records, files *[documents and securities] so removed by him:

* Amended vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

Provided further that within twenty-four hours of the removal of the books, accounts, records, files *[documents and securities] from the premises, the Inspector 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 and such Magistrate may return the books, accounts, records, files *[documents and securities] or any of them to the person from whose custody they were removed by the Inspector, after taking from such person such security as the Magistrate considers necessary for the production of the books, accounts, records, files *[documents and securities] when required whether by the Inspector or by 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 any money-lending business 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.

Entry of wrong sum in bond, etc., to be an offence

* [10A. (1) No money lender, whether licensed or not, shall take from a debtor or an intending borrower any note, promise to pay, acknowledgement, power-of-attorney, bond, security or other document which does not state the actual amount of the loan, the rate of interest charged and the time, if any, within which the principal is stipulated to be repaid in full, or which states any of such particulars incorrectly, nor shall he take from any debtor or an intending borrower any document in which any entry is left blank for completion at a later date.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(3) Notwithstanding anything contained in section 21 or in any other law for the time being in force, any note, promise to pay, acknowledgement, power-of-attorney, bond, security or other document referred to in sub-section (1) shall be void and unenforceable].

---

* Inserted vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

Money-lender advancing smaller amount or securing higher interest than that specified in the accounts, etc., to be punishable

11. *[(1) any money-lender whether licensed or not:-

(a) who actually advances an amount less than the amount shown in his accounts or registers or other document relating to the loan, or

(b) who takes or receives interest or any other charge at a rate higher than the rate shown in the accounts, registers or documents aforesaid or allowed under this Act, shall be punished with imprisonment for a term not exceeding six months but not less than three months:

Provided that the court may, in addition to such imprisonment, impose fine which may extend to one thousand rupees.

(1A) Notwithstanding anything contained in the Indian Evidence Act, 1872 (Central Act 1 of 1872), or in any other law for the time being in force, in any suit by or against a money lender, whether licensed or not, or in any prosecution or other proceeding in a court, the burden of proving that the money lender had actually advanced to the debtor the amount specified in:-

(a) any document relating to the loan; or

(b) the accounts or registers of such money lender,
shall be on the money lender.]

(2) If a money-lender is convicted of an offence *[under section 1OA or under this section], the Court convicting him may cancel his licence as a money-lender.

Cognizance of offences

12. No Court shall take cognizance of an offence punishable under this Act of the rules made thereunder except on a complaint in writing made by any prescribed authority.

---

* Amended vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

Offences under section 18A to be cognizable

*[12A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), an offence under section 18A shall be deemed to be a cognizable offence within the meaning of that Code].

Penalty for molestation of debtor

*[13. Whoever molests or abets the molestation of any debtor for the recovery of any loan shall be punished with imprisonment for a term not exceeding six months but not less than three months:

Provided that the court may, in addition to such imprisonment, impose fine which may extend to one thousand rupees].

Power to cancel licences, etc.

14. (1) The licensing authority 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 the licensing authority could have refused to grant the licence to the money-lender under subsection (3) 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 section 1OA or section 11] or Section 13, or

(d) if the licensee maintains false accounts or is found to molest or abet the molestation of any debtor for the recovery of any debt.

(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.

---

* Inserted vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

(3) Any person aggrieved by an order of the licensing authority cancelling a licence may, within one month of the date of communication of such order to him, appeal to the prescribed authority.

Publication of order of cancellation

15. Every order of cancellation of a licence under this Act shall be notified in the Official Gazette and also on the notice-board of the office of the licensing authority.

No compensation for cancellation of licence

16. A person whose licence is cancelled under section 14 *[or is deemed to have been cancelled under sub-section (2) of section 18A] 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.

Penalty for carrying on business without licence

17. Whoever carries on the business of money-lending without a licence or otherwise than in conformity with the terms and conditions of a licence shall be punished with fine which may extend to one thousand rupees:
Provided that a person shall not be deemed to carry on the business of money-lending without a licence, if he had ceased to carry on the business of money-lending but was taking steps to recover any loan advanced by him.

Penalties

18. (1) Whoever contravenes any of the provisions of this Act or of any rule made thereunder or of any terms or conditions of a licence granted or deemed to be granted thereunder or makes a claim or a statement which is false or which he does not believe it to be true shall, if no other penalty is elsewhere provided for in this Act for such contravention, be punished with fine which may extend to one thousand rupees.

Explanation. — The cancellation of a licence under section 14 shall not be deemed to be a penalty for the purposes of this sub-section.

* Amended vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

(2) Where a contravention of any of the provisions of this Act or of any rule made thereunder of which a person is convicted consists of an omission to do a thing, the Magistrate may, when convicting the offender, direct him to do the thing before an appointed day and may on the failure of the offender to do the thing before the said day, pass an order, whether the offender appears in court or not on that day, cancelling his licence.

*[(3) Any person, who after having been convicted of the offence of carrying on, or continuing to carry on, the business of money lending in contravention of the provisions of section 3, continues to commit the same offence in the same year, shall in addition to the fine which may extend to one thousand rupees, be punishable with additional fine of fifty rupees for each day after the previous date of conviction during which he continues so to offend].

Non-citizens not to carry on business of money lending

** [18A. (1) Notwithstanding anything contained in section 3 and 4, no person who is not a citizen of India shall, on and from the date of publication of the Puducherry Money Lenders (Amendment) Act, 1983 in the Official Gazette (hereinafter in this section referred to as the said date), carry on the business of money lending:

Provided that nothing in this sub-section shall apply to the nationals of France and of the French Union domiciled in the Union territory on the 1st November, 1954.

(2) All licences granted under this Act to any person referred to in sub-section (1) shall be deemed to have been cancelled on and from the said date and all transactions of money lending carried on by such person as a money lender, shall cease from the said date.

(3) Any person referred to in sub-section (1) who had obtained a licence for money lending under this Act, prior to the said date may, subject to the provisions of this Act including section 21A recover through a competent court, the loans advanced before the said date.

---

* Amended vide Act No:7 of 2004 w.e.f 7-9-2004 and published in Extraordinary Gazette Part-II No. 24 dated 10-9-2004.

** Inserted vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

(4) Any person referred to in sub-section (1) who carries on the business of money lending in contravention of the provisions of the said subsection or recovers his dues otherwise than in accordance with the provisions of sub-section (3) shall be punished with imprisonment which may extend to one year or with fine or with both.

(5) Any court trying an offence under this section shall, unless it is proved to the contrary, presume that the accused is not a citizen of India and that he was carrying on the business of money lending in contravention of the provisions of this section].

Transfer of licence to heir

19. (1) Where a licensee under this Act dies, any person claiming to be his legal representative may apply to the licensing authority for transfering in his name the licence standing in the name of the deceased.

(2) Every such application shall be in such form and shall contain such particulars as may be prescribed.

(3) The licensing authority may, if he is satisfied that the applicant is in fact the legal representative of the deceased and that he is otherwise eligible to a licence under this Act, transfer the licence in the name of the applicant after obtaining from the applicant a declaration in the prescribed form.

(4) Any licence transferred under sub-section (3) shall be deemed to have been granted to the applicant himself and shall be valid for the period for which it would have been valid if the licence had not been transferred; and the provisions of this Act shall apply accordingly.

Jurisdiction to try offence

*[20. No Court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under this Act.

* Substituted vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

Power of court to limit interest recoverable in certain cases

20A. Notwithstanding anything contained in any agreement or any law for the time being in force, no court shall in respect of any loan whether advanced before or after the date of the publication of the Puducherry Money Lenders (Amendment) Act, 1983 in the Official Gazette, decree on account of interest a sum greater than the principal of the loan due on the date of the decree.

Power of court to direct payment of decretal amount by instalments

20B. Notwithstanding anything contained in the Code of Civil Procedure, 1908, the court may, at any time, on application of a judgement debtor, and after notice to the decree holder, direct that the amount of any decree passed against him, whether before or after the date of the publication of the Puducherry Money Lenders (Amendment) Act, 1983 in the Official Gazette, in respect of a loan, shall be paid in such number of instalments and subject to such conditions and payable on such dates, as having regard to the circumstances of judgement debtor and the amount of the decree, it considers fit.

Reopening of transaction

20C. Notwithstanding anything contained in any law for the time being in force, the court shall, in any suit to which this Act applies, whether heard ex-parte or otherwise:-

(a) reopen any transaction, or any account already taken between the parties;

(b) take an account between the parties;

(c) reduce the amount charged to the debtor in respect of any excessive interest;

(d) if on taking accounts it is found that the money lender has received more than what is due to him,

pass a decree in favour of the debtor in respect of such excess amount:

Provided that in the exercise of these powers, the court shall not--

(i) reopen any adjustment or agreement purporting to close previous dealings and to create new obligations which has been entered into by the parties or any person through whom they claim at a date more than six years prior to the date of the suit;

(ii) do anything which affects any decree of a court.

Explanation: - For the purposes of this section, "excessive interest' means interest charged at a rate higher than that fixed by the Government under sub-section (1) of section 7.

Inquiry for taking accounts and declaring the amount due

20D. (1) Any debtor may make an application at any time to the court, whether the loan to which the suit relates has or has not become payable, for taking accounts and for declaring the amount due to the money lender. Such applications shall be in the prescribed form and accompanied by the prescribed fee.

(2) On receipt of such application, the court shall cause a notice of the application to be given to the money lender.

(3) On the date fixed for the hearing of the application or on such date to which the hearing may be adjourned from time to time, the court shall make an inquiry and shall after taking an account of the transactions between the parties pass an order declaring the amount, if any, still payable by the debtor to the money lender, in respect of the principal and interest, if any.]

Composition of offence

*[20 E. (1) The Secretary (Revenue), Deputy Collector (Revenue) or any Inspector appointed under sub-section (1) of section 10 of the Act may, whether on application made to him in this behalf or otherwise, give any person, whose licence is liable to be cancelled under sub-section (1) of section 14, option to pay within a specified period, a sum of money not exceeding five hundred rupees for the first occasion and one thousand rupees for every subsequent occasion in *lieu* of such cancellation or by way of composition of the offence which may have been committed, as the case may be.

* Amended vide Act No: 7 of 2004 w.e.f 7-9-2004 and published in Extraordinary Gazette Part-II No. 24 dated 10-9-2004.

(2) Where the Secretary (Revenue), Deputy Collector (Revenue) or any Inspector appointed under sub-section (1) of section 10 of the Act, on application made under sub-section (1), passes an order refusing to allow composition under this section, he shall record in writing the reasons therefor and furnish to the applicant, on request, a copy of the order.]

Contracts not to be void on account of offence

21. *[Subject to the provisions of sub-section (3) of section 1OA, where a money lender] is guilty of an offence punishable under this Act, any contract made by him in relation to his business of money-lending shall not be void by reason only of that offence nor shall he, by reason only of that offence, lose his right to the loan and the interest and other charges, if any, payable in respect thereof.

Savings

*[21A. (1) Nothing in this Act shall affect, or shall be deemed to affect any of the benefits conferred on any person by any of the provisions of the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976) or any other law relating to relief of agricultural indebtedness in force corresponding to that Act, as extended to the Union territory notwithstanding anything to the contrary contained in this Act.

(2) Save as otherwise provided in sub-section (1), the provisions of this Act shall be in addition to, and not in derogation of, any of the Acts specified in sub-section (1) or any other law for the time being in force].

Power to make rules

22. (1) The Government may makes rules to carry 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:-

---

* Inserted vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

(a) the form and the particulars to be contained in an application for a licence under this Act;

(b) the terms and conditions subject to which a licence may be granted;

(c) the form in which books, accounts and documents specified in this Act shall be recorded, maintained, kept or used;

(d) the procedure which should be followed and the powers which may be exercised by the authorities exercising functions, holding inquires and hearing appeals under this Act;

(e) any other matter which under this Act is to be, or may be prescribed.

(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 date 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, shall come into force on the date on which they are published.

(4) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued be laid before the Legislative Assembly, Puducherry, and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly agree in making any modification in any such rule or notification or the Legislative Assembly agree 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].

———

* Substituted vide Act No: 7 of 1983 w.e.f 11-12-1983 and published in Extraordinary Gazette Part-II No. 30 dated 31-12-1983.

STATEMENT OF OBJECTS AND REASONS FOR ACT 26 OF 1970

There are large number of money-lenders in this Union Territory who lend money to the public at exhorbitant rates of interest. It has therefore become necessary to control and regulate the business of money-lenders by introducing the system of licensing. The Puducherry Pawn Brokers' Act, 1966 (Act 11 of 1966) has already been passed in this Union territory to regulate and control the business of the Pawn Brokers who give loans after obtaining security from the borrowers. But there is no such law in respect of the business of the money-lenders who give loans without any security. The present bill which has been prepared on the model of the Madras Moneylenders' Act, 1957 (Act XXVI of 1957) seeks to achieve this object.

STATEMENT OF OBJECTS AND REASONS FOR ACT 7 OF 1983

The Puducherry Money Lenders Act, 1970 (Act No.26 of 1970) was enacted on the same lines as the Tamil Nadu Money Lenders Act, 1957. In the course of implementation of their Act, the Tamil Nadu Government encountered some difficulties in the successful implementation of the Act and made amendments to their Act. As the Puducherry Money Lenders Act, 1970 is also on the same lines, it has been felt necessary to make similar amendments to this Act also for example in clause (i) of section 2 of the Act, the term 'bank" has not included in the nationalised banks and subsidiary banks and hence it is proposed to include the said banks also in the definition of that term. It is also proposed to amend item (vi) of clause (6) of section 2 which excludes from the scope of the Act, advances made on the basis of negotiable instruments exceeding Rs. 3,000, so as to enhance the monetary limit from Rs. 3,000 to Rs. 10,000. It is also proposed to insert a new item providing for exemption in respect of advances made by any company or corporation owned or controlled by the Central Government or any State Government.

It has also been felt necessary to amend section 7 (1) of the Act so as to empower the Government to fix and revise the rates of interest from time to time by notification. Similarly, some other consequential amendments have also been proposed wherever necessary.

STATEMENT OF OBJECTS AND REASONS FOR ACT 7 OF 2004

The Puducherry Money Lenders Act, 1970 has been brought into force in this Union Territory with effect from 1-10-1970. After such extension, lesser rate of licence fee and fine amount were prevailing in this Union Territory. Since the rates fixed in this regard were not enhanced from time to time, the revenue to the exchequer was very low and in order to augment more revenue to the exchequer, the licence fee and the renewal fee are proposed to be enhanced from rupees 35 and rupees 25 respectively to Rs. 150 each with the ceiling limit of Rs. 500 for granting licence and its renewal. It is also proposed to provide for compounding of offences under the said Act so as to quicken process of justice.

The Bill seeks to achieve the above objects.

THE PUDUCHERRY SETTLEMENT ACT, 1970
(No. 28 of 1970)

ARRANGEMENT OF SECTIONS

SECTION

CHAPTER I
Preliminary

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II
Officers, their powers, duties and functions

3. Director and Settlement Officers.
4. Power to take evidence on oath, etc.
5. Power to enter upon land.

CHAPTER III
Settlement and assessment

6. Settlement and resettlement.
7. Determination of assessment.
8. Manner of making settlement or resettlement.
9. Term of settlement and reduction, suspension or remission of assessment.
10. Registration of porambokes.
11. Liability for payment of assessment to Government.
12. Power to impose additional assessment or levy on trees.

CHAPTER IV
Land records

13. Settlement Register and Register of Rights.
14. Procedure for finalisation of the Register of Rights.
15. Publication of approved Register of Rights and revision of Settlement Register.
16. Modification or inclusion in the approved Register of Rights.
17. Person acquiring by succession, etc., to furnish information.
18. Procedure on acquisition of right through documents registered.
19. Register of mutations.
20. Certified copies.
21. Appeal.
22. Revision.

CHAPTER V
Miscellaneous

23. Correction of mistakes in records.
24. Delegation of powers.
25. Bar of suits in Civil Courts.
26. Protection of action taken in good faith.
27. Power to make rules.
28. Amendment to Act 8 of 1967.
29. Certain assessments to continue.
30. Repeal and savings.
31. Power to remove difficulty.

———

THE PUDUCHERRY SETTLEMENT ACT, 1970
(Act No. 28 of 1970)

28th Ocober, 1970.

AN ACT

to provide for the settlement of lands and assessment thereon in the Union territory of Puducherry and for the preparation of land records and for matters connected therewith or ancillary thereto.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-first Year of the Republic of India as follows:

CHAPTER I
PRELIMINARY
Short title, extent and commencement

1. (1) This Act may be called the Puducherry Settlement Act, 1970.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on such [1]date as the Government may, by notification, appoint and different dates may be appointed for different areas.

Definitions

2. In this Act, unless the context otherwise requires:-

(a) "assessment" means the land revenue assessment fixed under the settlement made in accordance with the provisions of this Act;

(b) "Collector" means the chief officer in charge of the revenue administration of the Union territory of Puducherry, and includes in relation to any function to be performed by the Collector under this Act, such other officer not below the rank of a gazetted officer as the Government may, by notification, appoint for the purpose;

(c) "Commune" means a commune constituted under French Decree dated 12th March, 1880;

(d) "Director" means the Director of Settlement appointed under subsection (1) of section 3;

---

1. The Act came into force on the 11th day of January 1971, vide Notification —I in Gazette No.1 dated 5-1-1971.

(e) "fasli" means the year commencing with 1st July in any year and ending with the 30th June of the year next following;

(f) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(g) "holding" means a portion of land held by a person either singly or jointly with one or more persons;

(h) "manyam land" means land registered as manyam land in the revenue accounts in favour of any religious, charitable or educational institution or in the name of any individual for rendering any specific service to any particular community or villagers in common and for which land tax or land revenue, as the case may be is levied under the law in force;

(i) "notification" means a notification issued by the Government or any officer authorised by it in this behalf and published in the Official Gazette;

(j) "prescribed" means prescribed by rules framed under this Act;

(k) "registered holder" means a registered holder as defined under the Puducherry Survey and Boundaries Act, 1967 (Act No. 8 of 1967);

*[(kk) "Secretary" means the Secretary to the Government of Puducherry in-charge of the Department of Revenue and Disaster Management].

(1) "settlement" means the result of the operations conducted in a zone in order to determine the land assessment;

(m) "Settlement Officer" means an officer appointed by the Government under sub-section (2) of section 3 and includes an officer empowered under the Act to perform the functions of a Settlement Officer;

(n) "Union territory" means the Union territory of Puducherry; and

(o) "zone" means a local area comprising one or more Communes or portions thereof which in the opinion of the Settlement Officer are contiguous and homogeneous in respect of soil characteristics, physical configuration, yield of principal crops, rainfall and other irrigation facilities.

---

* Inserted vide Act No.5 of 2006 section 2, w.e.f 30.10.2006.

CHAPTER II

OFFICERS, THEIR POWERS, DUTIES AND FUNCTIONS

Director and Settlement Officers

3. (1) The Government may appoint a Director to carry out the settlement operations and to perform the duties and discharge the functions assigned to him by or under this Act.

(2) The Government may appoint one or more Settlement Officers to perform the duties and discharge the functions assigned to them by or under this Act.

(3) Every Settlement Officer shall be subordinate to the Director who shall have power to cancel or revise any of the orders, acts or proceedings of the Settlement Officer.

Power to take evidence on oath, etc.

4. The Director and the Settlement Officer shall, for the purposes of this Act, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely: -

(i) summoning and enforcing the attendance of any person and examining him on oath;

(ii) requiring the discovery and production of document;

(iii) receiving evidence on affidavit;

(iv) issuing commissions for the examination of witnesses or for local investigation;

and any proceeding before the Director or the Settlement Officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and for the purposes of section 196, of the said Code.

Power to enter upon land

5. The Director, Settlement Officer or any of the subordinates of such officers may enter upon any land with such other officers and persons as he considers necessary and make a survey and take measurements thereof or do any other act which he considers necessary for carrying out the purposes of this Act:

Provided that no person shall enter into any land, building or upon any closed court or garden attached to a dwelling house unless with the consent of the occupier thereof, without giving such occupier at least twenty- four hours notice and in making such entry due regard shall be had to the special and religious sentiments of the occupier.

CHAPTER III

SETTLEMENT AND ASSESSMENT

Settlement and resettlement

6. (1) The Government may, at any time, direct a settlement in respect of any land for which survey operations have been taken up under the provisions of the Puducherry Survey and Boundaries Act, 1967 (Act No. 8 of 1967).

(2) The Government may also direct at any time a fresh settlement (hereinafter referred to as resettlement) of the assessment of such land:

Provided that no enhancement of assessment shall take effect before the expiration of the settlement for the time being in force.

Determination of assessment

7. (1) The assessment on all lands in respect of which a settlement or resettlement has been directed under section 6 shall be determined by dividing the land to be settled into groups and sub-dividing each group into classes and fixing the rates for each group or class, as the case may be.

(2) The groups and classes shall ordinarily be formed on a consideration of the following factors, namely: -

(a) soil and physical configuration;
(b) yield of principal crops and their prices;
(c) facilities of irrigation and rainfall:

Provided that, if deemed necessary, the following additional factors may also be taken into consideration for forming groups or classes, namely: --

(a) marketing facilities;

(b) agricultural resources;

(c) communications;

(d) population and supply of labour;

(e) wages and ordinary expenses for cultivation of principal crops; and

(f) sale value of lands used for agriculture.

(3) The assessment of individual survey numbers and sub-divisions shall be based on the rates fixed for the respective groups and classes.

Manner of making settlement or resettlement

8. (1) In making a settlement or resettlement, the Settlement Officer shall—

(a) divide the lands to be settled into groups and classes; and
(b) fix the rates of assessment for each group or class.

(2) Before lands are divided or rates fixed under sub-section (1), the Settlement Officer shall hold such enquiry as he considers necessary for the purpose and in such manner as may be prescribed.

(3) In fixing the rates according to sub-section (1), regard shall be had to the cost of agricultural land, to the profits of agriculture, consideration paid for leases, sale prices of land and the principal moneys on mortgages, and in the case of non-agricultural land to the value of the land for the purposes for which it is held.

(4) The settlement Officer shall submit to the Government through the Director a report (hereinafter referred to as the Scheme Report) containing proposals for settlement in respect of each zone.

(5) The Government shall, after considering the scheme Report and the comments thereon, if any, of the Director, approve the Scheme Report with or without modification.

(6) No Scheme Report approved by the Government under subsection (5), shall be brought into force unless it has been laid before the Legislative Assembly of Puducherry and has been approved by a resolution of that Assembly either with or without modification, but upon such approval being given, the Scheme Report shall be published in the Official Gazette in the form in which it has been so approved.

(7) The Government, while publishing the Scheme Report under sub-section (6), shall also specify the fasli from which the settlement covered by the Scheme Report shall be introduced by Settlement Officer.

Term of settlement and reduction, suspension or remission of assessment

9. (1) A settlement introduced under section 8 shall remain in force for a period of thirty years:

Provided that, when, in the opinion of the Government, a fresh settlement at the expiration of thirty years is inexpedient or has for any cause been delayed, the Government may extend the term of the settlement for the time being in force for such period as it may think fit.

(2) Notwithstanding anything contained in sub-section (1), the Government may, in accordance with general or special orders made in this behalf, grant reduction, suspension or remission in whole or in part of the assessment in any area in any year due to failure of crops, floods, or any other natural calamity or any reason whatsoever.

Registration of porambokes

10. All lands at the disposal of the Government and all Government lands which are in the possession and enjoyment of the Communes on the date of commencement of this Act and which are used or which may be required for communal, public or Government purposes shall be registered as porambokes during the settlement:

Provided that such of the Government lands, as are at the disposal of the Communes for remunerative purposes and assessed to land tax before the commencement of this Act shall be registered in the holding of the respective Communes on such terms and conditions as may be prescribed.

Liability for payment of assessment to Government

11. Every registered holder shall, for each fasli commencing from the fasli in which settlement is introduced, be primarily liable to pay to the Government in respect of all lands included in his holding, the assessment fixed under this Act:

Provided that the payment of assessment under this section shall not affect any right or obligation of religious, charitable or educational institutions in respect of manyam lands.

Power to impose additional assessment or levy on trees

12. Notwithstanding anything contained in this Act, the Government may, at any time during the settlement for the time being in force,-

(a) impose additional assessment, not exceeding twice the amount of highest wet rate of assessment in force, for additional advantages accruing to any land on which wet crops are or may hereafter be raised, from water received on account of execution of fresh irrigation works or improvements effected by the Government in existing irrigation works completed after the introduction of the settlement, or by intercepting surface rain water or water flowing to any recognised source of irrigation;

(b) impose whatever additional assessment or ground rent on all sites of buildings and the appurtenances thereto situated within the limits of Municipal towns and other areas declared as towns by a notification and on all lands used for non-agricultural purposes, whether built upon or not, similarly situated, at a specified rate not exceeding Rs.62.50 P. per hectare for the purpose.

(c) impose a levy on all fruit bearing trees standing on porambokes, waste and other lands at the disposal of the Government, at a rate not exceeding Rs.10 per tree, such levy being payable to the Government by persons who enjoy the benefits arising out of such trees.

CHAPTER IV

LAND RECORDS

Settlement Register and Register of Rights

13. (1) The Settlement Officer shall, for every village or for every such local area as may be specified in this behalf by the Government by a notification, prepare:--

(a) a Settlement Register; and

(b) a Register of Rights, showing the consolidation of all the lands in the village or local area, holding-wise.

(2) The Settlement Register and the Register of Rights shall be prepared on the basis of survey records in such language and in such form and manner as may be prescribed and shall include the following particulars:

(i) survey number and subdivision of the land;
(ii) the extent of land and assessment due thereon;
(iii) the name of the registered holder;
(iv) the name of the tenant, if any, cultivating the land; and
(v) such other particulars as may be prescribed.

Procedure for finalisation of the Register of Rights

14. (1) As soon as may be after the completion of the preparation of the Register of Rights for each village or local area, the Settlement Officer shall send to every person whose name is entered in the said register an extract of the entries relating to him and inform him of the date on or before which he should file his objections, if any, with the officer specified in this behalf by the Settlement Officer and such date shall also be published by notification and in such manner as may be prescribed.

(2) Any person aggrieved by the entries in the Register of Rights either on the ground that the entry in respect of particulars relating to him is incorrect or on the ground that his name or other particulars relating to the land which has been let for cultivation and in which he has interest either as registered holder or tenant have been omitted to be included in the said Register may file his objections containing such particulars as may be prescribed and shall be accompanied by the documents relied on by the objector as evidence in support of his claim.

(3) On the expiry of the period allowed for filing objections, the Settlement Officer shall:

(i) if no objection has been filed with him, finalise the Register of Rights after making such enquiry as he deems fit in the village or local area concerned; or

(ii) if objections have been received by him, fix a date for enquiry and enquire into the objections after giving sufficient notice to the objectors and other persons interested and pass such order as he deems fit together with brief reasons therefor, and finalise the Register of Rights after making alterations, if necessary, on the basis of orders passed by him.

(4) The enquiry under sub-section (3) shall be conducted in such manner as may be prescribed.

Publication of approved Register of Rights and revision of Settlement Register

15. (1) As soon as may be after the finalisation of the Register of Rights, the Settlement Officer shall publish it in the manner prescribed and the Register so published shall be called the approved Register of Rights.

(2) The Settlement Officer shall revise the Settlement Register on the basis of the approved Register of Rights.

(3) The extract of the relevant entries of the approved Register of Rights, duly certified by the prescribed authority, shall be admissible in evidence before any court or tribunal.

Modification or inclusion in the approved Register of Rights

16. (1) Where any person claims that in respect of any land already included in the approved Register of Rights any modification is required in respect of the entries in the said register, either by reason of death of any person or by reason of transfer of interest or by reason of any other subsequent change in the holding, he shall apply to such officer as may be specified in this behall by the Collector, for modification of the relevant entries in the approved Register of Rights.

(2) An application under sub-section (1) shall contain such particulars as may be prescribed and shall be accompanied by documents relied on by the applicant as evidence in support of his claim.

(3) The officer specified under sub-section (1) shall, after following such procedure as may be prescribed and after giving the person or person interested in the land to which the particular entry relates an opportunity of being heard, pass

such orders as he deems fit, either rejecting or allowing the claims made in the application and in the event of the claim being allowed the Register of Rights shall be modified accordingly.

(4) Every order passed under sub-section (3) shall contain brief reasons therefor.

Person acquiring by succession etc., to furnish information

17. (1) Any person acquiring by succession, survivorship inheritance, partition, purchase, gift, mortgage, lease or otherwise any right in a land or where such person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall report in writing his acquisition of such right to such officer as may be specified in this behalf by the Collector, within three months from the date of such acquisition and the said officer shall at once give a written acknowledgement of the receipt of the report to the person making it:

Provided that any person acquiring the right by virtue of a registered document shall be exempted from the obligation to report to the said officer.

(2) Any person who fails to make a report as required by sub-section (1) shall be liable to pay such penalty not exceeding twenty-five rupees as may be fixed by the Collector and the amount payable as penalty shall be recoverable as an arrear of land revenue:

Provided that no penalty shall be imposed under this sub-section without giving to the person concerned a reasonable opportunity of being heard.

Procedure on acquisition of right through documents registered

18. No document by virtue of which any person acquires a right in any land as registered holder, occupant, owner, mortgagee, lessee or tenant or assignee, of the rent or revenue thereunder shall be registered under the Indian Registration Act, 1908 (12 of 1908), unless the person liable to pay the registration fees also pays to the Registering authority such fees as may be prescribed for making the necessary entries in the approved Register of Rights and other connected registers and on the registration of such document the registering authority shall make a report of the acquisition of the right to the officer specified by the Collector under sub-section (1) of section 17 in the manner prescribed.

Register of Mutations

19. (1) There shall be maintained for every village a Register of mutations in such form as may be prescribed.

(2) On receipt of a report under sub-section (1) of section 17 or under section 18, the officer specified by the Collector under sub-section (1) of section 17 shall correct the entries in the approved Register of Rights after making such enquiries as are necessary, and after hearing objections, if any. Any such correction made shall be communicated by the said officer to all persons who from the Register of Rights or the Register of Mutations appear to be interested in the mutation and to any other person whom the said officer has reason to believe to be interested therein.

(3) The entries effected in the approved Register of Rights in accordance with sub-section (2) shall be tested and certified by such officer as may be specified by the Collector in this behalf.

Certified copies

20. Certified copies of extracts or entries in the approved Register of Rights and the Settlement Register may be granted to any person interested therein by such officer and on payment of such fees as may be prescribed.

Appeal

21. (1) Any person aggrieved by any order made under this Act may appeal,

(i) if such order is made under clause (ii) of sub-section (3) of section 14, to the Director; and

(ii) if such order is made under sub-section (3) of section 16 or in the case of a correction made under sub-section (2) of section 19, to the Collector.

(2) Every appeal under sub-section (1) shall be preferred within thirty days of the date of receipt of order appealed against and the Director or the Collector, as the case may be, after giving the parties concerned an opportunity of being heard, pass such order as he deems fit.

(3) Every order, made by the Director or the Collector shall, subject to section 22, be final.

Revision

22. *[The Secretary may, of his own motion or on the application of any person affected, call for and examine the record of the appellate authority in respect of any proceedings under section 21 and pass such order as he may deem fit:

Provided that the Secretary shall not pass any order prejudicial to any person unless he has been given a reasonable opportunity of being heard].

[**]

CHAPTER V
MISCELLANEOUS

Correction of mistakes in records

23. (1) The Director or the Settlement Officer may either of his own motion or on the application of any person:-

(a) if he is satisfied that a bona fide mistake has been made in regard to any decision or proceedings under this Act, make or cause to be made the necessary correction thereon;

(b) at any time correct or cause to be corrected any clerical or arithmetical mistake in any such decision or proceeding.

(2) The Collector may, at any time during the currency of the settlement, correct any error in the area or assessment of any Survey number or sub-division due to a mistake of survey or arithmetical miscalculation:

Provided that no arrears of land revenue accruing to the Government or refund thereof to the registered holder shall become payable by reason of such correction.

Delegation of powers

24. The Government may, by notification, direct that any power or function exercisable by the Settlement Officer 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 other officer as may be specified in such notification.

---

* Substituted vide Act No.5 of 2006, section 3, w.e.f 30.10.2006.

** Section 4 of Act No. 5 of 2006 reads as follows:-

Transitory provisions:-

"4. Notwithstanding anything contained in section 22 of the principal Act, any revision preferred thereunder and pending at the commencement of this Act, shall after such commencement, be transferred to and disposed of by the officer or authority who has jurisdiction to entertain such revision, as if it had been in force on the date on which such revision was preferred."

Bar of suits in Civil Courts

25. (1) No suit shall lie in any civil court to set aside or modify any assessment made under this Act.

(2) Except as otherwise provided in this Act, the decision of any authority or officer under this Act shall be final and no civil court shall have jurisdiction to decide or deal with any question which by or under this Act is required to be decided or dealt with by the authorities or officers under this Act.

Protection of action taken in good faith

26. No suit, prosecution or other legal proceedings shall lie against the Government, the Director, the Settlement Officer, or any other officer empowered by or under this Act for anything which is, in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Power to make rules

27. (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 manner of holding enquiry under sub-section (2) of section 8.

(b) the terms and conditions subject to which the lands in the holding of the communes shall be registered under section 10;

(c) the language, form and the manner in which the records shall be prepared and such other particulars which the record shall contain under sub-section (2) of section 13;

(d) the manner in which the notification under sub-section (1) of section 14 shall be published;

(e) the particulars to be given while filing the objections under sub-section (2) of section 14;

(f) the manner of conducting enquiry under sub-section (4) of section 14;

(g) the manner in which the Register of Rights shall be published under sub-section (1) of section 15;

(h) the particulars to be given in an application under subsection (2) of section 16;

(i) the procedure to be followed by the officer under subsection (3) of section 16;

(j) the fees to be paid for making entries in the approved Register of Rights and the manner in which the report shall be made by the registering authority under section 18.

(k) the form of the Register of Mutations under sub-section (1) of section 19.

(1) the officer by whom and the fees on payment of which certified copies may be granted under section 20; and

(m) any other matter which under this Act is to be, or may be, prescribed.

(3) 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 or more successive sessions, and if before the expiry of the session in which it is so laid, or the sessions aforesaid, the Legislative 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.

Amendment to Act 8 of 1967

28. In the Puducherry Survey and Boundaries Act, 1967(Act 8 of 1967), Chapter III (sections 15 to 23 both inclusive) shall be deleted.

Certain assessments to continue

29. Notwithstanding anything contained in this Act all assessment rates in force at the commencement of this Act shall be deemed to have been determined and introduced in accordance with the provisions of this Act and shall remain in force until the introduction of assessment rates under this Act and such rates may be introduced at any time after the commencement of this Act.

Repeal and savings

30. (1) As from the date of commencement of this Act, all laws in force in the Union territory including the Deliberations dated 13th November, 1910 and 11th December, 1912, the Decree dated 27th June, 1912 and the Arrete dated 21st January, 1910, in so far as they make provisions for matters concerned by this Act, shall stand repealed.

(2) The repeal by sub-section (1) shall not affect:-

(a) the previous operation of any such law or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any such law; or

(c) any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against any such law; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such fine, penalty, forfeiture or punishment may be imposed as if this section had not been in force.

(3) Subject to the provisions of sub-section (2), anything done or any action taken, including any appointment made, notification, order, instruction or direction issued or any rule or form framed under any such 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.

Power to remove difficulty

31. If any difficulty arises in giving effect to the provisions of the Act, the Government may, by general or special order, do anything not inconsistent with such provisions which appear to the Government to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made under the section after the expiration of two years from the publication of this Act in the Official Gazette.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 28 OF 1970

A system of Land Tax, Land Records and classification operations of land are governed in this Union territory by the following Deliberations and Arrete:-

Deliberations dated 9th December, 1909 relevant to the Survey of Puducherry.

Deliberations dated 13th November 1910 relevant to the Land Tax in the Puducherry Settlements.

Decree dated 27-6-1912 approving these Deliberations up to 31-12-1913.

Arrete dated 21-1-1910 on the Survey classification operation of land, and finally adopted the provisions of substance of the Deliberations dated 11-12-1912.

According to the substance and provisions of the Deliberations referred to, the land tax was being fixed once in ten years by a Commission set up for this purpose. Reclassification operations under the French law are already overdue. The working group of Land Reforms had also considered it necessary to have a classification of soil and the rate of assessment fixed.

The Survey of Puducherry has been undertaken under the provisions of the Puducherry Survey and Boundaries Act, 1967 (8 of 1967). Revenue follow-up is essential and consequently Settlement operations ensue. The existing Land Records maintained do not reflect the actual state of agricultural structure and other economic conditions since there had been no fixity of tenures and no regular agency to make the records up-to-date.

At the instance of the Government of India a chapter comprising of sections 15 to 23 on Land Records was adopted in the Puducherry Survey and Boundaries Act, 1967. The provisions of the third chapter followed the pattern of the Tripura State, and they are now found to be not suitable to this Union territory, where the tenure and custom is different from that of the Tripura State. This chapter, is now sought to be deleted and appropriate provisions for the preparation of Land Records are sought to be made in this Bill. In order to introduced a uniform system of Revenue Administration on the lines obtainable in the surrounding areas of Tamil Nadu, Kerala and Andhra Pradesh, and to have a classified records with up-to-date details and,

basic date of all agricultural lands, etc., which are an essential prerequisite for implementing the various plan outlays and reformatory measures in accordance with the avowed policy of the Government of India in this regard, preparation of a settled account at the village level based on the survey records prepared under Act 8 of 1967 is found absolutely necessary.

The present Bill gives effect to the above proposals.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 5 OF 2006

By virtue of section 22 of the Puducherry Settlement Act, 1970, the Government exercises the revisional authority of its own motion or on the application of any person affected by the Orders of the Appellate Authority in respect of any proceedings under section 21 of the Act, Now, it is proposed to confer this revisional powers to the Secretary to the Government of Pondicherry (Revenue and Disaster Management) and to provide for amendments accordingly to section 2 and 22 of the Act. It is also proposed to provide for consequential transitory provisions.

The Bill seeks to achieve the above objects.

———

THE PUDUCHERRY LAND ENCROACHMENT ACT, 1970
(No. 2 of 1971)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Right of property in public roads, etc., waters and lands.
4. Levy of assessment of lands unauthorisedly occupied.
5. Conclusiveness of decision as to amount of assessment.
6. Liability of person unauthorisedly occupying land to penalty after notice.
7. Notice before proceeding under section 6.
8. Recovery of assessment or penalty levied as arrears of land revenue.
9. Appeal.
10. Revision.
11. Stay pending decision in appeal or revision.
12. Limitation for appeal and application for revision.
13. Document accompanying petition of appeal or application for revision.
14. Saving of operations of other laws in force.
15. Saving of suits by persons aggrieved by proceedings under the Act.
16. Certain persons deemed to be in unauthorised occupation of land.
17. Saving of lands claimed by right of escheat or reversion.
18. Power to make rules.
19. Power to remove difficulties.
20. Repeal and saving.

———

THE PUDUCHERRY LAND ENCROACHMENT ACT, 1970

(Act No. 2 of 1971)

8th February, 1971

AN ACT

to provide measures for checking unauthorised occupation of lands which are the property of Government in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty- first Year of the Republic of India as follows:

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Land Encroachment Act, 1970.

(2) It extends to the whole of the Union territory of Puducherry.

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

Definitions

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

(a) "Government" means the Administrator of the Union territory of Puducherry appointed by the President under article 239 of the Constitution;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "Union territory" means the Union territory of Puducherry.

Right of property in public roads, etc., water and lands

3. (1) All public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark and of rivers, streams, lakes and tanks, all back-waters, canals and water courses, and all standing and flowing water and all lands, wherever situated save in so far as the same are the property -

1.The Act came into force on the 1st day of July, 1971 *vide* Notification No.E. 829/68 Revenue-i dated 26-6-1971 - Extraordinary Gazette No.69 dt. 28-6-1971.

(a) of any person holding under ryotwari tenure or in any way subject to the payment of land tax direct to Government, or

(b) of any other person holding land under grant from the Government otherwise than by way of lease or licence,

and, as to lands, save also in so far as they are temple site or owned as house- site or backyard, are, and are hereby declared, to be, the property of Government except as may be otherwise provided by any law for the time being in force, subject always to all rights of way and other public rights and to the natural and easement rights of other land-owners, and to all customary rights legally subsisting.

(2) All public roads and streets and sites vested in any local authority shall, for the purposes of this Act, be deemed to be the property of Government.

Explanation: -- In this section, "high water mark" means the highest point reached by ordinary spring tides at any season of the year.

Levy of assessment of lands unauthorisedly occupied

4. Any person who shall unauthorisedly occupy any land which is the property of Government shall be liable to pay by way of assessment:-

(i) if the land so occupied forms an assessed survey number or part thereof, the full assessment of such number for the whole period of his occupation or a part thereof proportionate to the area occupied, as the case may be;

(ii) if the land so occupied be unassessed, an assessment on the area occupied calculated for the same period at the rate imposed on lands of a similar quality in the neighbourhood, or at the highest dry or wet rate of the village, as the case may be, or when no such rates exist in such manner as may be prescribed:

Provided that payment of assessment under this section shall not confer any right of occupancy.

Explanation. --- For the purposes of this section, occupation for an incomplete portion of a year may be deemed to be occupation for a whole year.

Conclusiveness of decision as to amount of assessment

5. The decision as to the rate or amount of assessment payable under section 4 shall be recorded in writing and shall not be questioned in any civil court.

Liability of person unauthorisedly occupying land to penalty after notice

6. Any person liable to pay assessment under section 4 shall also be liable at the discretion of the Deputy Collector (Revenue) or subject to his control, the Tahsildar or Deputy Tahsildar, as the case may be, to pay in addition by way of penalty:-

(i) If the land be assessed land, a sum not exceeding five rupees or, when ten times the assessment payable for one year under section 4 exceeds five rupees, a sum not exceeding ten times such assessment:

Provided that no penalty shall ordinarily be imposed in respect of the unauthorised occupation of such land for any period not exceeding one year:

(ii) if the land be unassessed, a sum not exceeding ten rupees, or when twenty times the assessment payable for one year under section 4 exceeds ten rupees, a sum not exceeding twenty times such assessment.

Notice before proceeding under section 6

7. Before taking proceedings under section 6, the Deputy Collector (Revenue), or the Tahsildar or Deputy Tahsildar or Revenue Inspector, shall cause to be served in the prescribed manner on the person reputed to be in unauthorised occupation of land being the property of Government, a notice specifying the land so occupied and calling on him to show cause before a certain date why he should not be proceeded against under section 6:

Provided that where the notice under this section is caused to be served by the Revenue Inspector, he shall require the person reputed to be in unauthorised occupation of the land to show cause against such notice to the Tahsildar or Deputy Tahsildar having jurisdiction and shall also make a report in writing containing such particulars as may be prescribed.

Recovery of assessment or penalty levied as arrears of land revenue

8. The amount of assessment and penalty imposed under this Act on any person unauthorisedly occupying any land shall be deemed to be land revenue and may be recovered from him as arrears of land revenue under the law relating to recovery of land revenue for the time being in force.

Appeal

9. An appeal shall lie,:-

(a) to the Deputy Collector (Revenue) against any decision or order passed by a Tahsildar or Deputy Tahsildar, as the case may be, under this Act,

(b) to the Collector from any decision or order of the Deputy Collector (Revenue) passed otherwise than on appeal, and

(c) to the Government from any decision or order of the Collector passed otherwise than on appeal.

Revision

10. (1) Any decision or order passed under this Act may be revised either suo motu or on application:-

(a) by the Collector if such decision or order was passed by the Deputy Collector (Revenue) or a Tahsildar or Deputy Tahsildar,:

(b) by the Government if such decision or order was passed by the Collector.

(2) The power conferred by sub-section (1) shall not be exercised except on the ground that the Officer or authority whose decision or order is sought to be revised appears to have exercised a jurisdiction not vested in him by law, or to have failed to exercise a jurisdiction so vested or to have acted in exercise of his jurisdiction illegally or with material irregularity.

(3) No decision or order shall be passed under sub-section (1) prejudicial to any person without giving such person a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before such decision or order is passed.

Stay pending decision in appeal or revision

11. Pending the disposal of any appeal or application or proceedings for revision under this Act, the Deputy Collector (Revenue), Collector, or the Government, as the case may be, may, by order and subject to such conditions as may be specified therein, stay the execution of the decision or order appealed against or sought to be revised.

Limitation for appeal and application for revision

12. (1) No appeal shall be preferred under section 9 after the expiration of thirty days from the date on which the decision or order appealed against was received by the appellant.

(2) No application for revision shall be preferred under sub-section (1) of section 10 after the expiration of thirty days from the date on which the decision or order sought to be revised was received by the applicant.

(3) In computing the period of thirty days referred to in sub-sections (1) and (2), the time required to obtain a copy of the decision or order appealed against or sought to be revised shall be excluded.

(4) Notwithstanding anything contained in sub-sections (1) and (2), the officer or the Government may admit an appeal or application preferred after the period specified therein, if such officer or the Government is satisfied that the appellant or the applicant had sufficient cause for not preferring the appeal or application within that period.

Document accompanying petition of appeal or application for revision

13. Every petition or appeal or application for revision under this Act shall be accompanied by the decision or order appealed against or sought to be revised or by an authenticated copy of the same.

Saving of operations of other laws in force

14. Nothing contained in this Act shall be construed as exempting any person unauthorisedly occupying land from liability to be proceeded against under any law for the time being in force:

Provided that if any penalty has been levied from any person under section 6, no similar penalty shall be levied from him under any other law in respect of such occupation.

Saving of suits by persons aggrieved by proceedings under the Act

15. Nothing contained in this Act shall be held to prevent persons deeming themselves aggrieved by any proceedings under this Act except as herein before provided, from applying to the Civil Courts for redress:

Provided that the civil courts shall not take cognizance of any suit instituted by such person for any such cause of action unless such suit shall be instituted within six months from the time at which the cause of action arose.

Explanation: -- The cause of action shall be deemed to have arisen in respect of any assessment or penalty, on the date on which such assessment or penalty was levied.

Certain persons deemed to be in unauthorised occupation of land

16. Where a lease of land which is the property of Government expires or is terminated by the Government or any other authority competent in that behalf, the lessee or any other person remaining in possession of the land after such expiry or termination, or where land granted to any person is liable to be resumed by the Government for the breach or non-observance of any of the conditions subject to which the grant is made and the Government or any other authority competent in that behalf has passed orders resuming the land for such breach or non-observance, the grantee or any other person remaining in possession of the land after the passing of those orders, shall for the purposes of sections 4 to 14, be deemed to be a person unauthorisedly occupying such land.

Saving of lands claimed by right of escheat or reversion

17. Nothing in this Act save as provided in section 16 shall apply to any lands claimed by right of escheat or reversion until such lands have been reduced into possession by the Government.

Power to make rules

18. (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 the following matters, namely: -

(a) the rates of assessment leviable under section 4;

(b) the manner and procedure for imposition of penalties under section 6;

(c) the manner of declaring that any particular land or class of lands which are the property of Government shall not be open to occupation;

(d) the mode of service of notices under this Act;

(e) the procedure to be followed in appeals and revisions under this Act and the fees to be paid in respect of such appeals and revisions; and

(f) any other matter which under this Act is to be, or may be prescribed.

(3) Every rule made under this Act shall, as soon as may be after it is made, 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 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, 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.

Power to remove difficulties

19. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order to be notified in the Official Gazette do anything not inconsistent with the provisions of this Act which appears to the Government to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made under this section with reference to any matter relating to any provision of this Act after the expiration of two years from the date of the commencement of this Act.

Repeal and saving

20. (1) All laws in force (including the Decree dated 18th May, 1920) in the Union territory corresponding to the provisions of this Act shall, as from the commencement of this Act, stand repealed.

(2) The repeal by sub-section (1) of any law in force in the Union territory immediately before the commencement of this Act shall not affect –

(a) the previous operation of any such law or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any such law; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law; 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 had not been passed.

(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, rule, regulation or form framed, certificate granted or registration effected under any such corresponding law shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

———

STATEMENTS OF OBJECTS AND REASONS FOR ACT 2 OF 1971

The Public premises (Eviction of Unauthorized Occupants) Act, 1958 came into force in this Union territory under the Puducherry (Laws) Regulation, 1963 from 1.10.63.

While eviction of unauthorized occupants is possible under that Act, there is no provision either in the said Act or in any of the existing laws for levy and collection of land assessment and penalty on the encroached lands. This is sought to be remedied by the present Bill. The Bill is intended to be in operation simultaneously with the said Act and in that sense will be supplementary and complementary to it.

———

THE PUDUCHERRY STATE AID TO INDUSTRIES ACT, 1970
(No. 3 of 1971)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of Director of Industries.
4. Constitution of Board of Industries.
5. No aid except in accordance with the provisions of the Act.
6. Industries to be aided.
7. Method of giving State aid.
8. Application for State aid and procedure in dealing with applications.
9. Grant of loans.
10. Loans how secured.
11. Prohibition of transfer of property without permission of the sanctioning authority.
12. Court not to attach, sell, etc., without permission of the sanctioning authority.
13. Inspection and returns.
14. Control of business assisted.
15. Repayment of loans.
16. Subscriptions for shares or debentures or on capital.
17. Subsidy by the government.
18. Disposal of profits when condition of State aid is not fulfilled.
19. Grant of aid to cottage industries by Government.
20. Power of Government to call for records and pass orders.
21. Method of recovery of money due.
22. Exemption.
23. Power to make rules.
24. Powers of the Government as regards starting or conducting industries and giving aid of certain kinds.
25. Repeal and saving.

———

THE PUDUCHERRY STATE AID TO INDUSTRIES ACT, 1970

(Act No. 3 of 1971)

10th February, 1971.

AN ACT

to regulate State Aid to Industries in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-first Year of the Republic of India as follows:

Short title, extent and commencement

1. (1) This Act may be called the Puducherry State Aid to Industries Act, 1970.

(2) It extends to the whole of the Union territory of Puducherry.

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

Definitions

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

(a) "Board" means the Board of Industries constituted under section 4;

(b) "cottage industry", means an industrial business or enterprise carried on in any premises to which the Factories Act, 1948 (Central Act No. 63 of 1948) does not apply and includes dairy farming, bee-keeping and poultry farming;

(c) "Government" means the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "Sanctioning Authority" means any authority, officer or other person authorised to grant aid by or under this Act;

(f) "small-scale industry" means an industrial business or enterprise the capital invested in which does not exceed five lakhs of rupees;

---

1. The Act came into force on the first day of April 1971 vide Notification in Gazette No. 13, dated 30th March, 1971.

(g) "transfer" with all its grammatical variations and cognate expressions includes sale, exchange, mortgage, charge, lease or gift;

(h) "Union territory" means the Union territory of Puducherry;

(i) "village industry" means any industry which forms the normal occupation, whether whole time or part-time, of any class of the rural population of the Union territory.

Appointment of Director of Industries

3. The Government may, by notification in the Official Gazette, appoint any officer to perform all or any of the functions of the Director of Industries under this Act.

Constitution of Board of Industries

4. (1) The Government shall constitute, by notification in the Official Gazette, a Board of Industries consisting of the following seven members, namely:-

(i) Secretary to Government, Revenue and Development Department, Puducherry ex-officio;

(ii) Secretary to Government, Finance Department, Puducherry ex-officio;

(iii) Director of Industries, Puducherry ex-officio;

(iv) One member of the Legislative Assembly, Puducherry, nominated by the Speaker;

(v) One representative of the Chamber of Commerce, Puducherry, nominated by the Government;

(vi) Two representatives of the small-scale industrialists, nominated by the Government.

(2) The Secretary to Government, Revenue and Development Department shall be the Chairman and the Director of Industries shall be the Secretary of the Board.

(3) The Board shall advise the Government in dealing with applications for the grant of State aid under this Act.

(4) No member shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Board if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner or in which he is interested professionally on behalf of a client or as agent for any person other than the Government or a local authority.

No aid except in accordance with the provisions of the Act

5. No aid shall be given by the Government to any industrial business or enterprise except in accordance with the provisions of this Act.

Industries to be aided

6. (1) The industries to which aid may be given under this Act shall be such as have an important bearing on the economic development of the country and shall be—

(i) new or nascent industries, or
(ii) industries to be newly introduced into areas where such industries are undeveloped, or
(iii) cottage industries, or
(iv) small-scale industries, or
(v) handicrafts industries, or
(vi) khadi and village industries, or
(vii) old or established industries.

(2) No such aid shall be given to any joint stock company unless-

(a) the same is registered in India on a rupee capital, and

(b) the company conforms to such rules as may be made by the Government from time to time requiring that a maximum number or a proportion of the members on its board of management shall be citizens of India.

(3) Every recipient of aid under this Act shall make such provision for the training of apprentices as the Government may, from time to time, direct.

(4) The decision of the Government as to whether the conditions of this section are fulfilled shall be final and shall not be called in question in any court of law.

Method of giving State aid

7. Subject to the provisions of this Act and of the rules framed thereunder, the Government shall have power to give aid to an industrial business or enterprise in one or more of the following ways:-

(a) by granting a loan;

(b) by paying a subsidy for the conduct of research or for the purchase of implements or machinery or for any other specific purpose;

(c) by subscribing for shares or debentures;

(d) by making a grant on favourable terms of land, raw material, firewood or water, which is the property of the Government;

(e) by supplying at concessional rates electric energy from a source which is the property of the Government.

Application for State aid and procedure in dealing with applications

8. (1) Any person desiring to obtain a loan or other aid for any industrial business or enterprise shall make his application to the Director of Industries in such form and shall furnish such information concerning his business as may be prescribed.

(2) If the extent of the aid applied for exceeds rupees fifty thousand and in any other case in which the Government considers this procedure necessary, the Director of Industries shall publish a notice in the prescribed manner calling upon any person who objects to the grant of the aid applied for to state his objections at a time or place to be specified, and shall hear such objection and make such inquiry as may be necessary.

(3) Every application for aid exceeding rupees ten thousand shall be placed before the Board for advice.

(4) No aid shall be granted under this Act if the Board, by unanimous resolution at a meeting, advises the rejection of the application for such aid.

Grant of loans

9. No loan shall be granted of an amount exceeding 75 per cent of the net value of the assets of the industrial business or enterprise and of any other property offered as collateral security for the loan after deducting in both cases existing encumbrances, such value to be ascertained by such person as may be appointed by the Government and in accordance with rules as may be prescribed:

Provided that for the purpose of this valuation, the additional assets which may be created by the expenditure of the sums granted as loan may be taken into account to such extent as may be prescribed.

Loans how secured

10. (1) Every loan granted under this Act shall be secured by a mortgage upon the whole or such portion of the assets of the business or enterprise as the sanctioning authority may consider sufficient and where the whole of the assets of the business or enterprise is, in the opinion of the sanctioning authority insufficient, by such collateral security as may be required by the sanctioning authority and shall bear interest payable on such dates and at such rates as the Government may determine.

(2) Notwithstanding anything contained in sub-section (1), but subject to such conditions, restrictions and limitations as may be prescribed, loans may be granted under this Act, on the personal security of the applicant, and every such loan shall bear interest payable on such dates and at such rates as the Government may determine.

(3) Notwithstanding anything contained in sub-section (1), or sub-section (2), the Government may direct that any loan granted under this Act to any industrial business or enterprise shall not bear any interest.

Prohibition of transfer of property without permission of the sanctioning authority

11. (1) Where after the commencement of this Act, any property has been taken as security for any loan granted or any grant made under this Act, then, notwithstanding anything to the contrary in any other law for the time being in force or in the deed of transfer or other document relating to such property, the same shall not be transferred without the written permission of the sanctioning authority.

(2) The sanctioning authority may, in its discretion, by order, permit the transfer of any such property, if the transfer is made in furtherance of the purposes for which the loan was granted or the grant was made, and the assets resulting from the transfer are to be wholly utilised in furtherance of the said purposes.

Explanation.- When granting permission under this sub-section, the sanctioning authority may impose such conditions as it may deem fit to ensure that the assets resulting from the transfer are wholly utilised in furtherance of the purposes for which the loan was granted or the grant was made.

(3) If any such property is transferred without such permission or in contravention of any condition imposed by the sanctioning authority, the transfer shall be null and void.

Court not to attach, sell etc., without permission of the sanctioning authority

12. (1) No property referred to in section 11 shall be liable to be attached, sold, or made subject to a charge by any court, whether in execution of a decree or order or otherwise, unless the person seeking such relief from the court has obtained the written permission of the sanctioning authority to do so and files such permission in court.

(2) When granting such permission, the sanctioning authority may impose such conditions as it may deem fit to secure, the proper repayment of the loan or grant together with any interest chargeable thereon and cost, if any incurred.

(3) If any such property is attached or sold or a charge is created thereon, by any court without the permission of the sanctioning authority having been obtained and filed as aforesaid, or if any condition imposed by the sanctioning authority when granting such permission is contravened, then, the attachment, sale or charge, as the case may be, shall be null and void.

Inspection and returns

13. In any case in which a loan has been applied for under this Act, the applicant, and at any time during the currency of a loan that has been granted under it, the grantee, shall be bound—

(a) to comply with any general or special order of the Government relating to the inspection of the premises, buildings or plant or stock in hand of the industrial business or enterprise;

(b) to permit the inspection of all accounts relating to the industrial business or enterprise;

(c) to furnish full returns of all products manufactured or sold both as regards description and quantity;

(d) to maintain such special accounts or to furnish such statements as the Government may, from time to time, require;

(e) to submit the accounts of the industrial business or enterprise to such audit as the Government may prescribe;

(f) to train such number of apprentices for such period as may be directed by the Government.

Control of business assisted

14. In any case in which a loan or loans is or are granted under this Act amounting to rupees two lakhs or upwards, the Government shall, and in any other case may, by the appointment of Government Directors or otherwise, take power to ensure such control over the conduct of the business or enterprise as shall suffice in their opinion to safeguard their interests.

Repayment of loans

15. (1) Every loan granted under this Act shall be made repayable by instalments within such period from the date of the actual advance of the loan, or when the loan is advanced in instalments from the date of payment of the last instalment, as may be fixed by the order granting the loan.

(2) The period fixed as aforesaid shall not exceed twenty years unless the Government shall, by general or by special order, extend the same.

Subscriptions for shares or debentures or on capital

16. The condition of subscription for shares and debentures by the Government on the capital of any industrial business or enterprise shall be that the business or enterprise shall be subject to the provisions of section 13 in respect of inspection and returns as well as of the provisions of section 14 in respect of Government control.

Subsidy by the Government

17. The condition of any payment under guarantee of a minimum return on the paid-up capital or of the grant of Government land, raw material, firewood or water on favourable terms, or of the supply from a Government source of electric energy at concessional rates shall ordinarily be that an amount equal to the sum paid or to the value of the grant or concession as fixed at the time when it is made shall be repaid to the Government at the close of a fixed term of years if within that term the industrial business or enterprise shall be shown to be paying interest or a dividend upon the capital invested in excess of such rate as the Government may fix.

Disposal of profits when condition of State aid is not fulfilled

18. No recipient of the State aid shall pay any dividend or distribute or take any profits in excess of such percentage rate upon the amount of the capital of the industrial business or enterprise as the Government may fix from time to time until the conditions on which the state aid has been granted are fulfilled. The balance of the profits, after setting aside proper amounts for depreciation or obsolescence of plant and buildings, and for the payment of interest on debentures of loans, shall be carried to a reserve fund to be utilised in such manner as the Government may approve.

Grant of aid to cottage industries by Government

19. (1) The Government may, subject to such conditions, restrictions and limitations as they think fit, grant aid, in accordance with such rules as may be made under this Act for the purpose, to any cottage or small scale industries upto an amount or value not exceeding rupees ten thousand without reference to the Board.

(2) Subject to the rules that may be framed under this Act and to such other conditions as may be imposed, the Government may authorise any officer to sanction loans to any cottage or small scale industry upto the limit of rupees ten thousand.

Power of Government to call for records and pass orders

20. The Government may call for and examine the record of any officer or authority subordinate to them in respect of any proceeding to satisfy themselves as to the regularity of such proceedings or the correctness, legality or propriety of any decision or order passed therein and, if, in any case it appears to the Government that any such decision or order should be modified, annulled, reversed, or remitted for reconsideration, they may pass orders accordingly:

Provided that the Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of making his representations.

Method of recovery of money due

21. (1) All moneys payable under this Act, including any interest chargeable thereon, and cost, if any, incurred, if not paid when due, may be recovered from the person aided and his surety, if any, under the law for the time being in force as if they were arrears of land revenue.

(2) When any sum as aforesaid is paid by the surety or is recovered from him or out of his property under sub-section (1), the Collector shall on the application of the surety so far as possible, recover the same from the person aided and pay the same to the surety.

Exemption

22. The Government may, having regard to the value of the assets of any industrial business or enterprise or to the desirability of the Government themselves granting aid directly to any industrial business or enterprise or if they consider that it would not be in the public interest to apply all or any of the provisions of this Act thereto, by order exempt, subject to such conditions as they may think fit to impose, any industrial business or enterprise or class of industrial businesses or enterprise as they may specify in the order, from all or any of the provisions of this act or of any rule or order made thereunder.

Power to make rules

23. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe –

(a) the classes of industrial businesses or enterprises to which and the purposes for which aid may be given;

(b) the constitution of the Board, the term of office of its members, the quorum at the Board's meetings, the method of arriving at its decisions, the appointment of its staff, the remuneration of its members and all other matters relating to the conduct of its business;

(c) the manner of making applications for State aid and the information to be given in such applications, provided that no such rules shall require any applicant or grantee of aid to divulge any information relating to the technical details of any process or any patent owned by him;

(d) the manner of conducting inquiries and the matters to be specially inquired into in dealing with applications for State aid and the powers to be exercised by the sanctioning authority conducting such inquiries;

(e) the mode of ascertaining the value of the assets of an industrial business or enterprise or of any property offered as collateral security for a loan;

(f) the nature of the security to be taken for the due application of loans and grants and the rates of interest at which and the conditions under which loans or grants may be given and the creation of a mortgage or collateral security under section 10;

(g) the inspection of the premises, buildings, plant and stock on hand and the accounts of any industrial business or enterprise for which State aid has been granted;

(h) the mode of keeping and auditing the accounts and of furnishing returns of any industrial business or enterprise in respect of which State aid has been granted;

(i) the appointment and functions of Government directors or the prescribing of other methods of control of industrial business or enterprises in respect of which State aid has been granted;

(j) the application of profits in cases in which the conditions under which loans or grants have been made have not been fulfilled;

(k) the fixing of the period for the repayment of loans and the conditions and dates of the repayment of subsidies and grants;

(1) the recovery of any moneys due under this Act;

(m) the conditions under which and the security on which loans shall be granted to any industrial business or enterprise under this Act;

(n) all matters connected with, or relating to the grant of aid by the Government under section 19 including all matters referred to in the foregoing clauses which are applicable to such grant.

(3) All rules made under this Act shall, as soon as possible after they are made, 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 session in which it is so laid or the session immediately following, the Legislative Assembly makes any modifications 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.

Powers of the Government as regards starting or conducting industries and giving aid of certain kinds

24. Nothing in this Act shall be held to debar the Government ---

(a) from starting or conducting industrial enterprise for experimental purposes or with a view to stimulate industrial development;

(b) from assisting an industrial business or enterprise by agreements to purchase on business terms the whole or a portion of the products of the same;

(c) from assisting an industrial business or enterprise by giving gratis or in favourable terms, the services of Government officials, experts or others either in the capacity of advisers or for a limited period not exceeding one year for starting or conducting such business or enterprise;

(d) from assisting an industrial business or enterprise in connection with industrial education or the training of apprentices;

(e) from assisting any industrial business or enterprise in any other manner which may be determined by the Government;

(f) from assisting a village industry in any manner which may be determined by the Government;

(g) from establishing a company for the purpose of giving financial assistance to industrial concerns and enterprise or from subscribing for shares in, or in any manner aiding, such company, on such terms and conditions as the Government may, by general or special order, lay down;

(h) from subscribing for shares in or in any manner aiding, any industrial concern or enterprise, the paid up capital of which exceeds rupees thirty lakhs on such terms and conditions as the Government may, by general or special order, lay down;

(i) from assisting any industrial business or enterprise in the purchase of implements or machinery;

(j) from assisting in the marketing of products in the possession of any industrial business or enterprise.

Repeal and saving

25. (1) The Arrete No. 476 dated 14-5-1959 as amended by Arrete dated 1-12-1960, is hereby repealed.

(2) The repeal by sub-section (1) of the corresponding law shall not affect ---

(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.

(3) Subject to the provisions of sub-section (2) anything done or any action taken under the corresponding law repealed by sub-section (1) shall be deemed to have been done or taken under this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

STATEMENT OF OBJECTS AND REASONS FOR ACT 3 OF 1971

Industrial development is the prime concern of the State. The Government have been aiding and assisting industries in various ways. The Arrete No.476 dated 14-5-1959, which the present Bill replaces, only provides for granting loans upto Rs.50,000. By the present Bill, the Government seeks power to grant bigger loans in appropriate cases. The Bill also provides for the establishment of a Board of Industries which will advise the Government in giving aid to industries in various ways.

THE PUDUCHERRY OCCUPANTS OF KUDIYIRUPPU (PROTECTION FROM EVICTION) ACT, 1970 (No. 4 of 1971)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and duration.

2. Definitions.

2A. Act not to apply in certain cases.

3. Person occupying kudiyiruppu not to be evicted.

4. Right to restoration of possession of kudiyiruppu.

5. Owner's right to apply to the authorised officer.

6. Authorised officer to hold summary inquiry.

7. Appeals.

8. Act to override other laws, contracts, etc.

9. Costs.

10. Bar of jurisdiction of civil courts.

11. Indemnity.

12. Power to make rules.

13. Power to remove difficulties.

———

THE PUDUCHERRY OCCUPANTS OF KUDIYIRUPPU (PROTECTION FROM EVICTION) ACT, 1970

(Act No. 4 of 1971)

26th February, 1971.

AN ACT

to provide for the protection from eviction of persons occupying kudiyiruppu in certain areas in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-first Year of the Republic of India as follows:

Short title, extent and duration

1. (1) This Act may be called the Puducherry Occupants of Kudiyiruppu (Protection from Eviction) Act, 1970.

(2) It extends to the regions known as Puducherry, Karaikal and Yanam in the Union territory of Puducherry.

(3) It shall remain in force for a period of ten years and upon the expiry of this Act, the provisions of section 6 of the General Clauses Act, 1897 (Central Act 10 of 1897), as applicable under section 2 of the Puducherry General Clauses Act, 1965 (Act 13 of 1965), shall apply as if this Act had then been repealed by a Puducherry Act.

Definitions

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

(1) "agricultural labourer" means a person whose principal means of livelihood is the income he gets as wages for his manual labour on agricultural land;

(2) "agricultural land" means any land used for any of the following purposes, namely:--

(a) horticulture;
(b) the raising of crops, grass or garden produce;
(c) grazing;
(d) the raising of manure crops;
(e) dairy farming;
(f) poultry farming;
(g) livestock breeding;
(h) growing of trees; and

(i) includes any land used for any purpose subservient to the above purposes, any forest land, pasture land, plantation, orchard and tope, but

(ii) does not include house-site or land used exclusively for non-agricultural purposes;

(3) "agriculturist" means a person who cultivates agricultural land by the contribution of his own manual labour or of the manual labour of any member of his family;

(4) "authorised officer" means any Gazetted Officer authorised by the Government by notification in the Official Gazette to exercise the powers conferred on, and discharge the duties imposed upon the authorised officer under this Act for such area as may be specified in the notification.

(5) "Government" means the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(6) "Kudiyiruppu" means the site of any dwelling house or hut occupied, either as tenant or as licensee, by any agriculturist or agricultural labourer and includes such other area adjacent to the dwelling house or hut as may be necessary for the convenient enjoyment of such dwelling house or hut;

Explanation. - It shall be presumed that any person occupying the Kudiyiruppu is an agricultural labourer or an agriculturist, until the contrary is proved.

(7) "prescribed" means prescribed by rules made under this Act;

(8) "tenant" means any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter under an agreement, express or implied, and includes his heirs and legal representatives.

Act not to apply in certain cases

[1][2-A. Nothing in this Act shall apply to the lands belonging to or vested in the Government of the Union territory of Puducherry, the Government of India, the Government of any State in India, a local authority or a corporation owned or controlled by any of the said Governments or authority.]

Persons occupying Kudiyiruppu not to be evicted

3. (1) Subject to the provisions of sub-section (3) no person occupying any Kudiyiruppu on the date of publication of the Puducherry Occupants of Kudiyiruppu (Protection from Eviction) Bill, 1970, in the Official Gazette shall be evicted from such Kudiyiruppu.

(2) Subject to the provisions of sub-section (3), any person occupying any Kudiyiruppu on the date referred to in sub-section (1), shall be entitled to continue to occupy a Kudiyiruppu on the same terms and conditions as were applicable to him on such date.

(3) Sub-sections (1) and (2) shall not apply to any person occupying any Kudiyiruppu ---

(a) if he has done any act or has been guilty of any negligence which is destructive of, or injurious to, the property belonging to the owner of the kudiyiruppu; or

(b) if he has wilfully denied the title of the owner of the kudiyiruppu.

Explanation. --- A denial of the owner's title under a bona fide mistake of fact is not wilful within the meaning of this clause.

(4) In computing the period of limitation prescribed for an application for the execution of a decree or order for the eviction of a person occupying any Kudiyiruppu, the time during which he was protected by subsection (1) from eviction, shall be excluded.

Explanation. --- A decree or order shall be deemed to be a decree or order for the eviction of a person occupying any Kudiyiruppu notwithstanding that any other relief is also granted by such decree or order.

---

1. Inserted by Act 8 of 1972. section 2. w.e.f. 26-2-1971.

Right to restoration of possession of Kudiyiruppu

4. If any person who was occupying any Kudiyiruppu on the date of publication of the Puducherry Occupants of Kudiyiruppu (Protection from Eviction) Bill, 1970 has been evicted from such Kudiyiruppu after such date, but before the commencement of this Act, or is evicted from such Kudiyiruppu after such commencement, he may, within a period of six months after such commencement or after the date of eviction, as the case may be, apply to the authorised officer within whose jurisdiction the Kudiyiruppu is situated in such form as may be prescribed for restoration to him of the possession of the Kudiyiruppu from which he was evicted, and to occupy it subject to the same terms and conditions, as far as may be, as were applicable to him on the date of publication of the Puducherry Occupants of Kudiyiruppu (Protection from Eviction) Bill, 1970.

Owner's right to apply to the authorised officer

5. Any owner of Kudiyiruppu seeking to evict for any of the reasons mentioned in sub-section (3) of section 3 any person occupying any Kudiyiruppu may, whether or not there is an order or decree of court for the eviction of such persons, make an application for such eviction to the authorised officer within whose jurisdiction the Kudiyiruppu is situated, in such form and within such time as may be prescribed.

Authorised officer to hold summary inquiry

6. On receipt of the application under section 4 or section 5, the authorised officer shall, after giving a reasonable opportunity to the parties concerned to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it and shall communicate a copy of such order to the party concerned.

Appeals

7. (1) Against any order passed by the authorised officer under section 6, any person aggrieved by such order, may, within sixty days from the date of the order, appeal to the Collector:

Provided that the Collector may admit an appeal presented after the expiry of the said period if he is satisfied that the party concerned had sufficient cause for not presenting it within the said period.

Explanation.-- For the purposes of this sub-section "date of the order" means the date on which the order is communicated to the party concerned.

(2) The provisions of section 4 and of sub-sections (1) and (2) of section 12 of the Limitation Act, 1963 (Central Act 36 of 1963) shall, as far as may be, apply to any appeal under sub-section (1).

(3) An appeal to the Collector under sub-section (1) shall be in such form and shall be accompanied by such fee as may be prescribed.

(4) The Collector may, after giving the parties to the appeal, an opportunity of being heard, pass such order thereon as he thinks fit and shall communicate a copy of such order to the party concerned.

(5) The Collector may stay the execution of any order passed by the authorised officer pending the exercise of his powers of appeal under this section.

Act to over-ride other laws, contracts, etc.,

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom, usage or contract or decree or order of a court or other authority.

Costs

9. The costs of, and incidental to, all proceedings before the authorised officer or the Collector shall be in his discretion.

Bar of jurisdiction of civil courts

10. No civil court shall have jurisdiction in respect of any matter in which the authorised officer or the Collector is empowered by or under this Act to decide and no injunction shall be granted by any court in respect of any action taken or to be taken in exercise of any power conferred by or under this Act.

Indemnity

11. No suit, prosecution or other legal proceeding shall lie against the authorised officer or the Collector for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Power to make rules

12. (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 form of application to be made to the authorised officer under section 4 or section 5;

(b) the manner of holding summary inquiry under section 6;

(c) the manner of communicating to the parties the order under section 6 or under sub-section (4) of section 7;

(d) the form of appeal, and the fee payable, under sub-section (3) of section 7.

(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 of Puducherry, while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid, or the sessions immediately following, the Legislative 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.

Power to remove difficulties

13. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, do anything not inconsistent with such provisions which appears to the Government to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made under this section after the expiration of two years from the commencement of this Act.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 4 OF 1971

In Mahe region, a comprehensive Land Reforms Act is in force. It provides among others for the fixing of tenure to the occupants of Kudiyiruppu and Kudikidappu. But there is no such protection for agriculturists and the agricultural labourers who are in occupation of kudiyiruppu in the other regions of this Union territory. Representations have been received in this regard both inside and outside legislature. It has therefore been decided to introduce a legislation on the model of the Tamil Nadu Occupants of Kudiyiruppu (Prevention from eviction) Act, 1961 (Tamil Nadu Act No.38 of 1961).

The present Bill seeks to achieve the above object.

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 8 OF 1972

The Puducherry Occupants of Kudiyiruppu (Protection from Eviction) Act, 1970 came into force on 26-2-1971 on which date the assent of the President was received. It does not exempt from its purview the lands belonging to the Government, Local Bodies etc. It is proposed to amend the Act to provide for such exemption.

The Bill seeks to achieve the above object.

———

THE PUDUCHERRY CULTIVATING TENANTS (PAYMENT OF FAIR RENT) ACT, 1970 (No. 5 of 1971)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
2A. Act not to apply in certain cases.
3. Interpretation.
4. Rights and liabilities of cultivating tenant and landowner.
5. What is fair rent?
6. Fair rent payable in cash or in kind.
7. Alteration or revision of fair rent.
8. Sharing of produce.
9. Constitution of Rent Courts and Rent Tribunals.
10. Application to Rent Courts and appeals to Rent Tribunals.
11. Costs.
12. Revision by High Court.
13. Publication of list of prices.
14. Cultivating tenant's right to obtain receipts.
15. Act to override contract and other laws, etc.
16. Exemption.
17. Power to make rules.
18. Power to remove difficulties.

THE PUDUCHERRY CULTIVATING TENANTS (PAYMENT OF FAIR RENT) ACT, 1970 (Act No. 5 of 1971)

27th February, 1971.

AN ACT

to provide for the payment of fair rent by cultivating tenants in certain areas in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty- first year of the Republic of India as follows:

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Cultivating Tenants (Payment of Fair Rent) Act, 1970.

(2) It extends to the whole of the regions known as Puducherry, Karaikal and Yanam in the Union territory of Puducherry.

(3) It shall come into force on such as the Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act or for different areas and any reference in any such provision to the commencement of this Act shall be construed, in relation to any area, as a reference to the coming into force of that provision in such area.

Definitions

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

(a) "agricultural year" means the year commencing on the 1st day of April, or such other date as the Collector may specify in that behalf by notification in the Official Gazette;

(b) "average gross produce" means the average produce for different classes of land in each zone as may be notified by the Government from time to time.

---

1. The Act came into force on the 1st day of April, 1971 vide Notification No.6896/70-E, dated 22nd March, 1971.

Explanation. — For the purpose of this clause each region shall be divided into zones and the lands comprised in each zone divided into categories consisting of double crop lands, single crop lands, irrigated lands and dry lands;

(c) "cultivating tenant" means a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under a tenancy agreement, express or implied, on condition of paying rent therefor in cash or in kind or delivering or receiving a share of the produce and includes –

(i) any such person who continues in possession of the land after the determination of the agreement;

(ii) the heir of such person, if the heir contributes his own physical labour or that of any member of his family in the cultivation of such land;

(iii) a sub-tenant if he contributes his own physical labour or that of any member of his family in the cultivation of such land;

(iv) any such sub-tenant who continues in possession of the land notwithstanding that the person who sublet the land to such sub-tenant ceases to have the right to possession of such land; and

(v) a person who cultivates the land on payment of waram; but does not include a mere intermediary or his heir;

(d) "fair rent" means the rent payable under this Act;

(e) "garden land" means dry land irrigated by lifting water from wells or other sources;

(f) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(g) "landowner" means the owner of the land let for cultivation by a cultivating tenant and includes the heirs, assignees, legal representatives of such owner, or person deriving rights through him;

(h) "paid" includes "delivered";

(i) "prescribed" means prescribed by rules made under this Act;

(j) "Rent Court" and "Rent Tribunal" in relation to any area mean the Rent Court and Rent Tribunal respectively constituted under this Act for such area.

[1][Act not to apply in certain cases

2A. Nothing in this Act shall apply, to ---

(i) leases or tenancies of lands belonging to or vested in the Government of the Union territory of Puducherry, the Central Government, a State Government, a local authority, or a corporation owned or controlled by any of the said governments, or authority; or

(ii) leases or tenancies of lands created by the Administrator General or the Official Trustee or an Official Receiver or Officer appointed by a Court under the provisions of any law, or by any person holding under or deriving title from any of the Officers aforesaid.]

Interpretation

3. If any question arises whether any land is wet, or dry or garden land, the question shall be decided by the Rent Court.

Rights and liabilities of cultivating tenant and landowner

4. (1) With effect from the commencement of this Act, every cultivating tenant shall be bound to pay to the landowner and every landowner shall be entitled to collect from the cultivating tenant fair rent payable under this Act.

(2) Where the irrigation of any land is irregular, the landowner shall bear the excess water cess proportionate to his share of the produce.

(3) Notwithstanding any neglect or failure on the part of the cultivating tenant to raise any crop, the landowner shall be entitled to collect fair rent.

(4) Subject to the proviso to sub-section (2) of section 5, all the cultivation expenses inclusive of cost of seed, ploughing, manuring, harvesting and threshing shall be borne by the cultivating tenant.

1. Inserted by Act 8 of 1973, section 2, w.e.f 19-7-1973.

(5) The landowner shall be responsible for the payment of all dues payable to the Government and local authorities in respect of the land subject to his right to recover from the cultivating tenant the public charges which are expressly made payable by the cultivating tenant by this Act.

(6) The landowner shall bear all capital expenditure necessary to maintain the land and wells in a state of proper repair.

(7) No landowner shall, after the commencement of this Act, claim or stipulate for:--

(i) payment of any amount by the cultivating tenant in excess of the fair rent or in excess of the public charges which are expressly made payable by the cultivating tenant by this Act;

(ii) the delivery by the cultivating tenant of any article or thing in addition to fair rent; or

(iii) any service by the cultivating tenant or the free use of his cattle.

Explanation I --- Nothing contained in this section shall affect the right of the landowner to claim from the cultivating tenant compensation for damages to the land or to anything that stood on the land at the time of lease.

Explanation II --- Where a cultivating tenant pays a contract rent lower than the fair rent payable under this Act, clause (iii) shall not apply.

(8) Any person, the rent receivable by whom from any cultivating tenant in respect of any land, suffers a reduction as a result of the provisions of this Act, shall, if he is himself a tenant in respect of that land under another person, be entitled to surrender the lease of that land as from a date specified by him by notice given to his landlord.

(9) A landowner may for better farming advance to his cultivating tenant who is not a member of any co-operative society such loan as may be necessary for manuring his land. The loan so advanced shall be a first charge on the share of the produce to which the cultivating tenant is entitled under this Act.

(10) Notwithstanding anything contained in sub-sections (4) and (9), the landowner may, with the consent of the cultivating tenant in the case of any wet land or garden land, attend to the manuring of the land by chemical manures and oil-cakes up to a sum equivalent to ten per cent of the average gross produce and recover the same from the cultivating tenant. The amount payable by the cultivating tenant under this sub-section shall be in addition to the fair rent payable under this Act.

What is fair rent?

5. (1) Subject to the provisions of sub-sections (2) and (3), fair rent shall be:--

(i) in the case of wet land, 40 per cent of the average gross produce or its value in money;

(ii) in the case of wet land where the irrigation is supplemented by lifting water, 35 per cent of average gross produce or its value in money;

(iii) in the case of any other class of land 33 1/3 % of the average gross produce or its value in money:

Provided that the provisions of this sub-section shall apply to the actual tenant cultivators and, where there is an intermediary tenant, to the cultivating sub-tenants.

Explanation I --- In every harvest, the landowner shall be entitled to one-fifth of the straw or stalk of all the crops.

Explanation II --- Pending determination of the average gross produce under clause (b) of section 2, the fair rent shall be 40%, 35% or 33 1/3 %, as the case may be, of the actual gross produce.

(2) In the case of lands in clauses (ii) and (iii) of sub-section (1) in which water is lifted by pumpsets installed at the cost of the landowner, the fair rent specified in that sub-section shall be increased to 40 per cent:

Provided that the cultivating tenant shall bear all the maintenance charges and the landowner shall bear the charges for repairing the pumpsets and the installation of a pumpset shall be at the option of the landowner.

(3) Where the contract of tenancy provides for payment of a rent lower than the fair rent payable under the above provisions, the contract rent shall be deemed to be the fair rent.

Fair rent payable in cash or in kind

6. (1) The fair rent in respect of any land may be paid either in cash or in kind or partly in cash and partly in kind, in accordance with terms of the contract between the landowner and the cultivating tenant; in the absence of such a contract, the fair rent may be paid at the option of the cultivating tenant in any one of the above ways:

Provided that the option shall be exercised in the case of a tenancy in force on the date of commencement of this Act, within three months from such commencement and in any other case within three months from the date on which the tenancy agreement takes effect; and if the cultivating tenant does not exercise the option, within the period aforesaid, the landowner shall, by notice in writing given to the cultivating tenant, specify the mode in which the fair rent shall be paid by the cultivating tenant:

Provided further that the option once exercised or the mode once specified shall not be changed except by mutual agreement:

Provided further that where the crop raised is paddy, the landowner shall have the right to insist that the rent shall be paid in kind.

(2) Whenever adverse seasonal conditions result in the reduction of the gross produce from any particular crop and there is remission of land revenue, the landowner shall be bound to remit a proportionate part of the fair rent due to him from his cultivating tenant in respect of that land for that period:

Provided that before admitting or inquiring into an application made by a cultivating tenant for remission of fair rent under this section, the Rent Court may impose such conditions as it considers reasonable in the circumstances of the case including condition as to deposit of admitted rent which has become due.

Alteration or revision of fair rent

7. Where in respect of any land fair rent has been determined under this Act, it shall continue in force for five years:

Provided that the Rent Court, may, on an application made by the cultivating tenant, reduce the fair rent if it is satisfied that on account of deterioration of the land by floods or other causes beyond the control of the cultivating tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation:

Provided further that the Rent Court may, on an application made by the landowner, enhance the fair rent if it is satisfied that on account of any improvements made in the land by or at the expense of the landowner, the produce of the land has increased.

Sharing of produce

8. Where the produce to be shared is grain, the sharing shall be done at the threshing floor on which the threshing took place; and no portion of the produce shall be removed therefrom at such time or in such manner as to prevent the due division thereof at the proper time.

Constitution of Rent Courts and Rent Tribunals

9. (1) The Government may, by notification in the Official Gazette, constitute Rent Courts and Rent Tribunals for the purposes of this Act with jurisdiction over such areas as may be specified in the notification.

(2) Every Rent Court shall be presided over by an officer not below the rank of Deputy Tahsildar in the case of Sub-taluk and Tahsildar in the case of a Taluk and every Rent Tribunal shall be presided over by an officer not below the rank of the District Munsif.

Application of Rent Courts and appeals to Rent Tribunals

10. (1) Notwithstanding any agreement between a landowner and the cultivating tenant, or any decree or order of a Court, either party may, in case of dispute, apply to the Rent Court on payment of such fee as may be prescribed, for fixation of fair rent or for deciding any other dispute arising under this Act.

(2) Any person aggrieved by the decision of a Rent Court, may, within such time and on payment of such fee as may be prescribed, prefer an appeal to the Rent Tribunal whose decision shall be final, subject to revision, if any under section 12.

Costs

11. The costs of and incidental to all proceedings before the authorities referred to in section 10 shall be in the discretion of the respective authority.

Revision by High Court

12. The Rent Tribunal shall be deemed to be a Court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908, and its orders shall be liable to revision by the High Court under the provisions of that section.

Publication of list of prices

13. (1) The Collector shall publish in the months of January, April, July and October every year in the Official Gazette the average market price of the main crops during the immediately preceding three months at the headquarters of each region.

(2) Where, for the payment of fair rent by a cultivating tenant to whom the provisions of this Act apply, the cash value of any crop has to be fixed, such value shall be fixed –-

(a) in the case of any of the crops referred to in sub-section (1), at the market price last published under sub-section (1) before the date when such fair rent became payable;

(b) in the case of any other crop at such rate as may be agreed upon between the landowner and the cultivating tenant and in the case of disagreement as may be deemed fair and reasonable by the Rent Court.

Cultivating tenant's right to obtain receipts

14. (1) Every cultivating tenant paying rent shall be entitled to receive and the landlord shall be bound to grant a receipt containing such particulars as may be prescribed.

(2) If any landlord fails to grant a receipt as provided under subsection (1), the tenant shall be entitled to send by money order, after deducting the charges for doing so,---

(i) the money, if the rent is payable in cash; and
(ii) the money value of the rent, if it is payable in kind.

Act to override contract and other laws, etc.

15. (1) The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any pre-existing law, custom, usage, agreement or decree or order of a Court.

(2) If any provision contained in the Karaikal Pannaiyal Protection Act, 1966 is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be of no effect.

Exemption

16. Nothing in this Act shall apply to:--

(a) any land during the period when such land is used for raising any crop which does not give any yield for a continuous period of two years or more from the time of cultivation; or

(b) to any contract merely for collection or harvesting of the produce of any kind.

Power to make rules

17. (1) The Government may, by notification in the Official Gazette 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 procedure to be followed by Rent Courts and Rent Tribunals;
(b) the matters to be taken into account in determining average gross produce;
(c) the fees to be paid in respect of applications and appeals under this Act;
(d) the time within which appeals may be presented under this Act;
(e) the notification of prices of agricultural or horticultural produce for the purpose of fixing the cash value of the fair rent.

(3) 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.

Power to remove difficulties

18. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, do anything not inconsistent with such provisions which appears to the Government to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made under this section after the expiration of two years from the commencement of this Act.

———————

STATEMENT OF OBJECTS AND REASONS ACT 5 OF 1971

At present in the Union territory of Puducherry, with the exception of Mahe region, there are no laws to regulate the relationship between the landlord and the cultivating tenant in so far as payment of rent is concerned. In other words, the landlords are free to charge any rent as may be agreed upon between them and their tenants. In the absence of such a measure, the incentive for the tenant to improve the land is lacking. The objectives of all land reforms are to create or introduce such measures which would be conducive or favourable to the cultivating tenants and thereby increasing the agricultural economy and promoting high level of efficiency in productivity. To achieve this purpose, it would be necessary to provide safeguards for the cultivating tenants with regard to the fixation of fair rent. 'The present Bill, inter alia, provides the manner and machinery for fixation of fair rent. The present Bill is based on the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 with suitable modifications.

STATEMENT OF OBJECTS AND REASONS ACT 8 OF 1973

The Puducherry Cultivating Tenants (Payment of Fair Rent) Act, (1970) came into force regions of Puducherry, Karaikal and Yanam of the Union territory of Puducherry on 1-4-1971. In the said Act, there is no specific provision exempting the Government and Municipal lands from the operation of the provisions of the principal Act. As such, section 2A is incorporated for this purpose. The amendment bill covering the above said matter seeks to achieve the above object.

———

THE PUDUCHERRY CULTIVATING TENANTS PROTECTION ACT, 1970

(No. 9 of 1971)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.

2A. Act not to apply in certain cases.

3. Landlords not to evict cultivating tenants.
4. Rights to restoration of possession.
5. Right of certain landlord to resume land for personal cultivation.
6. Special privileges for members of the Armed Forces.
7. Execution of lease.
8. Bar of jurisdiction of Civil Courts.
9. Transfer of certain suits to the Revenue Courts by Civil Courts.
10. Revision by the High Court.
11. Transfer of application or other proceeding by High Court.
12. Surrenders.
13. Abandonment by cultivating tenant.
14. landlord to take possession in specified cases.
15. Penalty.
16. Power to make rules.
17. Repeal and savings.

THE PUDUCHERRY CULTIVATING TENANTS PROTECTION ACT, 1970

(Act No. 9 of 1971)

30th March, 1971.

AN ACT

for the protection from eviction of cultivating tenants and matters incidental thereto in certain areas in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-first Year of the Republic of India as follows:

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Cultivating Tenants Protection Act, 1970.

(2) It extends to the regions known as Puducherry, Karaikal and Yanam in the Union territory of Puducherry.

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

Provided that different dates may be appointed for different provisions of this Act or for different areas and any reference in any such provision to the commencement of this Act shall be construed, in relation to any area, as a reference to the coming into force of that provision in such area.

Definitions.

2. In this Act, unless the context otherwise requires:-

(a) "cultivating tenant" means a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under an agreement express or implied on condition of paying rent therefor in cash or in kind or delivering or receiving a share of the produce and includes --

(i) any such person who continues in possession of the land after the determination of the agreement;

(ii) the heir of such person, if the heir contributes his own physical labour or that of any member of his family in the cultivation of such land;

(iii) a sub-tenant if he contributes his own physical labour or that of any member of his family in the cultivation of such land;

---

1. The Act came into force in Puducherry, Karaikal and Yanam regions on the 10th day of April 1971 vide Notification No. 6896/70/E, dated 10th April 1971.

(iv) any such sub-tenant who continues in possession of the land notwithstanding that the person who sublet the land to such sub-tenant ceases to have the right to possession of such land; and

(v) a person who cultivates the land on payment of waram;

but does not include a mere intermediary or his heir;

(b) "cultivation" means the use of lands for the purpose of agriculture or horticulture and a person is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land;

(c) "garden land" means dry land irrigated by lifting water from wells or other sources;

(d) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(e) "holding" means a parcel or parcels of land held by a cultivating tenant;

(f) "land" means land used for the purpose of agriculture or horticulture and includes any building, or any waste, vacant or forest land, appurtenant thereto, and any house-site belonging to the landlord and let to the cultivating tenant under the same agreement of tenancy;

[1][(g) landlord" in relation to a holding or part thereof means the person entitled to receive the rent due in respect of such holding or part;]

(h) "prescribed" means prescribed by rules made under this Act;

(i) "Revenue Court" means the Revenue Court constituted by notification in the Official Gazette by the Government; and

(j) "Wet land" means land registered as such in the revenue accounts.

Explanation. --- One hectare of wet land shall be deemed to be equivalent to one and a half hectares of garden land or three hectares of dry land and any reference to hectares of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalent extent of wet land.

---

1. Substituted by Act 9 of 1972, section 2, with effect from 10-4-1971.

[1] [Act not to apply in certain cases.

2-A. Nothing in this act shall apply, to ---

(i) leases or tenancies of lands belonging to or vested in the Government of the Union territory of Puducherry, the Central Government, a State Government, a local authority, or a corporation owned or controlled by any of the said Governments, or authority; or

(ii) leases or tenancies of lands created by the Administrator General or the Official Trustee or an Official Receiver or officer appointed by a Court under the provisions of any law, or by any person holding under or deriving title from any of the Officers aforesaid.]

Landlords not to evict cultivating tenants.

3. (1) Notwithstanding anything to the contrary in any law, custom, usage or contract or any decree or order of court, no cultivating tenant shall be evicted from his holding or any part thereof, by or at the instance of his landlord except as provided in this section.

(2) Subject to the next succeeding sub-section, sub-section (1) shall not apply to a cultivating tenant ---

(a) who, in the areas where the Karaikal Tenants Protection Order, 1960 was in force immediately before the commencement of this Act, if in arrear at such commencement with respect to the rent payable to the landlord does not pay such within such time as may be prescribed or who in respect of rent payable to the landlord after the commencement of this Act, does not pay such rent within a month, after such rent becomes due; or

(b) who, in the other areas, if in arrear at the commencement of this act, with respect to the rent payable to the landlord and accrued due subsequent to 31st March, 1970, does not pay such rent within such time as may be prescribed, or who in respect of rent payable to the landlord after the commencement of this Act, does not pay such rent within a month after such rent becomes due; or

(c) who has done any act or has been guilty of any negligence which is destructive of, or injurious to, the land or any crop thereon or has altogether ceased to cultivate the land; or who has used the land or any purpose not being an agricultural or horticultural purpose; or

(d) who has wilfully denied the title of the landlord to the land;

---

1. Inserted by Act 9 of 1972, section 3, with effect from 10-4-1971.

Explanation. --- A denial of the landlord's title under a bona fide mistake of fact is not wilful within the meaning of this clause.

(3) (a) A cultivating tenant may deposit in Court the rent or, if the rent be payable in kind, its market value on the date of deposit, to the account of the landlord:-

(i) in the case of rent accrued due subsequent to the 31st March, 1970 within such time as may be prescribed;

(ii) in the case of rent accrued due after the commencement of this Act, within a month after the date on which the rent accrued due.

(b) (i) The court shall cause notice of the deposit to be issued to the landlord and determine, after a summary inquiry, whether the amount deposited represent the correct amount of rent due from the cultivating tenant and if the Court finds that any further sum is due, it shall allow the cultivating tenants such time as it may consider just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant, for depositing such further sum inclusive of such costs as the court may allow.

(ii) If the Court adjudges that no further sum is due, or if the cultivating tenant deposits within the time allowed such further sum as is ordered by the Court, the cultivating tenant shall be deemed to have paid the rent within the period specified in the last foregoing sub-section.

(iii) If, having been ordered to deposit a further sum, the cultivating tenant fails to do so within the time so allowed by the Court, the landlord may evict the cultivating tenant as provided in sub-section (4).

Explanation. --- The expression "Court" in this sub-section means the Court which passed the decree or order for eviction or where there is no such decree or order, the Revenue Court.

(4) (a) Every landlord seeking to evict a cultivating tenant falling under sub-section (2), shall, whether or not there is an order or decree of a Court for the eviction of such cultivating tenant, make an application to the Revenue Court and such application shall bear a court-fee stamp of one rupee.

(b) (i) On receipt of such application, the Revenue Court shall, after giving a reasonable opportunity to the landlord and the cultivating tenant to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it and in a case falling under clause (a) or (b) of sub-section (2) in which the tenant had not availed of the provisions contained in sub-section (3), the Revenue Court may allow the cultivating tenant such time as he considers just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant for depositing the arrears of rent payable under this Act inclusive of such costs as he may direct.

(ii) If the cultivating tenant deposits the sum as directed he shall be deemed to have paid the rent under clause (b) of sub-section (3) and if the cultivating tenant fails to deposit the sum as directed, the Revenue Court shall pass an order for eviction.

Right to restoration of possession.

4. (1) Every cultivating tenant who was in possession of any land on the 1st December, 1969 and who is not in possession thereof at the commencement of this Act shall, on application to the Revenue Court, be entitled to be restored to such possession on the same terms as those applicable to the possession of the land on the 1st December, 1969.

(2) Nothing in sub-section (1) shall be deemed to entitle any such cultivating tenant to restoration of possession:-

(i) If, at the commencement of this Act, he is in possession, either as owner or as tenant or as both, of land exceeding the extent specified in the Explanation below or if he has been assessed to any sales tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1967-68 or 1968-69; or

(ii) If the landlord, after evicting such cultivating tenant from the land has been carrying on personal cultivation on the land provided as follows: --

(a) the total extent of land held by such landlord inclusive of the land, if any, held by him as a tenant does not exceed the extent specified in the Explanation below; and

(b) the landlord has not been assessed to any sales tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1967-68 or 1968-69; or

(iii) If subsequent to the 1st December, 1969 the landlord has bona fide admitted some other cultivating tenant to the possession of the land and such other tenant has cultivated the land before the commencement of this Act:

Provided that where such other tenant is in possession, either as owner or as tenant or as both of any other land which exceeds the extent specified in the Explanation below and the cultivating tenant who was evicted is not in possession of any land or is in possession of any other land which is less than the extent specified in the said Explanation, the cultivating tenant shall be entitled to restoration of possession.

Explanation. -- The extent referred to in clause (i) to (iii) above is 2 2/3 hectares of wet land.

(3) Every application to the Revenue Court under sub-section (1), shall be made within such time as may be prescribed and shall bear a court- fee stamp of one rupee:

Provided that the application may be received after the prescribed period, if the applicant satisfies the Revenue Court that he had sufficient cause for not making the application within that period.

(4) On receipt of an application under sub-section (3), the Revenue Court shall, after giving a reasonable opportunity to the landlord and the cultivating tenant, if any, in possession of the land, to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it and in passing an order allowing the application, the Revenue Court may impose such conditions as it may consider just and equitable including conditions in regard to:-

(i) the payment by the applicant of any arrear of rent already due from him to the landlord, but not exceeding one year's rent, and

(ii) the reimbursement by the applicant of the landlord or the other cultivating tenant in respect of the expenses incurred or the labour done by him during the period when the applicant was not in possession, on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement.

Explanation. - In lieu of imposing any condition in relation to reimbursement as provided in clause (ii), the Revenue Court may, in its discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon at the time when the order is passed, has been harvested.

(5) Any cultivating tenant who after the commencement of this Act has been evicted except under the provisions of sub-section (4) of section 3 shall be entitled to apply to the Revenue Court within two months from the date of such eviction for the restoration to him of the possession of the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a cultivating tenant and the provisions of sub-section (4) shall, so far as may be, apply to such an application:

*[provided that the Revenue Court may, if satisfied that the applicant had sufficient cause for not making the application within the said period of two months, consider the application even after expiry of such period].

5. **[Omitted]

Special privileges for members of the Armed Forces.

6. (1) A cultivating tenant who is enrolled as a member of the Armed Forces, may, on or after such enrolment, sublet the lands held by him as a cultivating tenant.

(2) A cultivating tenant who is enrolled as a member of the Armed Forces, on discharge or retirement from service or on being sent to Reserve, shall, on application for resumption made within the prescribed period to the Revenue Court, be entitled to resume possession of the land sublet by him under sub-section (1).

(3) A landlord who is enrolled as a member of the Armed Forces shall, on discharge or retirement from service or on being sent to Reserve, be entitled to resume from any cultivating tenant possession of land which he had leased out on or after such enrolment for purposes of personal cultivation.

---

* Inserted vide Act No.6 of 1982 w.e.f 31-5-1982
** Omitted vide Act No.6 of 1982 w.e.f 31-5-1982

*[(4)(a) Any Person desiring to resume any land under sub-section (2) or, as the case may be, under sub-section (3) (hereafter in this sub-section referred to as the applicant) shall apply to the Revenue Court and on receipt of such application, the Revenue Court shall, after giving a reasonable opportunity to the applicant and the person in possession of the land (hereafter in this sub-section referred to as the possessor) to make their representations, hold a summary inquiry into the matter and pass an order either directing the possessor to put the applicant in possession of the land or dismissing the application.

(b) Where a Revenue Court passes an order under clause (a) directing the possessor to put the applicant in possession of the land, the Revenue Court may impose such conditions as it may consider just and equitable including conditions in regard to the reimbursement, by the applicant, to the possessor in respect of the expenses incurred by the possessor or the labour contributed by him on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement:

Provided that in lieu of imposing any condition relating to reimbursement under this clause, the Revenue Court may, in its discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon at the time when the order is passed, has been harvested].

(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) The Provisions of this section shall have effect notwithstanding anything inconsistent therewith contained in any other provision of this Act or of any other Act **[Omitted].

---

* Substituted vide Act No.6 of 1982 w.e.f 31-5-1982
**Omitted vide Act No.6 of 1982 w.e.f 31-5-1982

(7) 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. --- For the purposes of this Act,:-

(a) a "member of the Armed Forces" means ---

(i) a person in the service of the Air Force, Army or Navy of the union of India and includes a seaman;

(ii) a member of the Armed Forces who has been discharged or retired from service or who has been sent to Reserve is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land; and

(b) a member of the Armed Forces in services shall be deemed to carry on personal cultivation on a land if such land is cultivated by the members of his family or by his own servants or by hired labour, with his own or hired stock.

Execution of lease.

7. (1) In the case of every tenancy agreement entered into after the coming into force of this Act between a cultivating tenant and a landlord, a lease deed shall be executed in triplicate in the prescribed form, within a reasonable time after the commencement of such tenancy, specifying the name and description of the cultivating tenant, the name (if any), survey number, description and extent of the land leased out, and the terms of the tenancy; and shall be signed both by the landlord or his agent and by the cultivating tenant. One of the three copies shall be kept by the landlord, one shall be kept by the cultivating tenant and the third shall be caused to be lodged in the Taluk Office or Sub-Taluk Office, as the case may be, by the landlord or his agent within a fortnight of the date on which the cultivating tenant signs it:

Provided that if the landlord or the cultivating tenant refuses or delays unreasonably to execute the lease deed, it shall be open to the cultivating tenant or the landlord, as the case may be, to lodge the deed in the Taluk Office or the Sub-Taluk Office, as the case may be, with a declaration that the other party has refused or delayed unreasonably to execute it.

(2) No stamp need be affixed to the lease deed.

(3) In the case of any tenancy, if the landlord or his agent or the cultivating tenant refuses to sign or fails to lodge the lease deed in accordance with the provisions of sub-section (1), the Revenue Court may impose on the landlord or the cultivating tenant, as the case may be, a penalty which may extend to fifty rupees; and any penalty so imposed may be recovered as it were an arrear of land revenue.

Bar of jurisdiction of Civil Courts

8. No Civil Court shall, except to the extent specified in sub-section (3) of section 3, have jurisdiction in respect of any matter which the Revenue Court is empowered by or under this Act to determine and no injunction shall be granted by any Court in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Transfer of certain suits to the Revenue Court by Civil Courts.

9. If in any suit before any court for possession of or injunction in relation to any land, it is proved by affidavit or otherwise that the defendant is a cultivating tenant entitled to the benefits of this Act, the Court shall not proceed with the trial of the suit but shall transfer it to the Revenue Court which shall thereupon deal with and dispose of it as though it were an application under this Act and all the provisions of this Act shall apply to such an application and the applicant.

Revision by the High Court

10. The Revenue Court shall be deemed to be a Court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), and its orders shall be liable to revision by the High Court under the provisions of that section.

Transfer of application or other proceeding by High Court

11. (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, of its own motion without such notice, the High Court may, at any stage, transfer any application or other proceedings under this Act pending before any Revenue court for disposal to any other Revenue Court.

(2) Where any application or other proceeding has been transferred under sub-section (1), the Revenue Court which thereafter holds the enquiry may, subject to any special directions in the case of an order of transfer, either hold the inquiry de novo or proceed from the point at which the said application or other proceedings stood when it was transferred.

Surrenders

12. (1) No surrender of land made by a cultivating tenant after the commencement of this Act shall be valid unless it is made in such manner as may be prescribed.

(2) Where a surrender of land is made under sub-section (1) the rights of the cultivating tenant shall vest in the Government and the Government may assume the management of the land or settle another cultivating tenant thereon.

(3) Where the management of the land is assumed under sub-section (2) the Government shall be liable to pay to the landlord fair rent payable under the Puducherry Cultivating Tenants (Payment of Fair Rent) Act, 1970 and the liability of the cultivating tenant who has surrendered his holding to pay the rent to the landlord in respect of that land shall cease from the date [1][on which the management of the land is assumed by the Government].

Provided that nothing contained in this sub-section shall affect the liability of such tenant to pay rent in respect of any period before such date.

(4) Where in pursuance of surrender under sub-section (1), another cultivating tenant has been settled by the Government, [1][the cultivating tenant so settled by the Government shall] with effect on and from the date on which he was so settled, pay to the landlord fair rent as payable under the Puducherry Cultivating Tenants (Payment of Fair Rent) Act, 1970.

Abandonment by cultivating tenant.

13. (1) No landlord shall enter on any land which has been abandoned by a cultivating tenant.

(2) If a cultivating tenant abandons his tenancy and ceases to cultivate his holding either by himself or by some other person, the landlord of such tenancy shall, within thirty days of such abandonment, inform the Government in writing that the cultivating tenant has abandoned such tenancy and the Government shall, on receipt of such intimation, forthwith take possession of the land appertaining to such tenancy.

1. Substituted by Act 9 of 1972. section 5, with effect from 10-4-4971.

(3) The Government shall pay to the landlord fair rent payable under the Puducherry Cultivating Tenants (Payment of Fair Rent) Act, 1970, for the land possessed by that Government under sub-section (2) from the date on which the Government takes possession of such land.

(4) The Government may settle any other cultivating tenant on any land possession of which has been taken under sub-section (2).

(5) The cultivating tenant settled under sub-section (4) shall pay the fair rent as payable under the Puducherry Cultivating Tenants (Payment of Fair Rent) Act, 1970, directly to the landlord and the Government's liability under sub-section (3) with regard to the payment of fair rent for such land shall, on and from the date on which the cultivating tenant has been settled on the land, cease.

Landlord to take possession in specified cases.

14. No landlord shall obtain possession of any land held by a cultivating tenant at the commencement of this Act, except where such tenant is evicted under section 3 or where the land is surrendered or abandoned by a cultivating tenant under section 12 or section 13, as the case may be.

Penalty.

15. Whoever contravenes the provisions of section 13 shall, on conviction, be punishable with fine which may extend to two hundred and fifty rupees and the possession of the land shall be restored to the cultivating tenant.

Power to make rules.

16. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes 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 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.

Repeal and saving

17. (1) As from the commencement of this Act, the Karaikal Tenants Protection Order, 1960 (hereinafter referred to as the said order), is hereby repealed.

(2) Nothing in sub-section (1) shall affect ---

(a) the previous operation of the said order or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said order; or

(c) any penalty, incurred in respect of any offence committed against the said order; or

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

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

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 9 of 1971

In Mahe, a comprehensive Land Reforms Act is in force. The Government intend bringing a comprehensive measure for tenancy reforms in the remaining areas. Pending introduction of a comprehensive bill, it is necessary to prevent eviction of Cultivating tenants from their holdings so as to give them a fixity of tenure. In Karaikal region, the Karaikal Tenants Protection Order, 1960 is in force. But there is no such enactment with regard to Puducherry and Yanam regions. It has been decided to extend the Protection to Cultivating tenants in these two regions by enacting a legislation broadly on the model of the Tamil Nadu Cultivating Tenants Protection Act, 1955. The bill is intended for Puducherry, Karaikal and Yanam regions.

The present Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT 6 OF 1982

The Puducherry Cultivating Tenants Protection Act, 1970 was framed on the model of the Tamil Nadu Cultivating Tenants Protection Act, 1955. As per section 4-A of the Tamil Nadu Act (section 5 of our Act) a landlord is permitted to resume one-half of the land leased out for the purpose of personal cultivation. Following a decision of the Madras High Court a situation had arisen in Tamil Nadu in which a landlord can resume possession of one-half of the land under section 4-A of the Tamil Nadu Act irrespective of any disqualification imposed in other sub-sections. Consequently the revenue courts had allowed a large scale resumption of land. In order to stop this, the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1976 (Act XVIII of 1976) has been enhanced taking away the right of resumption from the landlords in any circumstances.

Though the number of cases in which lands have been resumed by landlords for personal cultivation may not be high in this Union territory, it is considered it will be fit and proper to disallow the entitlement of landlords to resume one-half of the land leased out for the purpose of personal cultivation in this Union territory on par with Tamil Nadu.

The Bill seeks to achieve the above objects.

———

THE PARLIAMENTARY SECRETARY (PAYMENT OF SPECIAL ALLOWANCE AND PREVENTION OF DISQUALIFICATION) ACT, 1971
(No. 12 of 1971)

ARRANGEMENT OF SECTIONS

SECTION
1. Short title and commencement.
2. Payment of special allowance to the Parliamentary Secretary.
3. Office of Parliamentary Secretary not to disqualify.

THE PARLIAMENTARY SECRETARY (PAYMENT OF SPECIAL ALLOWANCE AND PREVENTION OF DISQUALIFICATION) ACT, 1971

(Act No. 12 of 1971)

11th June, 1971

AN ACT

to provide for the payment of special allowance to the Parliamentary Secretary and to declare that the office of the Parliamentary Secretary shall not disqualify the holder thereof for being chosen as, or for being a member of the Legislative Assembly of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-second Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Parliamentary Secretary (Payment of Special Allowance and Prevention of Disqualification) Act, 1971.

(2) It shall come into force at once.

Payment of special allowance to the Parliamentary Secretary

2. A member of the Legislative Assembly of Puducherry, who is appointed as Parliamentary Secretary, shall, in addition to the salary and other allowances to which he is entitled from time to time as such member, be paid a special allowance of *[one thousand and five hundred rupees per month].

Office of Parliamentary Secretary not to disqualify

3. It is hereby declared that the office of Parliamentary Secretary shall not disqualify the holder thereof for being chosen as, or for being, a member of the Legislative Assembly of Puducherry.

***** Amended vide Act No.8 of 2009 with effect from 1.1.2005.

STATEMENT OF OBJECTS AND REASONS FOR ACT 12 OF 1971

The object of the Bill is to provide for the appointment of a Parliamentary Secretary from among the members of the Puducherry Legislative Assembly.

A Member of the Legislative Assembly who is appointed as Parliamentary Secretary will have to perform additional functions for which it is proposed to provide for payment to him a special allowance of Rs.150/- While so doing it is made explicit that by this appointment he will not incur any disqualification either for being chosen or being a member of the Assembly.

STATEMENT OF OBTECTS AND REASONS FOR ACT 8 OF 2009

The Parliamentary Secretary (Payment of Special Allowance and Prevention of Disqualification) Act, 1971 (Act No.12 of 1971) came into force w.e.f. 11.6.71. Section 2 of the said Act provides inter alia, for payment of special allowance of rupees one hundred and fifty per month to the Member of the Legislative Assembly who is appointed as Parliamentary Secretary. The quantum fixed in the principal Act in the year 1971 has now become very meagre. The salary and allowances of Ministers, Speaker and the Members were amended from time to time enhancing the quantum of salary and allowances to them. But the special allowance payable to the Parliamentary Secretary has not been revised for the last more than three decades.

Hence, it is proposed to enhance the quantum of special allowance payable to the Parliamentary Secretary from Rs.150 per mensem to Rs.1500 per mensem by amending section 2 of the Parliamentary Secretary (Payment of Special Allowance and Prevention of Disqualification) Act, 1971.

The Bill seeks to achieve the above object.

———

THE HINDU MARRIAGE (PUDUCHERRY AMENDMENT) ACT, 1971
(No. 14 of 1971)

ARRANGEMENT OF SECTIONS

SECTION
1. Short title and extent.
2. Insertion of new section 7A.

THE HINDU MARRIAGE (PUDUCHERRY AMENDMENT) ACT, 1971

(Act No. 14 of 1971)

9th July, 1971.

AN ACT

to amend the Hindu Marriage Act, 1955, in its application to the Union territory of Puducherry.

WHEREAS it is necessary to render valid **suyamariyathai** or **seerthiruththa** marriages;

AND WHEREAS it is expedient to amend the Hindu Marriage Act, 1955 (Central Act 25 of 1955), in its application to the Union territory of Puducherry, for the purposes hereinafter appearing;

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-second Year of the Republic of India as follows:-

Short title and extent

1. (1) This Act may be called the Hindu Marriage (Puducherry Amendment) Act, 1971.

(2) It extends to the whole of the Union territory of Puducherry.

Insertion of new section 7-A in Central Act 25 of 1955

2. After section 7 of the Hindu Marriage Act, 1955 (Central Act 25 of 1955), the following section shall be inserted, namely:---

"7-A. Special provision regarding suyamariyathai and seerthiruththa marriages.-

(1) This section shall apply to any marriage between any two Hindus, whether called suyamariyathai marriage or seerthiruththa marriage or by any other name, solemnised in the presence of relatives, friends or other persons –

(a) by each party to the marriage declaring in any language (which is understood by the parties and by at least two persons in whose presence the marriage is solemnised), that each takes the other to be his wife or, as the case may be, her husband; or

(b) by each party to the marriage garlanding the other or putting a ring upon any finger of the other; or

(c) by the tying of the **thali**,

(2) (a) Notwithstanding anything contained in section 7, but subject to the other provisions of this Act, all marriages to which this section applies solemnised after the commencement of the Hindu Marriage (Puducherry Amendment) Act, 1971, shall be good and valid in law.

(b) Notwithstanding anything contained in section 7 or in any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of the Hindu Marriage (Puducherry Amendment) Act, 1971, or in any other law in force immediately before such commencement or in any judgment, decree or order of any court, but subject to sub-section (3), all marriages to which this section applies solemnised at any time before such commencement shall be deemed to have been, with effect on and from the date of the solemnisation of each such marriage respectively, good and valid in law.

(3) Nothing contained in this section shall be deemed to:-

(a) render valid any marriage referred to in clause (b) of sub-section (2), if before the commencement of the Hindu Marriage (Puducherry Amendment) Act, 1971,---

(i) such marriage has been dissolved under any custom or law; or

(ii) the woman who was a party to such marriage has, whether during or after the life of the other party thereto, lawfully married another; or

(b) render invalid a marriage between any two Hindus solemnised at any time before such commencement, if such marriage was valid at that time; or

(c) render valid a marriage between any two Hindus solemnised at any time before such commencement, if such marriage was invalid at that time on any ground other than that it was not solemnised in accordance with the customary rites and ceremonies of either party thereto:

Provided that nothing contained in this sub-section shall render any person liable to any punishment whatsoever by reason of anything done or omitted to be done by him before such commencement.

(4) Any child of the parties to a marriage referred to in clause (b) of sub-section (2) born of such marriage shall be deemed to be their legitimate child;

Provided that in a case falling under sub-clause (i) or sub-clause (ii) of clause (a) of sub-section (3), such child was begotten before the date of the dissolution of the marriage or, as the case may be, before the date of the second of the marriages referred to in the said sub-clause (ii)".

———

STATEMENT OF OBJECTS AND REASONS FOR ACT 14 OF 1971

There has been and continues to be in vogue among a section of the Hindus in this Union Territory a simple form of Hindu marriage known as *suyamariyathai* marriage or *seerthiruththa marriage*. Such marriage is solemnised by each party to the marriage, saying to the other that each takes the other to be his lawful wife or her lawful husband, or each party to the marriage garlanding the other, or putting a ring upon any finger or the other, or the tying of the thali. No other customary rites or ceremonies are performed or observed. The real intention of the parties to the *suyamariyathai* marriage or the seerthiruththa marriage is to enter upon a lawfully wedded life. It was presumably to simplify to some extent or to dispense with the usual ceremonies of a Hindu marriage and to minimize the expenditure connected with the marriage that the parties have adopted the suyamariyathai or *seerthiruththa* form of marriage. It is considered necessary in the public interest to legalise the *suyamariyathai* or *seerthiruththa* form of marriage, to validate past marriage of that type so to avoid disruption of the family and to make the children legitimate.

2. The Bill accordingly proposes to introduce new section as section 7- A in the Hindu Marriage Act, 1955 (Central Act 25 of 1955). Clause (a) of sub-section (2) of the said new section provides that all *suyamariyathai* or *seerthiruththa* marriages solemnised after the commencement of the amending legislation will be good and valid in law, notwithstanding that the marriages are not solemnised in accordance with the customary rites and ceremonies of the parties to the marriage. Clause 9b) of that sub-section validates past marriages, that is to say, *suyamariyathai* or *seerthiruththa* marriages soleminsed at any time before the commencement of the amending legislation. This is, however, subject to the limitations provided for in sub-section (3), In a case where a man who was a party to a *suyamariyathai* or *seerthiruththa* marriage, on the strength of judicial pronouncements invalidating such marriage, has already contracted a valid marriage observing the customary rites and ceremonies, it is considered that the second valid marriage should not be rendered invalid by reason of the validation with retrospective effect of the first marriage, namely, the *suyamariyathai* or *seerthiruththa* marriage. It is also not the intention of the amending legislation to validate marriage if such marriage was invalid on any ground other than that it was not solemnised in accordance with the customary rites and ceremonies of either party thereto. Necessary provisions for the above purposes have been made in clauses (b) and (c) of sub-section (3) of new section 7-A. Care has also been taken to provide that a suyamariyathai or seerthiruththa marriage solemnised before the commencement of the amending legislation will not be valid if the marriage has been dissolved under any custom or law, or the woman who was a party to the marriage has during the life of the other party, lawfully married another. Where a marriage has already been dissolved, there is no need to validate a marriage which at the time of its solemnisation was invalid, if the woman who was a party to the marriage has discarded her husband and has lawfully married another. Clause (a) of sub-section (3) of new section 7-A contains the provisions necessary in this regard. Provision for the legitimization of the children of the parties to a *suyamariyathai* or *seerthiruththa* marriage solemnised before the commencement of the amending legislation is proposed in sub-section (4) of new section 7-A.

———

THE PUDUCHERRY LANDING AND SHIPPING FEES ACT, 1971
(No. 16 of 1971)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.

2. Definitions.

3. Levy of landing and shipping fees.

4. Rates of fees to be notified.

5. Mode of utilisation of landing and shipping fees collected.

6. Detention of goods until payment of fees.

7. Recovery of damages from the owner of vessel, etc.

8. Penalties.

9. Power to make rules.

———————

THE PUDUCHERRY LANDING AND SHIPPING FEES ACT, 1971

(Act No. 16 of 1971)

4th August, 1971.

AN ACT

to provide for the levy of landing and shipping fees in the port of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty- second Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Landing and Shipping Fees Act, 1971.

(2) It extends to the whole of the Union territory of Puducherry.

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

Definitions

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

(a) "drift" includes timber or other floating matter whether the same is in the possession or under the control of any person or not;

(b) "goods" includes wares and merchandise of every description and carts, carriages, animals, baggage and other articles;

(c) "Government" means the Administrator of the Union territory of Puducherry appointed by the President under article 239 of the Constitution;

(d) "Official Gazette" means the La Gazette de 1' Etat de Puducherry;

(e) "owner" when used in relation to goods, or drift includes any consignor, consignee, shipper or agent for the sale, custody, landing or shipping of such goods or drift;

(f) "pier" includes any stage, stairs, landing place, hard, jetty, floating barge or pontoon, and any bridges or other works connected therewith;

1. The Act has been extended with effect from 1-10-1963 under Puducherry (Laws) Regulation, 1963 vide G.O.No.36, dated 30-3-1971.

(g) "port" means the space within such limits as may, from time to time, be defined by the Government for the purpose of this Act by notification in the Official Gazette and until a notification is so issued within such limits as may have been defined by the Government under the provisions of the Indian Ports Act, 1908 (Central Act 15 of 1908);

(h) "prescribed" means prescribed by rules made under this Act;

(i) "quay" means a landing place conveniently fitted on the shore for the loading or unloading of vessels and includes a wharf;

(j) "wharf" includes any wall or stage and any part of the land or foreshore that may be used for loading or unloading goods, or for the embarkation or disembarkation of passengers and any wall enclosing or adjoining the same;

(k) "vessel" means anything made for the conveyance by water of human beings or property.

Levy of landing and shipping fees.

3. (1) On and from the commencement of this Act, there shall be levied a fee to be called "Landing and shipping fee", upon all the passengers and goods landed from or shipped into any vessel lying or being within the limits of any port within the Union territory of Puducherry at such rate which the Government, may, having regard to the nature of the benefits conferred, services rendered and amenities provided, prescribe in this behalf.

(2) The fees levied under sub-section (1) shall be in addition to any other tolls or charges that are lawfully levied within the port at the commencement of the Act.

(3) The Government may, by general or special order, exempt any class or category of passengers or goods from the payment of fees leviable under sub-section (1) and may remit the whole or any portion of the fees already levied in relation to such class or category of passengers or goods if it is satisfied that there are special grounds for so doing.

Rates of fees to be notified.

4. The rates shall be notified in the Official Gazette and shall also be exhibited at such places, in such language or languages as may be prescribed.

Mode of utilisation of landing and shipping fees collected

5. All amounts collected by way of landing and shipping fees (excluding the cost of collection) under this Act shall be utilised for the following purposes, namely: --

(a) to meet the expenditure on the pay and allowance of the officers and establishment of the Port Department, Puducherry;

(b) to provide for special facilities in respect of import and export of goods from the port such as maintenance of pier, maintenance of trolley lines and providing trolley lines;

(c) to make available adequate quantity of water and power within the port premises;

(d) to build resting places and waiting sheds for passengers;

(e) for such other purposes as are incidental to the aforesaid purposes.

Detention of goods until payment of fees

6. It shall be lawful for the officer appointed in this behalf by the Government or any of his assistants to detain any such goods until the fees are paid and it shall be the duty of such officer to give notice in writing to the owner stating the amount of fees and charges payable in respect of such goods and in the event of such payment being refused or delayed for fourteen days from the date of such notice if the owner or consignee of such goods shall be in the port concerned, or otherwise for a period of thirty days from the date on which such fees are payable, it shall be lawful for such officer to sell or cause to be sold by public auction the said goods, and after paying the expenses of such detention and sale and double the amount of the fees by way of a fine, to pay the surplus, if any, of the proceeds of the sale to the owner or consignee or other person entitled thereto, if claimed within six months from the date of sale:

Provided that if the goods are of a perishable nature, the said officer may sell the same or cause them to be sold at such earlier period being not less than twenty-four hours after the landing of the goods as he thinks fit.

Recovery of damages from the owner of vessel, etc.

7. Where any vessel or drift fouls a pier, jetty, wharf or quay and causes damage thereto, the owner or master of the vessel or the owner of the drift, as the case may be, shall be liable for the amount of such damage which may be ascertained in the manner prescribed and recovered in accordance with the rules made by the Government either by seizure and sale of such vessel or drift and of any property thereon or in such other manner as may be prescribed.

Penalties

8. (1) The law for the time being in force for the punishment of offences relating to the levy or payment of duties of Customs and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of fees leviable under this Act.

(2) Save as provided in sub-section (1), any contravention of any rule made under this Act shall be punishable with fine which may extend to one hundred rupees.

Power to make rules

9. (1) The Government may, subject to the condition of previous publication and by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that 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 thirty days from the date on which the draft of the proposed rules was published.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provided for ---

(a) appointing places where goods or particular classes of goods intended for shipment or landed from ships within the port are to be placed for the purpose of assessing the fee payable and places where passengers may land or embark;

(b) the places, the language or languages in which the rates of fees shall be notified under section 4;

(c) regulating the manner in which such fees shall be assessed and the time within which they shall be paid;

(d) Providing for the ascertainment and recovery of the amount of any damage that may be caused to a pier, jetty, quay, wharf or other work in a port by any person or by any vessel or drift; and

(e) any other matter which is to be or may be prescribed.

(3) Every rule made under this Act shall be laid as soon as possible after it is made, 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 or more successive sessions, and, if before the expiry of the session or the sessions in which it is so laid, the Legislative 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.

STATEMENT OF OBJECTS AND REASONS FOR ACT 16 OF 1971

The Indian Ports Act, 1908 (15 of 1908) has been extended to this territory with effect from 1-10-1963 under the Puducherry (Laws) Regulation, 1963. Although the said Act provides, among other things, for the collection of various dues and charges, it does not provide for the collection of landing and shipping fees. This Bill is intended to empower this Government to collect the landing and shipping fees.

———

THE PUDUCHERRY HINDU RELIGIOUS INSTITUTIONS ACT, 1972
(No. 10 of 1972)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent, commencement and application.

2. Definitions.

3. Appointment of Commissioner.

3A. Powers and functions of Commissioner.

4. Board of Trustees.

5. Disqualifications of trustees.

5A. Power to remove or dismiss any trustee.

5B. Power to dissolve Board.

6. Meetings of Board.

7. Vacancy in the Board not to invalidate proceedings.

8. Duties of trustees.

9. Appointment, powers and duties of Executive officers.

10. Appointment of officers and other employees of Board.

11. Payment of contributions.

12. Recovery of contributions, costs, charges and expenses.

13. Budget of religious Institutions.

14. Accounts and audit.

15. Contents of audit report.

16. Audit report to be submitted to Commissioner.

17. Rectification of defects disclosed in the audit and order of surcharge against trustee, etc.

18. Board not to lend or borrow moneys without sanction.

19. Board may provide for certain other expenditure.

20. Board competent to fix fees for performance of service.

21. Maintenance of register.

22. Annual verification of the register.

22A. Power of Commissioner to enter institutions.

23. Inspection of property and documents.

24. Appeal.

24A. Power of Commissioner to call for records and pass orders.

25. Alienation of immovable property belonging to the institution.

26. Board to seek sanction of the Government for filing, withdrawing or compromising suits, etc.

27. Penalty for contravention of section 4 (7).

28. Other penalties.

29. Sanction of Government for prosecution.

30. Savings.

31. Power to make rules.

32. Repeal and saving.

———

THE PUDUCHERRY HINDU RELIGIOUS INSTITUTIONS ACT, 1972

(Act No. 10 of 1972)

9th October, 1972.

AN ACT

to provide for the administration of Hindu religious institutions in the Union territory of Puducherry and for matters connected therewith.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-third Year of the Republic of India as follows:-

Short title, extent, commencement and application

1. (1) This Act may be called the Puducherry Hindu Religious Institutions Act, 1972.

(2) It extends to the whole of the Union territory of Puducherry.

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

(4) It applies to all the Hindu religious institutions situate in the Union territory of Puducherry.

Definitions

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

(a) "Board" means a Board of trustees appointed by the Government under section 4;

(b) "Commissioner" means the officer appointed under section 3;

(c) "Executive Officer" means a person appointed under subsection (1) of section 9;

(d) "Government" means the Administrator of Puducherry appointed by the President under article 239 of the Constitution;

---

1. The Act came into force on the 1st July 1975 *vide* Notification in Extraordinary Gazette No. 66 dated 30-6-1975.

(e) "math" means a Hindu religious institution with properties attached thereto and presided over by a person, the succession to whose office devolves in accordance with the direction of the founder of the institution or is regulated by usage and ---

(i) whose duty it is to engage himself in imparting religious instruction or rendering spiritual service; or

(ii) who exercises or claims to exercise spiritual headship over a body of disciples, and includes places of religious worship or instruction which are appurtenant to the institution;

Explanation. --- Where the headquarters of a math are outside the Union territory but the math has properties situate within the Union territory, control shall be exercised over the math in accordance with the provisions of this Act, in so far as the properties of the math situated within the Union territory are concerned.

(f) "prescribed" means prescribed by rules made under this Act;

(g) "Hindu religious institution" or "institution" means a math, temple or specific endowment;

(h) "specific endowment" means any property or money endowed for the performance of any specific service or charity in a math or temple or for the performance of any other religious charity;

(i) "temple" means a place, by whatever designation known, used as 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.

Appointment of Commissioner

3. The Government shall, by notification in the Official Gazette appoint an officer, not below the rank of a Deputy Collector, as Commissioner to supervise and control the management of all Hindu religious institutions.

[1] [Powers and functions of Commissioner

3A. Subject to the other provisions of this Act, the administration of all institutions shall be subject to the general superintendence and control of the Commissioner and such superintendence and control shall include the power to pass any orders which may be deemed necessary to ensure that such institutions are properly administered and that their income is duly appropriated for the purposes for which they were founded.]

Board of trustees

4.[2][(1) Every institution shall be administered by a Board of Trustees, which shall consist of five trustees (hereinafter in this section referred to as members), appointed by the Government, by notification in the Official Gazette, out of whom one shall be a person belonging to the Scheduled Castes:

Provided that the Government may, pending the constitution of a Board for any institution appoint a Special Officer to perform the functions of the Board.

(1A) The Government shall nominate from amongst the members a President, Vice-President, Secretary and a Treasurer.].

(2) Subject to the provisions of this Act, the President, Vice-President, Secretary, Treasurer and the member shall perform such functions as may be prescribed.

(3) Subject to the provisions of section 5, every member of the Board shall hold office for a term of three years from the date of publication of the notification appointing him as member and the other conditions of his service shall be such as may be prescribed.

(4) Any member may resign his office by giving notice in writing, for such period as may be prescribed, to the Government and, on such resignation being notified in the Official Gazette by the Government, such member shall be deemed to have vacated his office.

---

1. Inserted by Act 13 of 1973, section 2.
2. Substituted by Act 13 of 1973, section 3.

(5) A casual vacancy caused by the resignation of a member under sub-section (4) or otherwise may be filled by fresh appointment and the person so appointed shall hold office for the remaining period for which the member in whose place he is appointed would have held office.

(6) Every Board constituted before the commencement of this Act for the purpose of the administration of any institution and existing at such commencement shall be deemed to be a Board constituted under the provisions of this Act for the purposes of administration of such institution and the members thereof shall continue to hold office as such for a period of three years from the date of the notification by which they were appointed.

(7) Every member shall, on his ceasing to hold office as such, handover any property, document or cash which was under his control or in his possession by virtue of any of the provisions of the rules made under this Act within such time as may be prescribed, to his successor in office or such other person as the Commissioner may, by order, direct.

Disqualifications of trustees

5. (1) A person shall be disqualified from being appointed as and for being a trustee of any religious institution, ---

(a) if he does not profess the Hindu religion;

(b) if he is less than twenty-five years of age and more than seventy years of age;

(c) if he is an undischarged insolvent;

(d) if he is of unsound mind or is suffering from any mental defect or infirmity which would render him unfit to perform the functions and discharge the duties of a trustee;

(e) if he is interested in a subsisting lease of any property of, or contract made with, or any work being done for, the religious institution concerned, or is in arrears of any kind to such institution;

(f) if he is employed as a paid legal practitioner on behalf of or against the religious institution concerned;

(g) if he has been sentenced by a criminal court for an offence involving moral turpitude, such sentence not having been reversed or the offence pardoned;

(h) if he has acted adversely to the interests of the religious institution concerned.

(2) If a trustee becomes subject to any of the disqualifications mentioned in sub-section (1), the Government shall remove him from the office of trustee:

Provided that no trustee shall be removed under this sub-section on the ground that he has become subject to the disqualification mentioned in clause (e) or clause (h) of that sub-section unless he has been given a reasonable opportunity of being heard in the matter.

(3) A trustee shall cease to hold office if he absents himself from three consecutive meetings of the Board:

Provided that when a trustee who ceases to hold office under this sub-section, applies for restoration within one month from the date of the last of the three meetings, the Board may, at the meeting held next after the receipt of such application, restore him to the office of the trustee on sufficient cause being shown by him for his absence:

Provided further that the trustee shall not be restored to his office more than once during his term of office.

Explanation. --- A meeting of the Board adjourned for want of quorum shall be deemed to be a meeting for the purpose of this sub-section.

[1][Power to remove or dismiss any trustee

5A. (1) The Government may remove or dismiss a trustee of an institution if such trustee ---

(a) fails to discharge the duties and perform the functions of a trustee in accordance with the provisions of this Act or the rules made thereunder; or

(b) disobeys the lawful orders issued under the provisions of this Act or the rules made thereunder; or

(c) continuously neglects his duty or commits any malfeasance, misfeasance or breach of trust in respect of the institution; or

(d) misappropriates or deals improperly with the properties of the institution.

---

1. Inserted by Act 13 of 1973, section 4.

(2) Before taking action under sub-section (1), the Government shall frame charges against the trustee and give him an opportunity of meeting such charges.

(3) Pending enquiry into the charges framed against a trustee the Government may place him under suspension and appoint another person to discharge the duties and perform the functions of the trustee.

Power to dissolve Board.

5B. If any Board persistently makes default in the performance of the duties imposed on it under this Act or exceeds or abuses its powers or is not in a position to function effectively, the Government may by order for reasons to be specified therein supercede the Board and appoint a new Board in its place in accordance with the provisions of section 4:

Provided that before passing an order under this section an opportunity shall be given to the trustees constituting the Board to represent against the proposed supersession.].

Meetings of the Board.

6. (1) The President of the Board may, as often as he considers necessary, and in any case at least once in three months, convene a meeting of the Board.

(2) Every meeting of the Board shall be presided over by the President, or in his absence by the Vice-President, and in the absence of both the President and the Vice-President, any other member chosen by the other members present, shall preside over at such meetings.

(3) When the office of the President of any Board is vacant or where such President is unable to perform the functions of his office by reason of illness or otherwise for a continuous period of more than one month, the Vice- President of such Board shall exercise the powers and perform the functions of the President during the period of such vacancy or absence, as the case may be.

(4) All questions which come up before any meeting of a Board shall be decided by a majority of the trustees present and voting and in the event of an equality of votes, the President, or in his absence the person presiding, shall have and exercise a second or casting vote.

(5) The rules of procedure and the conduct of business at the meetings of the Board, including quorum thereat, shall be such as may be prescribed.

Vacancy in the Board not to invalidate proceedings

7. No act or proceeding of any Board shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of such Board.

Duties of Trustees

8. (1) the trustee of every institution shall be bound to abide by all orders issued under the provisions of this Act.

(2) The trustee of every institution shall administer its affairs in accordance with the customs and usage of the institution and such instructions as the Commissioner may issue from time to time.

(3) A trustee shall exercise all powers incidental to the prudent and beneficial administration of the institution and do all things necessary for the due performance of the duties assigned to him by or under this Act.

Appointment, powers and duties of the Executive Officers

9. (1) The Government may appoint an Executive Officer for an institution or group of religious institutions, if it considers expedient to do so, in the interests of the better administration and management of such institution or institutions.

(2) The Executive Officer shall,---

(a) exercise such powers and discharge such duties as appertain to the administration of the properties of the religious institution or institutions;

(b) have the right to attend the meetings of the Board and take part in the discussions thereat but without the right to move any resolution or to vote;

(c) attend any meeting of the Board, if required to do so by the President thereof;

(d) carry out the resolutions of the Board:

Provided that where in the opinion of the Executive Officer, any such resolution ---

(i) is in excess of the powers conferred on the Board by this Act; or

(ii) affects or is likely to affect the powers and duties of the Executive Officer under this Act; or

(iii) requires the Executive Officer to incur expenditure which is necessary or excessive or is not in accordance with the local custom or usage,

he shall refer the matter to the Government for orders and the decision of the Government thereon shall be final;

(e) furnish to the Board periodical reports regarding the progress made in carrying out the resolutions of the Board;

(f) control all the employees and other servants appointed in connection with the affairs of the religious institution or institutions; and

(g) exercise or perform such other powers or duties as may be prescribed.

Appointment of officers and other employees of Board

10. For the purpose of enabling it efficiently to discharge its functions under this Act, the Board shall, subject to such rules as may be prescribed in this behalf, appoint such number of other officers and other employees as it may consider necessary and every officer or other employee so appointed shall be subject to such conditions of service and shall be entitled to such remuneration as may be determined by the Board.

Payment of contributions

11. (1) Every Hindu religious institution for which an Executive Officer is appointed shall, from the income derived by it, contribute to the Government annually, an amount equal to the pay, allowances and pension contribution of such Executive Officer:

Provided that if an Executive Officer is appointed for a group of institutions, the contributions payable by each of such institutions shall be apportioned by the Commissioner after giving notice to such institutions and considering their objections, if any.

(2) The contributions payable under sub-section (1) shall be notified to the institution in the prescribed manner.

Recovery of contributions, costs, charges and expenses

12. (1) An institution shall remit the amount of contributions payable under section 11 to the Government within thirty days from the date of receipt of the notice under sub-section (2) of that section or within such further period as may be allowed by the Commissioner.

(2) If the amount of contributions so payable is not remitted within the period specified in sub-section (1), such amount shall be recoverable under the revenue recovery law, for the time being in force as if it is an arrear of land revenue.

Budget of religious institutions

13. (1) Every institution shall, before the end of March in each year, submit to the Commissioner in such form as may be prescribed, a budget showing the estimated receipts and expenditure of the institution during the following year.

(2) Every such budget shall make adequate provision for,

(a) the due maintenance of the objects of the religious institution and the proper performance of the services therein;

(b) the due discharge of liabilities or loans binding on the religious institution;

(c) the repair and renovation of the buildings connected with the institution, as may be prescribed;

(d) the contribution to the reserve fund of the institution at such per centum of the income as the Commissioner may fix;

(e) the contributions to be paid under section 11 and the cost of auditing to be paid under section 14;

(f) the maintenance of a working balance.

(3) The Commissioner, after giving notice to the institution and after considering its representations, if any, may, by order, make such alterations, omissions or additions in the budget as he may deem fit.

(4) If, in the course of a financial year, the institution finds it necessary to modify the provisions made in the budget in regard to the receipt or to the distribution of the amounts to be expended under the different heads, it may submit to the Commissioner a supplementary or revised budget.

(5) The institution shall, within two months after the close of every financial year, submit to the Commissioner in such form as may be prescribed, a statement of the actual receipts and expenditure relating to that year with particulars of expenditure, if any, incurred, which is not provided for in the budget including the supplementary or revised budget with reasons therefor and the Commissioner may, after considering the reasons given by the institution, approve such expenditure.

Accounts and audit

14. (1) Every institution shall maintain regular accounts of all receipts and expenditure and the accounts shall be kept for each financial year separately and in such form and shall contain such particulars as may be prescribed.

(2) The accounts of every institution shall be audited by auditors appointed by the Government and such auditors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

(3) It shall be the duty of the Board and the Executive Officer and of all the officers and servants working under them, and any person having concern in the administration of the institution, to produce before the auditors, all accounts, records, correspondence, plans, other documents and movable property including cash and ornaments relating to the institution and to furnish them with such information as may be required and afford them 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 institution.

(4) Every institution whose annual income as assessed by the auditors is not less than one thousand rupees shall pay to the Government annually for meeting the cost of auditing its accounts such contribution not exceeding one and a half per centum of its income as the Commissioner may determine.

(5) The provisions of section 12, shall as far as may be, apply to the recovery of the contribution under sub-section (4), as they apply to the recovery of contributions under that section.

Contents of audit report

15. (1) The auditor shall specify in his report all cases of irregular; illegal or improper expenditure or of failure to recover moneys due or other property belonging to the institution or of loss or waste of money or other property caused by the neglect or misconduct or misapplication or collusion or fraudulent transaction or breach of trust on the part of any trustee or any other person.

(2) The auditor shall also report on such other matters relating to the accounts as may be prescribed.

Audit report to be submitted to Commissioner

16. (1) After completing the audit for any year or part thereof, the auditor shall send a report to the Commissioner.

(2) The Commissioner shall send a copy of every audit report relating to the accounts of an institution to the Board and it shall be the duty of such Board or the Executive Officer to remedy any defects or irregularities pointed out by the auditor, within such time as may be specified therefor by the Commissioner and report the same to the Commissioner.

Rectification of defects disclosed in the audit and order of surcharge against trustee, etc.

17. If on a consideration of the audit report and the report of the Board concerned and after such inquiry as may be necessary, the Commissioner is of the opinion that the Board or any trustee is guilty of irregular, illegal or improper expenditure or of loss or waste of money caused by the failure to recover moneys due or other property belonging to the institution or by neglect or misconduct or misapplication or collusion, or fraudulent transactions or breach of trust; the Commissioner may, after giving notice to the Board or such trustee, as the case may be, to show cause why an order of surcharge should not be passed against such Board or trustee, and after considering the explanations, if any, of the Board or such trustee by order certify the amount so spent or the amount or value of the property so lost or wasted and direct all the trustees of the Board or the trustee concerned, as the case may be, to pay within a specified time such amount or value personally and further direct in the event of the failure to pay such amount, the same shall be recoverable under the revenue recovery law for the time being in force as if it were an arrear of land revenue.

Board not to lend or borrow moneys without sanction

18. No Board shall either lend or borrow any moneys except with the previous sanction in writing of the Commissioner, who shall have power to lay down such conditions and limitations as he deems fit.

Board may provide for certain other expenditure

19. The Board may, out of the funds in its charge, after making adequate provision for the purposes referred to in sub-section (2) of section 13, provide for, by a resolution, the expenditure ---

(a) on arrangements for securing the health, safety or convenience of pilgrims, worshippers or disciples; and

(b) for the training of **archakas, adyapakas, Vedaparayanaikas and othuvars.**

Board competent to fix fees for performance of service

20. The Board shall have power, subject to such conditions as the Government may, by general or special order, direct, to fix fees for the performance of any service, ritual or ceremony in the institution and to determine what portion, if any, of such fees shall be paid to the archakas or other office holders or servants of such institution.

Maintenance of register

21. (1) A register shall be maintained by every institution showing –

(a) the origin and history of the institution and the names of the past and present trustees;

(b) the names of all officers to which any salary, emolument or perquisite is attached and the nature, duration and conditions of service in each case;

(c) descriptive details of the jewels, gold, silver, precious stones, if any, vessels and utensils and other movables belonging to the institution, with their weight and estimated value:

(d) particulars of all other endowments of the institution and of all title deeds and other documents;

(e) particulars of the idols and other images in or connected with, the institution, whether intended for worship or for being carried in procession;

(f) particulars of ancient and historical records relating to the institution with their contents in brief; and

(g) such other particulars as may be prescribed.

(2) The register shall be prepared in duplicate and shall be signed and verified by the President on behalf of the Board and shall be forwarded to the Commissioner for approval.

(3) The Commissioner while approving the register may, after such inquiry, as he thinks fit, direct the Board to carry out such alterations, additions or omissions in the register as he may direct.

(4) One copy of the register as approved by the Commissioner shall be returned to the Board and the other copy shall be retained by him.

Annual verification of the register

22. The President of the Board shall cause the register maintained under section 21 to be scrutinised every year, carry out such modifications and alterations as may be necessary and shall submit a list thereof to the Commissioner within two months from the expiry of that year and the Commissioner shall append the list to the copy of the register in his custody.

[1] [Power of Commissioner to enter institutions

22A. (1) The Commissioner shall have power to enter the premises of any institution at all reasonable times for the purpose of exercising any power conferred or discharging any duty imposed by or under this Act or the rules made thereunder.

(2) If the Commissioner is resisted in the exercise of such power or the discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from the Commissioner, direct any police officer not below the rank of a Sub-Inspector to render such help as may be necessary to enable the Commissioner to exercise such power or discharge such duty.

(3) While exercising the powers under this section, the Commissioner shall before entering the sanctum sanctorum or pooja Gruha or any other portion held specially sacred within the premises of an institution, give reasonable notice to the Board of trustees and shall have due regard to the religious practice or usage of the institution.

---

1. Inserted by Act 13 of 1973. section 5.

(4) Nothing in this section shall be deemed to authorise any person who is not a Hindu to enter any institution or part thereof.

(5) If any question arises whether the religious practice or usage of the institution prohibits entry into the **sanctum sanctorum** or **pooja Gruha** or any other portion held specially sacred within the premises of an institution by the Commissioner or the police officer referred to in sub-section (2), the question shall be referred to the decision of the Commissioner. Before making any decision on any such question the Commissioner may make any such enquiry as he deems fit.

(6) Any person aggrieved by the decision of the Commissioner under sub-section (5) may, within one month from the date of the decision, appeal to the Government:

Provided that the Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of making his representation.]

Inspection of property and documents

23. (1) The Commissioner may inspect any movable and immovable properties belonging to and all records, correspondence, plans, accounts and other documents relating to, any religious institution.

(2) It shall be the duty of every Board and all officers and servants working under it or any agent or person in charge of the administration of the institution to afford all such assistances and facilities as may be necessary or reasonable in regard to any inspection made in pursuance of sub-section (1) and also to produce for inspection any movable property or document referred to in sub-section (1) and to furnish such information as may be necessary in connection with such inspection, if so required.

(3) Where in the course of such inspection it appears to the Commissioner that the trustee concerned or any officer or servant working in the institution or any other person in-charge of the administration of the institution has misappropriated or fraudulently retained any money or other property or incurred irregular, illegal or improper expenditure, the Commissioner may, after giving notice to the trustee or the person concerned to show cause why an order of such charge should not be passed against him and after considering his explanation, if any, by order in writing assess the amount of the loss, if any, as a result of such action and direct the trustee or the person concerned to pay within a specified time such amount personally and further direct that in the event of failure to pay within the time specified, the same shall be recoverable under the revenue recovery law for the time being in force as if it is an arrear of land revenue.

Appeal

24. Any person aggrieved by any order made by the Commissioner under section 11, 14, 17 or 23 may prefer an appeal to the Government within thirty days of the date of communication of such order:

Provided that the Government shall, before deciding an appeal under this section, give the parties concerned a reasonable opportunity of being heard.

[1][Power of Commissioner to call for records and pass orders

24A. (1) (a) The Commissioner may call for and examine the record of any Board of Trustees of an institution in respect of any proceeding under this Act (not being a proceeding in respect of which a suit or an appeal to a court is provided by this Act) to satisfy himself as to the regularity of such proceeding or correctness, legality or propriety of any decision or order passed thereon.

(b) If it appears to the Commissioner that the decision or order of the Board should be modified, annulled or reversed or remitted for reconsideration, he may pass an order accordingly.

(c) The Commissioner shall not pass any order prejudicial to any party without hearing him or giving him a reasonable opportunity.

(d) The Commissioner may, pending the exercise of any power under this sub-section, stay the execution of any decision or order of the Board.

(2) Every application to the Commissioner under this section shall be preferred within three months from the date on which the decision or order to which the application relates was communicated to the applicant.]

---

1. Inserted by Act 13 of 1973, section 6.

Alienation of immovable property belonging to the institution

25. (1) Any exchange, sale, mortgage, gift or lease for a term exceeding three years, of any immovable property belonging to, or given or endowed for the purposes of any institution shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the institution:

Provided that before such sanction is accorded, the particulars relating to the proposed transaction shall be published in such manner as may be prescribed for inviting objections and suggestions with respect thereto and all objections and suggestions so received shall be considered by the Commissioner.

Explanation. --- For the purposes of this sub-section, a lease of the property though for a term not exceeding three years shall, if it contains a provision for renewal for a further term (so as to exceed three years in the aggregate) whether subject to any condition or not, be deemed to be a lease for a period exceeding three years.

(2) When according any sanction under sub-section (1), the Commissioner may impose such conditions and give such directions as he may deem necessary regarding the utilisation of the amount raised by the transaction, the investment thereof and in the case of a mortgage, also regarding the discharge of the same within a reasonable period.

(3) A copy of the order of sanction shall be communicated to the Board and shall be published in the Official Gazette.

Board to seek sanction of the Government for filing, withdrawing or compromising suits etc.

26. No suit, prosecution or other legal proceeding by any Board shall be filed or commenced before any court without the previous sanction of the Government and no suit, prosecution or other legal proceeding shall be withdrawn or compromised by the Board except with the previous sanction of the Government.

Penalty for contravention of section 4 (7)

27. Whoever fails to comply with the provisions of sub-section (7) of section 4 shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Other penalties

28. Whoever contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or of any rules made thereunder other than those for which penalty has been specifically provided under this Act, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Sanction of Government or prosecution

29. No court shall take cognizance of any offence under this Act or the rules made thereunder except with the previous sanction of the Government.

Savings

30. Save as otherwise expressly provided in this Act or the rules made thereunder, nothing in this Act shall –

(a) affect any honour, emolument or perquisite to which any person is entitled by custom in any religious institution or its established usage in regard to any other matter; or

(b) authorise any interference with the religious or spiritual functions in any institution.

Power to make rules

31. (1) The Government may, by notification in the Official Gazette, 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 period of notice to be given under sub-section (4) of section 4;

(b) the manner and the time in which a member who ceases to hold office is to hand over the property, document or cash which was under his control or possession;

(c) the rules of procedure and the conduct of business at the meetings of the Board, including the quorum thereat;

(d) the powers and duties of the Executive Officers under sub-section (2) of section 9;

(e) the manner in which officers and other employee of the Board may be appointed;

(f) the manner in which the contribution payable under sub-section (1) of section 11 shall be notified to the institution;

(g) the form and contents of the budget and the form of the statement of actual receipts and expenditure and the manner in which they are to be submitted in accordance with section 13;

(h) the manner in which the contributions under sub-section (4) of section 14 shall be apportioned and notified;

(i) the manner in which registers and accounts are to be maintained;

(j) the manner in which proposals of alienation of immovable property belonging to the institution is to be published under section 25; and

(k) any other matter which is required to be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made 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 or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions aforesaid, the Legislative 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.

Repeal and saving

32. (1) On the commencement of this Act, the Arrete dated 29th June 1918, and the Royal Ordinance dated 30th September 1827 (hereinafter called the corresponding laws) shall stand repealed.

(2) Nothing in sub-section (1) shall affect,---

(a) the previous operation of the corresponding laws so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the corresponding laws so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding laws 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 had not been passed.

STATEMENT OF OBJECTS AND REASONS ACT 10 of 1972

The Religious Institutions of this Union territory are governed by the arrete dated 29th June 1918 of then French Administration. As it stand, it is sketchy pace of legislation which does not cast definite responsibilities on the trustees nor empowers the Government to take adequate action. To effectively supervise the affairs of the Religious institution, new provisions to meet the difficulties arising on the subject are felt necessary.

The present Bill seeks to achieve the above object.

STATEMENT OF OBJECTS AND REASONS ACT 13 OF 1973

The Puducherry Hindu Religious Institutions Act, 1972, replaced the old Decret on the subject. The said Act does not contain any provision for the appointment of Scheduled Castes to the Boards of Trustees to be constituted under the Act. There have been persistent requests for giving due representation to the Scheduled Castes in the Boards of Trustees. To keep pace with the changing conditions, it is felt necessary to make provisions for the appointment of a person belonging to the Scheduled Castes as a member of the Boards of Trustees. Opportunity has been taken to include certain provisions in the Act to effectively supervise the affairs of the Hindu Religious institutions.

The Bill seeks to achieve the above objects.