

## PART II

## **THE PONDICHERRY CINEMAS (REGULATION) RULES, 1966**

# LA GAZETTE DE L'ETAT

DE PONDICHERRY

PUBLIEE PAR AUTORITE

EXTRAORDINAIRE

N° 23 PONDCHERY LE MARDI 22 MARS 1966 (1 CHAITRA 1887)

GOVERNMENT OF PONDICHERRY  
HOME DEPARTMENT

No.F.36-1/66 Home.

Pondicherry the 22nd March 1966.

## NOTIFICATION

S.O.NO.14-In exercise of the powers conferred by subsection (2) of Section 1 of the Pondicherry Cinemas (Regulation) Act. 1964 (Act No XIII of 1964), the Lieutenant Governor, Pondicherry, hereby appoints the 22nd day of March 1956 as the date on which the said Act shall come into force in the Union Territory of Pondicherry.

P.L. SAMY,  
Under Secretary to Government.

G.S.R. No5 - In exercise of the powers conferred by Sub-Section (1) of Section 12 of the Pondicherry Cinemas (Regulation) Act, 1964 (Act No.XIII of 1964), the Lieutenant - Governor, Pondicherry, hereby makes the following Rules, namely:

## PART I - GENERAL

1. These Rules may be called the Pondicherry Cinemas (Regulation) Rules, 1966.

2. These Rules shall apply to all the existing cinema premises in the Union Territory of Pondicherry and the those who come into existence after the publication of these rules in the Official Gazette,

3. In these rules, unless there is anything repugnant in the subject or context-

(a) "Act " means the Pondicherry Cinemas (Regulation) Act, 1964 ;

(b) <sup>1</sup> [ "Appellate Authority means the Government or such authority as the Government may specify in this behalf under sub-section (5) of section 5 of the Act.] <sup>1</sup>

(c) " Auditorium " means the portion of licensed place in which accommodation is provided for the public to view the cinematograph exhibition;

(d) " Enclosure " means the portion of the licensed place in which the cinematograph apparatus is erected;

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1. Substituted by G.O.Ms No.20 dt 5-3-76

(e) " Form " means form annexed to these rules;

(f) " Local Authority " means the Mayor of the concerned commune;

(g) " Permanent Building " means a building which is constructed for permanent use with stones, mud, brick, mortar, cement or other non-inflammable material.

Explanation :- Where the floor, roof, side walls, galleries and staircases of a building are made of non-inflammable material, the building shall, for the purpose of these rules, be deemed to be a permanent building.

(h) " Temporary Building " means a building which is not a permanent building ;

4. If any question arises as to the interpretation of these rules otherwise than in connection with the prosecution for an offence, the question shall be referred to the Government whose decision thereon shall be final.

5. No person other than a company or association shall be entitled to obtain or hold any licence under the Act unless such person has attained the age of 21 years.

6. The licensee shall comply with such of the provision of the Indian Electricity Act, 1910 and of the rules made thereunder as are applicable of the premises.

7. Any Police Officer not below the rank of a Sub-Inspector, any Fire Officer not below the rank of a Sub-Officer, any Health Officer, any Magistrate having jurisdiction over the area, the Electrical Inspector or his representative, the licensing authority or his representative and the Executive Engineer, Public Works Department or any person authorized by him may enter at any time, any place licensed or proposed to be licensed under the Act for the purpose of satisfying himself that the provision of the Act and the rules thereunder are carried out correctly by the licensee.

In case of any breach, the inspecting authorities should draw the attention of the licensing authority for necessary action.

8. The licence and the plan and description attached thereto shall be produced on demand by any Police Officer not below the rank of Sub-Inspector or by the licensing authority or by the Electrical Inspector or by the Executive Engineer, Public Works Department, or by any persons authorised by them in this behalf.

9. The licensee, his servants and agents shall comply with all orders issued by the Electrical Inspector, the licensing authority or police officers acting on their behalf from time to time or as occasion arises for the safety or convenience of the public or for the preservation of order or the maintenance of peace. The licensing authority may, if circumstances so require, impose safeguards for the purpose in addition to those laid down in those rules.

<sup>1</sup> [10. (1) During exhibition of films the enclosure shall be in charge of an operator who holds a certificate in Form 'G' granted under and in accordance with the regulations in Appendix II by the <sup>2</sup>[Electrical Inspector, Central Electricity Authority, AB-5, Safdarjang Enclave, New Delhi - 110016) ("hereinafter referred to as Electrical Inspector") or by an officer not below the rank of Deputy Director Central Electricity Authority]<sup>2</sup> duly appointed to assist the Electrical Inspector to effect that he is competent to handle and operate a Cinematograph.

(2) The Operator shall be present in the enclosure during the whole period of operation of the machine. Before the commencement of each performance, he shall satisfy himself that all cables,

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1. Substituted by G.O. Ms. No.27 dt 9-3-1974

2. Substituted by G.O. Ms. No.118 dt 15-10-74

leads connections and resistances as also the fire extinguishing appliances in the enclosure are in good working order.

(3) The Cinemas licensee shall report to the Electrical Inspector, the name of the Operator and serial number of the certificate granted by the Electrical Inspector together with his letter of consent and any change in the personnel.

**Note:** Sub-rule (1) and rule 10 shall not apply to Cinema Operators in service on as the date of publication of these rules and shall apply only to the operators employed after that date.]

11. If the applicant for the licence is the owner of the site, building and equipment, he shall produce to the licensing authority the necessary records relating to his ownership and possession thereof. If he is not the owner, he shall to the satisfaction of the licensing authority, produce documentary evidence to show that he is in lawful possession of the site, building and equipment.

12 (1) There shall be no restriction to the grant of licences to permanent and touring cinemas on the basis of population in any place, except towns with a population of 30,000 and above in which no touring cinemas will be allowed, if there are three or more permanent cinemas.

(2) The restrictions in respect of distance between cinemas shall be as specified below:

A touring cinema in any place shall not be allowed within a distance of 3 kilometres of the nearest permanent cinema.

The distance between any two touring cinemas shall not be less than 1.5 kilometres.

There shall be no restriction in regard to the distance between one permanent cinema and another permanent cinema.

(3) The distance between cinemas in any place or in adjacent places shall be reckoned along the shortest pathway, lane, street, road or any other route connecting the cinemas which is generally used by the members of the public.

(4) The distance between any two cinemas shall be reckoned from the main entrance of one cinema to the main entrance of another.

## **PART II (a) - APPROVAL OF LOCATION OF PERMANENT CINEMAS**

13. (1) A person who intends to build a permanent cinema building shall furnish the licensing authority with relevant particulars required in Form A. The applications shall be accompanied by a plan of the proposed site drawn to scale and shall clearly indicate the surrounding roads and buildings which exist up to distance of 200 metres of the proposed site, schools, hospitals, temples or other places being clearly indicated.

(2) A copy of the application in Form 'A' referred to in sub-rule (1) shall be sent to the local authority which shall forward it within one month from the date of receipt of application from the applicant, to the licensing authority with its remarks recording its objection, if any, to the site and to the installation of machinery.

(3) A copy of the application shall also be sent to the Superintendent of Police, in Pondicherry and Karaikal regions or the Inspector of Police in Mahe and Yanam regions, who shall remit it, within one month from the date of receipt of application from the applicant, to the licensing authority, with objections if any, from the traffic point of view.

**Note:-** On receipt of the application from the applicant, the licensing authority shall ensure from the local authority and the Police that they have received copies of the application and ascertain dates of their receipt to avoid non-receipt or delay in receipt of the copies by the authorities concerned. If no reply is received within the time prescribed in sub-rules (2) and (3), it shall be presumed by the licensing authority that there is no objection on their part.

14. (1) After consideration of the application with reference to the objections of the local authority or the police and the following matters, viz:-

- (a) the interest of the public generally ;
- (b) the suitability of the place where the cinematograph exhibitions are proposed to be given ;
- (c) the adequacy of existing places for the exhibition of cinematograph films in the locality ;
- (d) the benefit to any particular locality or localities to be afforded by the opening of a new place of cinematograph exhibition ;
- (e) the previous experience of the applicant ;

the licensing authority shall grant a no objection certificate in Form 'B' or may refuse to grant the same, within two weeks after the receipt of the remarks of the local authority and the police or within one month, if the licensing authority has to get any further report.

(2) Any applicant aggrieved by the orders of the licensing authority refusing to grant a 'No Objection Certificate' may appeal to the appellate authority. The rules in Part III shall apply to such appeals.

## **Part II (b) - Approval of plan of building.**

15. (1) On receipt of the certificate referred to in rule 14, the applicant shall submit an application for approval or plan of building to be constructed in the approved site. Such application shall be accompanied by :-

(i) complete plans, elevations and sections in duplicate of the premises and of all erections or buildings thereon drawn correctly to a scale of one centimetre to a metre (1/100) and showing the position of the electrical machinery and cinema apparatus prepared by an Engineer holding a B.E. Degree or any other equivalent degree of a recognised University.

(ii) a block plan in duplicate on a separate sheet showing the position of such premises in relation to any adjacent premises and to the public thoroughfare upon which the site of such premises abuts, drawn to a scale of not-less than 2mm. to a metre (1/500):

(iii) a treasury receipt for the payment of fees if any, for construction of building and installation of machinery at the rates prescribed by the local authority ; and

(iv) a plan (in single line) of the wiring in duplicate a copy of which shall be sent to the Electrical Inspector. The plan should conform, as far as may be to the diagram appended to the rules.

(2) The cardinal points shall be marked on such drawings. All drawings shall be coloured to distinguish the material employed in the construction of buildings and erection.

(3) The width of all staircases and the number of steps in each, the width of corridors, gangways and doorways together with the height of any galleries or tiers in such premises and in any of the erections or buildings in connection therewith as are more than one tier in height shall be indicated in

such drawings, as well as the floor and roof ventilation and the details of any intended gas or electric installation. The thickness of the walls and scantlings of the various materials used shall be clearly shown on such drawing by figures dimensions.

16. On receipt of the plan in duplicate, the licensing authority shall consult the Executive Engineer, who shall send his report within one month from the date of receipt of reference from the licensing authority. The licensing authority shall issue or refuse approval of the plan of building within two weeks after the receipt of the report of the Executive Engineer. If the licensing authority obtains the opinion of the Director of Public Works Department, the period shall not exceed one month.

17. An exemption may be granted by the Government from the operation of any particular condition or restriction, provided a strict application of it involves-

- (a) heavy structural alteration to the existing premises; and
- (b) enormous cost or loss to the licensee.

## **PART II (C).**

### **Approval of building constructed and issue of licence.**

18. (1) On commencement of construction, the applicant shall notify the Executive Engineer, Public Works Department, to enable him to issue to certificate of structural soundness under sub-rule (4).

(2) On completion of the building according to the approved plan, the applicant shall obtain-

<sup>1</sup> [ (i) a certificate in Form C1 from the Executive Engineer, regarding the structural soundness of the building and its conformity to the approved plan covering the provisions in rules 25 and 26 in this part, rules 42 to 44, 47, 48, in Part IV and rules 63 to 65 in Part V ; ] <sup>1</sup>

(ii) a certificate in Form 'D' from the Electrical Inspector covering the provisions in rule 10 in Part I, rules 23 and 24 in this Part, rules 53 to 62 in Part IV and rules 69 to 74 in Part V.

**Note:** The Executive Engineer shall issue the structural soundness certificate and the Electrical Inspector the electrical certificate within one month from the date of receipt of the application from the applicant. The Executive Engineer shall issue the structural soundness certificate within two months from the date of receipt of application from the applicant, if the matter is referred to the Director of Public Works Department for second technical opinion.

(3) The Electrical Inspector's certificate shall be valid for a period of one year provided that, for reasons to be recorded in writing, the officer granting the certificate may reduce the period of validity of the certificate to any shorter period.

(4) The Executive Engineer's certificate regarding structural soundness of the building shall be valid for such period as may be certified by him. Before the expiry of the certified period, the building, shall, on application by the licensee be inspected again and subject if necessary to conditions and alterations be certified again for a suitable period.

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1. Substituted by No.F.32-5/66-H dt. 24-6-1967, E.G.No.50 dt. 29-6-1967.

**Explanation:** For the purpose of issuing a certificate under this rule, the Executive Engineer, shall have power to make an inspection of the building including the right to probe any portion of the structure and to call upon the applicant for the licence to furnish him with detailed particulars regarding the quality and proportion of the materials used in the construction of the building.

(5) The applicant, if aggrieved by an order of the Executive Engineer, refusing to grant a structural soundness certificate shall have the right to refer the matter to the Director of Public Works Department concerned whose technical opinion thereon shall be final.

19. After obtaining the certificates referred to in rule 18, the applicant shall submit his application for licence in writing to the licensing authority. The application shall be accompanied by -

(i) The certificate issued by the Executive Engineer, and the Electrical Inspector:

(2) A declaration by the applicant to the effect that he has completed all arrangement for obtaining films approved by the Central Government for the purpose of directions under Section 7 of the Act for exhibition at each performance together with a statement from the suppliers confirming that arrangements have been made ; <sup>1</sup> [ \* \* \* ] <sup>1</sup>

(3) A treasury receipt for the payment of fees for licence at the rates prescribed in . <sup>2</sup> [rule 21; and] <sup>2</sup>

(4). <sup>3</sup> [(4) Evidence of having insured the cinema building, machinery, etc., against fire hazards]<sup>3</sup>

20. (1) On receipt of the application for licence together with the certificate referred to in rule 19, the licensing authority shall issue to the applicant within two weeks from the date of its receipt a licence in Form 'C' or refuse to issue such a licence. A copy of the plans and drawings referred to in rule 15 shall be attached to the licence.

(2) Every licence issued under sub-rule (1) above shall be valid for a period of one year provided that the Electrical certificate and structural soundness certificate in respect of the licensed premises continue to remain valid.

21. (1) For every licence when granted, a fee shall be charged according to the scale laid down below:

**For an annual licence :** (i) <sup>4</sup>[ Rupees one hundred for an area of 100 square metres or less with an additional fee of rupees fifty for every 50 square metres or fraction thereof in excess of 100 square metres subject to a minimum of rupees five hundred only.]<sup>4</sup>

(ii) One-half of the fee shall be credited to the local authority concerned.

(iii) In case of refusal of the grant of a licence, a refund at the rate of one-half of the total amount of the fee collected, may be made to the applicant. The application for such refund shall, however, be made by the applicant within one month from the date of receipt of the orders of rejection of his application for grant of licence. The refund shall be made after the expiry of the period of appeal or after the disposal of the appeal if one has been presented.

(iv) A duplicate of a licence may be granted on payment of a fee of Rs.5.

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1. Omitted by G.O.Ms.No88 dt 27-10-1978

2. Inserted by G.O.Ms.No88 dt 27-10-1978

3. Inserted by G.O.Ms.No88 dt 27-10-1978

4.Substituted G.O.Ms.No55 dt 23-11-2001 in EOG No. 26 dt 30/11/2001.



<sup>1</sup> [21 (2). The fees mentioned in sub-rule (1) shall be paid in advance by the applicant for licence into a Government Treasury to the credit of the Government under the head "LII- Miscellaneous - Miscellaneous fees under the Pondicherry Cinemas (Regulation) Rule, 1966] <sup>1</sup>

22. (1) For the inspection of the enclosure, cinema apparatus and plant, electric installation, fire fighting and precautionary measures, when first erected, a fee of rupees one hundred shall be paid in advance by the applicant for the licence into a Government treasury to the credit to the Government under the head "XIII - Other Taxes and Duties - B. Electricity Duties - (a) Fees under the Indian Electricity Rules and fees for the electrical inspection of cineams"

(2) A duplicate of the electrical certificate may be granted by the Electrical Inspector on payment of a fee of Rs.3 provided that the application is submitted through the licensing Authority.

23. (1) The Electrical Inspector or any officer deputed by him, inspecting an installation under rule 22 shall, if he discovers any defect therein, issue written orders to the owner or person in charge for their rectification and prescribe a reasonable time within which such orders should be carried out.

(2) If, in the interval between two inspections, any further inspection shall, in the opinion of the Electrical Inspector or the officer deputed by him or the licensing authority have become necessary.

(i) owing to the neglect or failure of the owner or person in charge to carry out any written orders issued under sub-rule (1), within the time prescribed by the Electrical Inspector or the officer deputed him ; or

(ii) owing to other reasons to be recorded in writing a fee of Rupees sixty shall be charged for such further inspection and such fee shall be paid by the licensee on demand by the Electrical Inspector.

24. (1) No addition to or alteration of any part of the electrical installation within the cabin or auditorium or of the arc or projector in the cabin shall be made without the prior sanction of the licensing authority being obtained therefor. The licensee shall notify in writing his intention to make such addition or alteration simultaneously to the licensing authority and to the Electrical Inspector. The Licensing Authority shall not accord his sanction for the addition or alteration unless the Electrical Inspector or the Officer deputed by him certifies that the alteration or addition fulfills the requirements of these rules.

(2) Any temporary changes necessitated by sudden breakdowns should be reported simultaneously to the licensing authority and to the Electrical Inspector by wire immediately and in writing within 24 hours.

25. No subsequent addition or alteration shall be made to premises in respect of which a licence has been granted or to any part thereof, without the sanction of the licensing authority being obtained therefor and the plans and drawing relating to such addition or alteration being approved of by him.

26. The licensee shall give notice in writing to the licensing authority of his intention to add or alter the licensed premises or any portion thereof and such notice shall describe clearly the intended additions or alterations and be accompanied by complete plans, elevations and sections and block plan and specifications of the work proposed to be executed, drawn up in the manner required by rule 15 in Part II (b). The licensing authority shall, before according sanction to the proposed addition or alteration, follow as far as may be the procedure laid down in rule 16 in that part.

**PART II (d) - RENEWALS**

27. (1) Every application for the renewal of the licence shall be made one month before the expiry of the existing licence.

Such application shall be accompanied by -

(i) a declaration referred to in item (2) in rule 19 in Part II (c), <sup>1</sup> [ \* \* \* ] <sup>1</sup>

(ii) a treasury receipt for the payment of fees at the prescribed <sup>2</sup> [rates ; and] <sup>2</sup>

(iii). <sup>3</sup> [ evidence of having insured the cinema building, machinery, etc., against fire hazards.]<sup>3</sup>

(2) A copy of every such application shall be sent simultaneously to the Electrical Inspector direct.

**Note:** Application for renewal of the licence in respect of existing cinema premises shall be accompanied by plans and drawings referred to in rule 15 and a certificate of structural soundness prescribed in rule 18 (2)( i).

28. For every licence when renewed a fee shall be charged according to the scale laid down in rule 21 in part II (C). In the case of refusal of the renewal of a licence, the provisions regarding refund in sub-rule (iii) of that rule shall apply.

29. (1) On receipt of the application for renewal of the licence, the licensing authority or an officer deputed by him shall inspect and satisfy that all the rules including rule 43 in Part IV and rules 63 and 64 in Part V for sanitation are observed before the licence is renewed.

(2) Every licence renewed under sub-rule (1) shall be valid for a period of one year provided that the Electrical Certificate and the structural soundness certificate in respect of the licensed premises continue to remain valid.

30. (1) If, on an application for the renewal of a licence made under rule 27, the licensing authority does not for any reason before the date of expiry of the licence, either renew and return the licence or refuse to renew the same, he shall grant a temporary permit in Form E provided that the Electrical Inspector's Certificate continues to remain valid.

(2) Such temporary permit shall be subject to the conditions of the licence sought to be renewed, and shall be valid for a period of one month from the date of the grant thereof and may be renewed by the licensing authority for further periods of one month at a time:

Provided that the temporary permit shall cease to be valid and shall be surrendered to the licensing authority on the applicant receiving the licence duly renewed or on his receiving an order refusing to renew the licence:

Provided further that the temporary permit shall be surrendered to the licensing authority on demand made at any time in that behalf.

(3) No fees shall be levied for the grant of such temporary permit.

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1. Omitted by G.O.Ms.No.88 dt. 27-10-1978

2. Inserted by G.O.Ms.No.88 dt. 27-10-1978

3. Inserted by G.O.Ms.No.88 dt. 27-10-1978

(4) The temporary permit shall, during the period of its validity, be deemed to be a licence for the purpose of these rules.

31. (1) Every application for renewal of the Electrical certificate shall be made one month before the expiry of the period of validity of the certificate.

(2) At every renewal of the Electrical Inspector's certificate, the enclosure, cinema apparatus and plant, electrical installation and fire precautionary measures, shall be inspected by the Electrical Inspector or an officer deputed by him who will certify that the installations continue to be maintained in proper working order according to the rules.

32. (1) For the inspection under rule 31 before renewal of certificate, a fee of Rs. 60 shall be paid into a Government treasury under the head of account specified in rule 22 and the treasury receipt furnished direct to the Electrical Inspector three months before the date of expiry of the period of validity of the certificate.

(2) If the treasury receipt is not furnished within the period referred to in sub-rule (1), a penalty of one third of the fee specified in that rule for a delay of each month or fraction thereof shall also be paid into a Government treasury to the credit of the Government and treasury receipt to the payment of the penalty shall be furnished to the Electrical Inspector along with the treasury receipt relating to the payment of the fee for the inspection.

### **PART III - APPEALS**

33. Every appeal under sub-section (5) of Section 5 of the Act against the decision of the licensing authority shall be preferred within thirty days of the date of receipt of the order appealed against :

Provided that, if any doubt arises as to the date of receipt of the order by the person aggrieved, the decision of the appellate authority shall be final :

Provided further that appellate authority may admit an appeal preferred within a period of two months after the expiry of the prescribed period of thirty day aforesaid, if sufficient cause is shown for not preferring the appeal before the prescribed period :

Provided also that, where an appeal is presented within the prescribed period of thirty days aforesaid but is returned by the appellate authority for representation in the prescribed manner and if such appeal is represented in the manner prescribed and within the date, if any, specified by the appellate authority for the representation of the appeal, the appeal so represented shall be deemed to have been presented within the prescribed time for the purpose of this rule.

34. (1) An appeal preferred under rule 33 shall be submitted in duplicate in the form of a memorandum setting forth concisely the grounds of objection to the order which is the subject of appeal and shall be accompanied by the original or a certified copy of the order appealed against.

(2) The appeal shall be signed by the appellant or by his authorised agent and presented to the appellate authority in person or by agent at any time during the office hours on any working day or sent by registered Post-acknowledgement due. The authorisation of the agent to present appeals shall be in writing and shall accompany the appeal unless the agent holds a power-of-attorney.

35. A fee of Rupees fifty shall be paid in respect of each appeal and the memorandum of appeal shall be accompanied by a treasury receipt for the amount of the fee due on the appeal.

<sup>1</sup> [ The fee shall be paid into a Government treasury to the credit of the Government under the head "LII-Miscellaneous - Miscellaneous fees under the Pondicherry Cinemas(Regulation) Rules, 1966.] <sup>1</sup>

#### **PART IV - BUILDING**

36. (1) No site which would admit of storm-water draining into it owing to its level or location, shall be used for the construction of a building unless arrangements are made to prevent effectually the flooding of the site either by draining into a storm-water course, if one is available, or by raising the level of the site to an adequate height by the deposit of layers of sound and non-purrescible material.

(2) No site wherein the soil and sub-soil would be so saturated with water that dampness of the floor and walls of the building would be inevitable, shall be used for the construction of a building, unless a damp-proof course is provided in the basement of the building not higher than the level of the lowest floor and unless the flooring is made with a material approved by the licensing authority which would effectively prevent the dampness rising in the floor of the building.

(3) Every person who constructs, reconstructs or alters, or adds to, a building shall, wherever the site is within 20 metres of any tank, reservoir, water-course, river, fresh-water channel, or well, carry out such measures as may be necessary or as the licensing authority may direct, for the purpose of preventing any contamination of, or any risk of the drainage of the building passing into, such tank, reservoir, water-course, river, fresh-water, channel or well.

37. (1) The foundation of every building newly constructed shall be -

(i) so constructed that they will sustain the combined load of the building and of the superimposed load and transmit those loads to the sub-soil in such manner, as not to impair the stability of the building or any part thereof by the settlement caused by the pressure of such loads ; and

(ii) taken down to such a depth, or so constructed, as to render the building immune from damage from movements due to seasonal variations in the content of moisture, in the ground.

(2) Every person who constructs, reconstructs, adds to, or alters a building, shall take necessary steps so as to secure proper stability of the building and to render the building immune from any settlement or movement that may be caused in the soil on account of seasonal variations in the contents of moisture, inequalities of soil resistance, lateral escape of soft soil, sliding of the substratum on sloping ground, distributed or concentrated lateral pressure, or other causes.

38. Every person who constructs, reconstructs, adds to or alters a building shall comply with the following requirements:-

The ground floor or lowest floor of the building shall be at such a level as will allow of the effectual drainage of that floor. It shall ordinarily be not less than 50cm. above the ground or site level.

39. Every building shall be provided with means for the effectual drainage of storm-water, sullage and sewage from the premises, and sufficient and suitable sanitary conveniences for the use of the occupants of the building.

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1. Inserted by No.F.32-5/66-H dt. 24-6-1967

40. Every permanent cinema building shall satisfy the following requirements:-

(1) Such building has a road frontage on the public thoroughfare upon which the site of such building abuts ;

(2) Suitable booking windows for the various classes are provided within the building in such a position that there is room for queues of would-be purchasers of tickets to form up within the premises without causing any obstruction to traffic on the public road ;

(3) Suitable handrailing 1.25 metre high in front of booking windows shall be provided to enable would-be purchasers of tickets to form up queues within the premises. The handrailing should be galvanized iron pipes at 25cms. to 30cms. in tubular posts or reinforced concrete work or wood work and should be so located that the width of the passage is not less than 60cms. ;

(4) Suitable shelters shall be provided for protecting the would-be purchasers of tickets standing in queues from sun and rain. The shelters may be of permanent pucca construction or of a light type of construction with asbestos cement sheets over steel or precast reinforced concrete members. The shelters should be so arranged that they do not affect light and ventilation and at the same time afford protection against sun and rain for the would-be purchasers of tickets standing in the queues ;

(5) The handrailing and shelter mentioned in sub-rules (3) and (4) above shall be sufficient to accommodate at least one-third of the number of the would-be purchasers of tickets ; and

(6) Suitable means of entrance and exit are provided for the public in such frontage.

41. The building shall be provided on at least three of its sides with an open space of not less than 6 metres in width or of such greater width as may be required by the licensing authority for parking the number of cars which would be normally attracted.

The eaves of the building shall have a height of not less than 3 metres.

42. The premises shall be enclosed with proper external or party walls of brick or stone.

43. The licensee shall provide suitable means of drainage to the building and also sanitary conveniences of such description and design as may be prescribed on the recommendation of the Executive Engineer - I, who has to issue the structural soundness certificate of the building, for the exclusive use each sex according to the scale indicated below and shall cause the same to be maintained in good order and sanitary condition :

Scale of sanitary accommodation to be provided.

Men -

Urinals-One stall (seat) for every hundred persons.

Latrines-One stall (seat) for every two hundred persons.

Women -

Same scale as for men.

44. The floor, roof, ceilings, private boxes, balconies, galleries, tiers, partitions and any room, lobby, corridor and passage intended for the use of the public shall; be constructed of fire-resisting materials :

Provided that the following materials may be used for the ceiling, namely :-

Acoustic Celotex.

Asbestos Spray.

Canec.

Celotex.

Heraklith

Insulite Building Board (Texmitox) and Insulite Hard Board and "Ljusne woxa" Insulation Board.

Insulwood, Treetax.

Acosto Sound Insulation Board

" Light Crete " "Unika Sound Insulating Board" and "Anitone Acoustic Tiles".

"Gypsum Panel Board"

"Swan brand" 1.5 cms. insulation board made in Swedan.

"Ankar Board" poras, 1.5 cms. inch.

Thermo-coustic Insulation Board.

45. Where the first tier balcony extends over the pit or stall, the height between the floor of the pit or stall and such tier or balcony shall not, in any part, be less than 3 metres, the height between the floor of the highest of the gallery and the lowest part of the ceiling over the same shall not, in any part be less than 3.75 metres. The height between any tier and the tier or ceiling above it shall, in no case, be less than 2.50 metres.

46. (1) No Corridor leading to any staircase communicating with any exit shall be less than 1.50 metres in width in any part thereof.

(2) Where possible, gradients or inclined planes shall be used instead of steps, but no gradient or inclined planes shall be steeper than 1 in 10.

47. Where cloak-rooms are provided, they shall be so situated that the use of them shall not obstruct the free use of any exit.

48. (1) All outside doors for the use of the public shall be made to open outwards and all internal doors shall be so fitted as not to obstruct, when open, any gangway, passage stairway or landing. Such doors, when open should engage on an automatic spring.

(2) The size of the doorways shall not be less than 2.25 metres by 1.5 metres, the width being measured between the leaves of the door in the open position.

(3) When door open on to any gangway, passage stairway or landing, such doors shall open in the direction the public move to the Exit. No door shall open out directly on to a flight of steps. There shall be a landing of at least 1.50 metres flush with the floor.

**Note :** " Door" includes exit or entrance way

49. (1) All staircases shall be constructed entirely of stone, cement or concrete with fire-resisting roof and ceiling and shall have solid square (as distinguished from spandrel) steps and landing of approved stone or of such other fire-resisting material and construction as may be approved by the licensing authority with treads not less than 28cms. wide and with risers not more than 16cms. high (each lapping at least 3cms. over the back edge of the step below it) in flights of not more than 15 or less than 3 steps.

(2) The floors of all landings shall be 15cms. thick.

(3) Every staircase forming an exit from an upper gallery or tier of the auditorium shall be enclosed on both sides with walls of bricks or fire-resisting materials in the storyes through which it passes, and no openings shall be made into auditorium except the one required for exit from the gallery or tier which it serves :

Provided that staircases leading to the first or lower gallery or tier may be left open on one side in which case the open side shall be provided with extra stout handrails and balusters, but in no case shall staircases be left open on both sides.

(4) All enclosed staircases shall have on both sides strong handrails firmly secured to the wall by strong metal brackets about 8cms. clear therefrom and about 1 metre above the stairs but such handrails shall not run on level platforms and landings where the lenth of such platform or landing exceeds the width of the stairs.

(5) where the flight of steps returns upon itself the newel wall shall be chased so as to allow the handrails to trun without projecting over the landing.

(6) The treads and risers of steps on each flight shall be of uniform width and height.

(7) Each flight of steps shall be properly supported and enclosed to the satisfaction of the licensing authority.

(8) No staircases shall have more than two flights of 15 steps wihtout a turn and the width of the landing between such flights shall be at least the same as the width of the staircase.

(9) There shall be at least two staircases each not less than 1.40 metre wide to provide access to any gallery or upper floor.

(10) Stairs turning at an angle shall have a proper landing without winders being introduced at the turn.

(11) There shall be no recesses or projections in the walls of such staircases within 1.80 metre of the floor and any fittings for lighting shall be at least 2 metres above the steps on landing.

50. (1) Every building shall be provided with an adequate number of clearly indicated entrances and exits so placed and maintained as readily to afford the audience ample means of safe movement, and with a passage 1 metre in width for every ten rows of seating accommodation. By 'adequate' is meant 1.5 linear metre of exit way for 50 square metres of sitting space inside.

(2) In addition, there are reserved for service in case of emergency, entrance and exits opening on two separate and distinct passages leading either to the said public thoroughfare or to other suitable thorough fares and such passages are not less than 1.5 metre in width.

(3) A common place of egrees may serve as the exit, for the floor and the first tier of the



auditorium, provided the capacity of such place of egress is equal to the aggregate capacity prescribed by these rules for the necessary outlets from such floor and tier.

(4) If the floor or any tier of the auditorium is divided into two or more parts, separate exits as prescribed in the rules shall be provided for each such part.

(5) All doors shall open outwards and shall be distributed round the hall and not merely at one end or side.

(6) The words " No Exit " shall be painted over all doors or openings which are in sight of the audience but which cannot be used as exits. The word "Exit" shall be painted over all exit doors. The words "No Exit" and "Exit" shall be painted in letters of 15cms. high and 3cms. thick.

(7) A notice shall be clearly painted on the exit doors indicating the method of opening.

(8) Each exit shall be illuminated by a light ; such light shall be kept burning the whole time the public are on the premises.

51. The following provisions shall be observed in providing seating accommodation :-

(1) The gangway shall be not less than 1.25cms. width and shall be so arranged that no seat shall be more than 10 seats from a gangaway.

(2) The angle of elevation subtended at the eye of any person seated in the row nearest to the screen by the length of the vertical line dropped from the centre of the top edge of the picture to the horizontal plane passing through the observer's eye, shall not exceed 35 degrees, the height of the eye of the person so seated being 1 metre above the floor level. A strong barrier or other efficient partition shall be provided to enforce this provision.

(3) The angle between the vertical plane containing the upper edge of the picture and the vertical plane containing the observer's eye and the remote end of the upper edge of the picture shall not be less than 25 degrees. A strong barrier or other efficient partition shall be provided to enforce this provision.

52. Whenever required by the licensing authority sufficient and approved artificial means of ventilation shall be provided. Guards shall be provided for ceiling fans with less than 2.35 metres clearance ; the height between the guard and the floor shall not be less than 2 metres.

Provided that at the time of the grant of the annual licence for the first time, the licensing authority may require that the auditorium shall be provided with exhaust fans at the rate of one exhaust fan for a floor area of 50 square metres or fraction thereof.

53. The cinema apparatus shall be placed in an enclosure of substantial construction, made of, or lined internally with, fire resisting material, and of dimensions sufficient to allow the operator to work freely.

54. (1) The enclosure shall be outside the auditorium. In cases where a rewinding room adjoins the enclosure and has a common door between leading from one to the other this door shall be provided with a single shutter having suitable springs to make it self-closing.

(2) If the enclosure is inside the auditorium, no openings other than those required for projection and observation of the enclosure shall be permitted to communicate with the auditorium.



55. The openings in front of the enclosure shall not be larger than is necessary for effective projection and observation. No such opening shall exceed <sup>1</sup> [20 centimetres square] <sup>1</sup>

Provided that where a special type of film projector requires a wider opening, the Electrical Inspector may permit a larger opening up to a maximum of <sup>1</sup> [60 centimetres square]

56. Each opening shall be provided with a plate glass screen not less than 5mms. in thickness fixed in position within smoke-tight joint :

Provided that for openings of less than 150 Sq. cms. the thickness of the plate glass screen shall not be less than 3mms.

Provided further for openings of more than 50cms. Square -

(i) the glass screens used shall be of armoured plate or wired plate glass ;

(ii) metal screens shall be provided in addition to the glass screens, and the openings shall be closed with the metal screens when not in use for projection ; and

(iii) a notice shall be put up in the cabin to the effect that the openings shall be closed with the metal screens when the openings are not in use.

57. (i) Lanterns shall be placed on firm supports constructed of fire-resisting material and shall be provided each with a metal shutter which can be readily inserted between the source of light and the film gate.

(2) Where the electric pressure in the enclosure exceeds 125 volts, all metal supports of the lantern shall be connected to the earth

<sup>1</sup> [58. Supply to the various apparatus inside the enclosure connected with the screening of the film shall be by independent circuit or sub-circuits, different from that of the lighting circuit in the enclosure.]

<sup>1</sup> [59. Efficient double-pole switches shall be provided within the enclosures in the cinema equipment circuits.]

60. Within the enclosure, the insulating material of all electric cables, including those leading to illuminating lamps, shall be covered with fire-resisting material. If the electric pressure to the cabin exceeds 125 volts, all cables inside the cabin shall be enclosed in screwed metal conduits connected to the earth. Lead covered cables shall not be used unless enclosed in such conduits.

61. All resistances, with the exception of a resistance for regulating purposes, shall be placed outside the enclosure and, if reasonably practicable, outside the auditorium. If placed inside the auditorium, such resistances shall be protected by an earthed wire guard or other efficient means of preventing accidental contact.

62. (1) The electric lighting of the premises shall have at least three separate and distinct main circuits as follows :-

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1. Substituted by No.F.36-57/66-Home dt.20-1-1967, E.G.No.9 dt-. 1967

(i) For the enclosure and thence through a dimming regulator to the central lighting of the auditorium;

(ii) For approximately one-half of the auditorium, passage ways, stairways exit and parts of the building open to the public ; and

(iii) For the remaining half of the auditorium, passage ways, stairways, exits and parts of the building open to the public ;

The control of the circuits in respect of the two halves of the auditorium referred to in clauses (ii) and (iii) shall be remote from each other.

(2) Where the general lighting of the auditorium is controlled from within the enclosure, there shall also be separate and independent means of control outside of and away from the enclosure. A competent person shall be appointed to be present and to be in charge of the general lighting when the public are on the premises.

#### **PART V - Maintenance of Premises.**

63. The licensee shall cause.

(1) all windows and other means of ventilation in the building to be maintained in good order ;

(2) every part of such building or place to be maintained in proper sanitary condition ;

(3) the walls of the building to be hot lime washed at least once in every six months or to be painted once in every two years or more often if so prescribed ; and

(4) the premises to be thoroughly cleaned and all refuse matters to be removed at least once in every 24 hours or more often if so prescribed.

64. (1) The licensee shall provide -

(i) a sufficient supply of wholesome drinking water ; for the use of persons employed in or frequenting such building ; the quantity and the place and the method of storage and supply being prescribed by the licensing authority, and

(ii) spittoons of such description, in such numbers and in such places as may be prescribed on the recommendation of the Health Officer concerned.

(2) <sup>1</sup> [ \* \* \* ] <sup>1</sup>

65. (1) No passage, gangway, or corridor shall be used as a cloak-room and no pegs or hanging hats, cloaks, etc, shall be allowed therein nor shall any such passage, gangway or corridor be used for storage purpose or for any purpose whatever except for exit and entrance from and to the auditorium.

(2) There shall be no recesses or projections in the walls of such passage, gangway or corridors within 1.80 metres of the ground ; light shall be not less than 2 metres above the ground.

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1. Omitted by No.F.36-57/66-Home dt.20-1-1967.

66. (1) (a) The number of persons admitted into any part of auditorium, shall not exceed the number prescribed in the licence for that part of the auditorium. The number prescribed for each part shall be clearly indicated in such part by means of a board or otherwise.

(b) The number prescribed under clause (a) in respect of any part of the auditorium shall not exceed the following limit, namely :-

The number arrived at by calculating at the rate of 20 persons per 10 square metres of floor area in respect of such portions as are provided with chairs having backs and arms and at the rate of 25 persons per 10 square metres of floor area in respect of other portions, after excluding the area of the entrances, the passages and gangways, the stage, the staircases, and all places to which the public are not admitted.

(2) All exit doors shall be kept unbolted during performance. All the top and bottom bolts of such doors shall, wherever possible, be capable of operation from one central handle on each pair of doors.

(3) The public may leave at the end of a performance or exhibition by any exit door.

(4) No chair or other obstruction shall be placed in any passage, gangway or staircase.

(5) No person shall be permitted to sit or stand in any gangway intersecting the seating or to sit in any gangway or between the screen and the barrier referred to in rule 51.

67. The following provisions shall be observed in providing seating accommodation:

(1) Chairs shall be battened together in complete lengths.

(2) In all cases there shall be an intervening space of at least 30 cms. between the back of one seat and the front of the seat immediately behind measured between perpendiculars.

(3) Where a curtain is used to cover a doorway, it shall be so hung as to be easily pulled aside and the bottom edge of the curtain shall not be less than 7.5 cms. above the level of the floor.

(4) The area reserved for floor seats shall be covered with druggets, or carpets or mats.

(5) Druggets and carpets shall be securely fixed to the floor so that ends and edges do not turn up or ruck up.

(6) Mats shall be let into the floor in a recess not exceeding the size of the mat and not deeper than the thickness of the mat.

68. (1) Not more than 90 kilograms of cinema films shall be stored on the premises to which the licence relates, unless a specific licence has been obtained from the Chief Inspector of Explosives as required by the Cinematograph Film Rules, 1948.

(2) The storage of film under sub-rule (1) shall be subject to the conditions specified in the schedules to these rules.

69. The door of the enclosure and of any rewinding room and all openings, bushes and joints shall be so constructed and maintained as to prevent, as far as possible, the escape of any smoke into the auditorium. Ventilators shall be provided for the enclosure and for any rewinding room but the ventilation ducts shall not communicate direct with the auditorium. The area of the ventilating ducts of the enclosure shall not be less than one per cent of its floor area.

**Explanation:** By 'bush' is meant packing inserted in the holes through which the pipes and cables pass in order to render such holes reasonably smoke-proof.

70. Cinema projector shall be fitted with two metal film boxes of substantial construction to and from which the films shall be caused to travel. The film boxes shall be made to close in such a manner and shall be fitted with a film slot so constructed as to prevent the passage of flame to the interior of the box.

71. Film shall be wound upon spools in such a manner that the wound film shall not at any time reach or project beyond the edges of the flanges of the spool. The rewinding of films shall not be carried out in the enclosure while an exhibition is in progress.

72. All films, when not in use, shall be kept in separate closed metal boxes of substantial construction, the plate used being not less than 0.5 mm. thickness. Each box shall have a hinged cover secured by hasp and staple. A rack shall be provided for storing the closed metal boxes without piling. Films shall not be stored in any part of a building which is at a lower level than any other part thereof used for residential purposes.

73. (1) A plan (in single line) of the wiring shall always be kept in a prominent place in the office of the manager.

(2) Whenever required by the licensing authority or a police officer not below the rank of a Sub-Inspector, a sufficient number of approved oil or candle lights shall be provided for use in case of failure of electric lighting in the auditorium, gangways, passages and exits. These lights shall be kept burning during the whole time the public are on the premises.

(3) Whenever any illuminant other than electricity is used for the lantern, its use and the apparatus for its production shall be subject to the approval of the licensing authority.

(4) Ordinarily, no open or naked lights shall be allowed, but if the nature of the performance or exhibition absolutely necessitates the use of naked lights, this fact shall be mentioned when application is made for a licence.

(5) Where it is intended to use open or naked lights in any performance or exhibition, notice of such fact shall be given at least 48 hours prior to the performance or exhibition to the Fire Department in place where there are fire brigades so that additional precautions may be taken.

74. (1) The following extinguishing appliances shall be provided :

In the enclosure : A bucket of water, a blanket, a bucket of sand and a portable fire-extinguisher.

In the auditorium : Four portable fire-extinguishers, 20 buckets of water and a cistern supplying not less than twenty-five liters of water per 10 square metres of floor area stored.

(2) These appliances shall be so disposed as to be readily available for the use. The buckets shall have round bottoms and handles and shall be of 10 to 15 litres capacity, each to hold not less than 10 litres of water. They shall be painted red with the word 'Fire' painted on them in large block letters in English and the local vernacular.

(3) The portable fire-extinguishers shall be of soda acid type and of the 10 liters size; they shall be installed at an adequate height from the ground. A record regarding the maintenance of portable extinguishers shall be kept.

(4) Where a portable fire-extinguisher of the chemical combination pressure type is older than three years or has not been tested previously, it shall be tested by hydraulic pressure by the Electrical Inspector or by an engineering firm or mill authorised in this behalf by the licensing authority, to show that it can with-stand for one minute a pressure of 20 kilograms per square cm and a certificate of such test shall be submitted to the licensing authority. Similar tests shall be repeated once in two years.

(5) At least four stirrup pumps and eight buckets filled with water if there is no gallery or first floor in the premises; and at least six stirrup pumps and twelve buckets filled with water if there is a gallery or first floor in the premises in which case, at least two stirrup pumps and four buckets filled with water shall be kept in the gallery or first floor.

(6) The licensee shall --

(i) Once in every three months empty the container of each portable fire-extinguisher provided in the licensed premises, clean its nozzles and working parts, stir the liquid in it and top it up, immediately record the date of having done so, on a slip of paper and paste the same on the outside of such container;

(ii) Once in every year discharge each portable fire-extinguisher provided in the licensed premises and recharge it and immediately record the date of such recharge in durable paint on the external surface of the container of the portable fire-extinguisher ; and

(iii) Stock at least five spare refills for the use of the fire-extinguishers.

75. (1) All permanent cinema buildings shall be in communication with the nearest fire brigade station by telephone, when such facilities exist, which shall be fitted in such place and manners as the Licensing Authority may direct. The installation and maintenance of the complete telephone connection shall be carried out at the cost of the licensee.

(2) Attendants and staff shall be trained in the use of all fire fighting equipment maintained in the premises. Such number of persons as may be necessary shall be specially appointed to be in charge of the fire extinguishing appliances in the auditorium during every performance.

76. (1) Smoking shall not be permitted within the enclosure or within the auditorium.

(2) No unauthorised person shall be allowed to enter the enclosure.

(3) No inflammable article shall unnecessarily be taken into, or allowed to remain, in the enclosure.

(4) <sup>1</sup> [The licensee shall keep the cinema buildings and equipments insured against the risk of fire so that the cinema theatre is run without fire hazards.] <sup>1</sup>

## **PART VI - TRAVELLING CINEMAS**

77. The rules in this part and the following rules shall apply to travelling cinemas ;

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1. Inserted by G.O.Ms.No.88 dt. 27-10-1978

(i) Parts I and III  
(ii) Part II, rules 23, 24 [the fee chargeable for any inspection being Rs.40(Rupees forty only)].

(iii) Part IV-Rules 51, 53, 54, 55, 56, 58, 59, 60, 61, <sup>1</sup> [ \* \* \* ] <sup>1</sup>

(iv) Part V-Rules 63 (1), (2) and (4), 64 66 (1) (a), (3), (4) and (5), 67 (2), 69, 70, 71 and 72.

78. In this part -

<sup>2</sup> [(a) 'building' shall mean and include any booth or building with roofing of bituminous asphalt, asbestos or zinc sheets with iron poles or with wooden poles and rafters duly coated with fire resistant paint and fixed with nails or screws or bolts and should be leak proof; and.] <sup>2</sup>

(b) 'travelling cinema' shall mean -

(i) an outfit comprising the cinema apparatus and plant and the enclosure taken from place to place in the Union Territory of Pondicherry for giving cinema exhibition ; or

(ii) an outfit comprising cinema apparatus and plant taken from place to place in the Union Territory of Pondicherry conducting shows in the local theatres or halls.

79. A person who intends to build a travelling cinema building shall follow the procedure in rule 13 in Part II (a). A treasury receipt for payment of fees, in any, for construction of building and installation of machinery at the rates prescribed by the local authority shall also be sent with the application.

80. (1) The building shall be provided on all its sides with an open space which in no part thereof shall be less than 20 metres in width.

**Note: -** The open space of 20 metres may comprise not only of the land of the licensee within the fence but also the open space outside the fence, if any, whether it belongs to the licensee or not provided that it is open for the public to use the land without obstruction.

(2) The building shall have a road frontage on the public thoroughfare upon which the site of such building abuts;

(3) There shall be suitable means of entrance and exit for the public in such frontage;

(4) The eaves of the building shall have a height of not less than 2.5 metres.

<sup>3</sup> [(5) Supply to the lighting in the various parts of the premises shall be suitably sectionalized and provided with cut-outs so as to localize the faults or failures of supply. A separate emergency light shall be provided in the auditorium for which supply is made by an independent main circuit controlled by a cut-out and switches both from within enclosure and auditorium. ] <sup>3</sup>

81. The licensee shall provide such sanitary convenience as may be prescribed by the licensing authority for the exclusive use of each sex according to the sale laid down in rule 43 of Part IV and shall cause the same to be maintained in good order and sanitary condition.

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1. Omitted by No.F.36-57/66-Home dt.20-1-67, E.G.No.9 dt. 1967

2. Substituted by G.O.Ms.No.71 dt 7-11-85, E.G.No.27, dt 13/11/85

3. Inserted by No.F. 36-57/66-Home dt. 20-1-67, E.G. No.9 dt. 1967

82. (1) A licence shall not be granted if the building is constructed in whole or in part of a material, which in the opinion of the licensing authority is so inflammable as to be a public danger or is dangerously near to any other building.

(2) Where the building in which the travelling cinema is located is thatched with inflammable materials, there be a minimum distance of <sup>5</sup> [50 metres]<sup>5</sup> from the nearest house or other building.

83. In every pandal constructed of inflammable materials, there shall be on each side an aperture of at least 2 metres high and 6 metres wide. This aperture may be closed by tatties fixed on split bamboo frame and fastened by twine on the inside.

84. Doors and apertures not ordinarily in use may be made of or covered or closed by mat, screen or similar material which can be removed by a slight pressure from inside the building.

85. On receipt of the application made under rule 79, the licensing authority shall grant a "No objection certificate " in Form 'B' or may refuse to grant the same. He shall also issue an order approving or not approving the plan of the building to be constructed in the approved site within two weeks after the date of receipt of the application from the applicant.

**Note:-** Any applicant aggrieved by the orders of the licensing authority refusing to grant a ' No objection certificate' may appeal to the appellate authority. The rules in Part III shall apply to such appeals.

86. On completion of building according to the approved plan, the applicant shall submit his application for licence to the licensing authority. The application shall be accompanied by - (i) a certificate from the Electrical Inspector and a declaration prescribed in rule 18 (2) (ii) and 19 (2) respectively in part II (c) <sup>1</sup> [\* \* \*] <sup>1</sup> (ii) at treasury receipt for the payment of fees for licence at the rates prescribed in <sup>2</sup>[rule 89; and] <sup>2</sup> (iii) <sup>3</sup> [ evidence of having insured the cinema building, machinery, etc., against fire hazards.] <sup>3</sup>

**Note:-** The Electrical Inspector shall issue the electrical certificate within a period not exceeding one month from the date of receipt of the application from the applicant.

87. On receipt of the application for licence together with the Electrical Certificate and declaration referred to in rule 86, the licensing authority shall issue to the applicant a licence in Form 'C' for the period covered by the Electrical Inspector's Certificate or refuse to issue such licence within a period not exceeding one month from the date of its receipt.

88. <sup>4</sup> [(1) No traveling cinema shall be licensed to exhibit show in any place for a period longer than five years subject to the condition that the certificates regarding structural soundness, electrical installations and use of non-inflammable materials are produced every year.] <sup>4</sup>

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1. Omitted by G.O.Ms.No.88 dt. 27-10-1978

2. Inserted by G.O.Ms.No.88 dt. 27-10-1978

3. Inserted by G.O.Ms.No.88 dt. 27-10-1978

4. Substituted by G.O.Ms.No.71 dt 7-11-85, E.G.No.27, dt 13/11/85

5. Substituted by No.F.36-57/66-Home dt.20-1-1967, E.G.No.9 dt. 1967



[ Provided that the licence may be renewed for a further period of not exceeding one year it after inspection as contemplated in Rule 93, the licensing authority is satisfied, that the site and the building continue to conform to the relevant rules.

Provided further that if the licence is granted for a period of less than one year or renewed for a period of less than one year or if renewal is refused, it shall be for reasons to be recorded in writing and communicated to the applicant.] <sup>1</sup>

<sup>2</sup>[Provided also that the licensing authority may, for special reasons to be recorded in writing, extend the period of renewal for a further period, not exceeding one year.]

<sup>3</sup> [ (1-A) The licence shall be granted initially for one year and it may be renewed for further period not exceeding one year each, subject however to the total period of five years prescribed in sub-rule(1), if after inspection as contemplated in rule 93 the licensing authority is satisfied that the site and the building continue to conform to the relevant rules and the building is structurally sound:

Provided that if the licence is granted or renewed for a period of less than one year or if renewal is refused, it shall be for reasons to be recorded in writing and communicated to the applicant]

<sup>4</sup> [ (2) After the period of <sup>5</sup> [ five years ] exhibition as contemplated in sub-rule (1), there shall be a minimum interval of three months before the same site is again licensed.

(3) Where the licensing authority is satisfied that any break/breaks in the period for which the licence was granted is/are not due to the fault of the licensee, such break/breaks may be excluded for the purpose of computing the said period of <sup>6</sup> [ five years. ]

(4) A temporary licence for a permanent building shall be granted only for a period of three months in the aggregate within a continuous period of twelve months. ]

<sup>7</sup> [ 89 (1) (a) For every licence, when granted or renewed, a fee shall be charged according to the scale laid down below :

For a temporary licence for a period not exceeding one year for a building thatched or constructed of wood or mats or other inflammable or non-inflammable materials or for a tent.

<sup>8</sup>[Rupees three hundred for a period of one year for an area of 100 Square metre or less with an additional fee of rupees one hundred and fifty for every 50 Sq. metre or fraction thereof in excess of 100 Sq. metre subject to a minimum of rupees one thousand only.]<sup>8</sup>

The licensing authority shall collect the licence fee in proportion to the period for which the licence is granted or renewed.

For a temporary licence for a period not exceeding three months for a building not thatched nor constructed of inflammable material falling under item (ii) of clause (b) of rule 78

Rupees two for a month or portion thereof for an area of 92.90 Sq. metre or less with an additional fee of Rs. 1 for a month or for a portion thereof for every 46.45 Sq. metre or fraction thereof in excess of 92.90 Sq. metres.

**Note :** One half of the fee shall be credited to the Local Authority concerned . ]

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1. Substituted by G.O.Ms.No.48 dt. 11-6-68 E.G.No.53 dt. 13-6-1968

2. Substituted by G.O.Ms.No.30, dt. 10.4.1978.

3. Inserted by G.O.Ms.No.71 dt. 7-11-85 E.G.No.27 dt 3-11-1985.

4. Substituted by G.O.Ms.No.71 dt. 7-11-85 E.G.No.27 dt. 13-11-1985

5. Substituted by G.O.Ms.No.71 dt. 7-11-85 E.G.No.27 dt. 13-11-1985

6. Substituted by G.O.Ms.No.48 dt. 11-6-68 E.G.No.53 dt. 13-6-1968

7. Inserted by F.32-5/66-H dt. 24-6-1967

8. Substituted by G.O.Ms.No:55 dt 23-1-2001 in E.O.G:26 dt 30-11-2001s



(b) Duplicate of a licence may be granted on payment of a fee of Rs.5.

89. <sup>1</sup> [ (c) The fees mentioned in clauses (a) and (b) shall be paid in advance by the applicant for licence into a Government Treasury to the credit of the Government under the head "LII-Miscellaneous-Miscellaneous fees under the Pondicherry Cinemas Regulation Rules, 1966. ]

(2) In case of refusal of the grant or renewal of a licence a refund at the rate of one-half of the total amount of the fee collected, may be made to the applicant. The application for such refund shall, however, be made by the applicant within one month from the date of receipt of the orders of rejection of his application for grant or renewal of licence. The refund shall be made after the expiry of the period of appeal or after the disposal of the appeal if one has been presented.

90. For the inspection of the enclosure, cinema apparatus and plant, electric installation, fire fighting and precautionary measures when first erected, a fee of rupees sixty shall be paid in advance by the applicant for the licence into the Government treasury under the head of account referred to in rule 22 of Part II (C) of these rules.

91. <sup>2</sup> [For the renewal of the electrical certificate a fee of rupees forty shall be paid in advance into the Government Treasury under the head of account specified in rule 22 and the treasury receipt together with an application for renewal be furnished to the Electrical Inspector, three months before the date of expiry of the period of validity of that certificate.]

(2) If the treasury receipt is not furnished within the period aforesaid, a penalty of one-third of the fee specified above for a delay of each month or fraction thereof shall also be paid into a Government treasury to the credit of the Government and the treasury receipt relating to the payment of the penalty shall be furnished to the Electrical Inspector along with the treasury receipt relating to the payment of the fee for the inspection.

(3) The Electrical Certificate shall cease to be valid when the cinema apparatus and plant of the travelling cinema are shifted to a different theatre or hall.

92. (a) Every application for the renewal of the licence shall be made one month before the expiry of the existing licence.

Such application shall be accompanied by -

(i) a declaration referred to in rule 19 (2) in Part II (C).

(ii) a treasury receipt for the payment of fees at the prescribed rates.

<sup>3</sup> [(iii) evidence of having insured the cinema building, machinery, etc., against fire hazard.]

(2) A copy of every such application shall be sent simultaneously to the Electrical Inspector direct.

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1. Inserted by F. 36-5/66-H dt. 24-6-1967.

2. Sunstituted by No.F.32-5/66-H dt. 24-6-67

3. Inserted by G.O.Ms.No.88 dt. 27-10-78.

93. On receipt of the Electrical Inspector's Certificate duly renewed, the licensing authority or an officer deputed by him shall inspect and satisfy that all the rules are observed before the licence is renewed.

94. The number prescribed under rule 66 (i) (a) in Part V in respect of the auditorium shall not exceed the following limit :

The number arrived at by calculating at the rate of 25 persons per 10 square metres of floor area, after making the exclusions referred to in that rule.

95. Sufficient provision shall be made for preventing and extinguishing fire which may occur and such provision shall be specified by the licensing authority.

A supply of not less than 50 litres of water per 10 square metre of the area shall be stored : one-third of the supply shall be in buckets of the same description as in rule 74 (2) in readiness inside the building and the balance stored in a cistern outside the building.

#### **Part-VIA\*—Exhibition of Moving Pictures on Video**

95A. In this part, unless the context otherwise requires—

(a) "film" means a cinematograph film recorded on video cassette tape;

(b) "video cassette projector" or " video cassette recorder" means a cinematograph for the purpose of giving cinematograph exhibition of films recorded on video cassette tape.

95B. The rules in this part and the following rules shall apply to video cassette recorders and video cassette projectors or any other equipments used for public exhibition moving pictures on video in any place, namely :—

(i) Part-I—Rules 1 to 9;

(ii) Part-III;

(iii) Part-V —Rules 63, 64, 65, 66 (2), (3), (4) and (5).

95C. (1) Any person who intends to use any place for public exhibition of moving pictures on video shall make an application in writing to the licensing authority for grant of licence under this Part.

(2) the application shall be in Form-A 1 and accompanied by—

(i) if the place in respect of which the licence is required is other than any means of transport, a site plan in quadruplicate together with—

(a) a certificate in Form-C1 of an officer of the Public Works Department not below the rank of the Executive Engineer that the building is safe and suitable for the purpose and afford shelter from sun and rain;

(b) a certificate in Form-D1 from the Electrical Inspector or officer deputed by him to the effect that the video apparatus, the electrical installation and fire fighting appliances are suitable and in order and fulfil the requirements of these rules;

\* part VI A inserted vide G.O.Ms No. 29 dt 28/05/84 in E.O.G No : 18 dt 07/07/84.

(ii) if the licence is required in respect of any means of transport the 'C' certificate and fitness certificate issued by the competent authority under the Motor Vehicles Act, 1939 (Central Act No.4 of 1939);

(iii) documents evidencing the ownership or tenancy in favour of the applicant in respect of the place which is to be licensed;

(iv) Photocopy of the licence obtained for commercial use under the Indian Telegraphs Act, 1855 (Central Act No. 13 of 1855);

(v) Chalan for having paid the fees specified in rule 95D

(3) The certificates mentioned in items (i) (a) and (i) (b) of sub-rule (2) of this rule shall be valid for a period of one year.

(4) Application for renewal of licence shall be made three months before the expiry of licence sought to be renewed and shall be accompanied by the certificates mentioned in sub-rule (2).

95D. (1) The fees payable for licence under this part shall be as follows :—

(i) fee for grant of renewal of licence for a period of one year or less shall be Rs. 50 up to 50 seats and Rs. 100 upto 100 seats

(ii) fees payable for grant of renewal of electrical and fire certificate in Form-D 1 shall be Rs. 50.

(2) The fees shall be paid into a Government treasury to the credit of the Government under the relevant heads of account as specified in rules 21 and 22.

95E. (1) Within fifteen days of receipt of the application under rule 95C the licensing authority shall, if the application is not in order, return the same to the applicant for re-submission within a period of sixty days. If the application is not re-submitted within the said period the application be treated as rejected and fresh application shall be made.

(2) If licensing authority is of the opinion after such enquiries as he may deem fit to make with the police, health and local authorities, that it would not be in the interest of the health and safety of the public to grant licence to the applicant for public exhibition of films on video in the place for which licence has been applied for, he may refuse the grant of licence applied for and communicate to the applicant the reasons for such refusal.

(3) The licensing authority or such other authority which it may enquire for purpose of grant or refusal of licence, shall take into consideration the following matters, namely :—

(a) The interest of public generally;

(b) The suitability of the place where the video exhibition is proposed to be given;

(c) The adequacy of the existing places or exhibition of the video shows in the locality;

(d) The benefit for any particular locality or localities to be afforded by opening a new place of video exhibition;

(e) The need of the locality and existing sources of entertainment to through cinematograph films;

(f) The status antecedent and the previous experience of the applicant;

(g) The possession by applicant of other place, if any, licensed under this part whether in the same locality or elsewhere at the time of applying for licence or at any previous times;

(h) Representation, if any, made by persons already giving exhibition of cinematograph film or film on television screen through video cassette recorder or exhibition through video projector in or near the proposed locality.

(4) If licensing authority does not refuse to grant licence under sub-rule (2) and if he is satisfied that the provisions of rules 95E, 95F and 95G are complied with, he shall grant a licence in Form C2.

(5) The license that may be granted or renewed under this part shall be for a period not exceeding one year, provided that where the licensing authority does not for any reason before the date of expiry of the licence either renew or return or refuse to renew the licence, he shall extend the licence for such period of as he deems fit not exceeding one month subject to the condition that the Electrical Inspector's certificate and structural soundness certificate continue to remain valid.

(6) The licensing authority, while granting or renewing the licence shall fix the number of persons to be admitted at a time and also fix the maximum rates of admission exclusive of the entertainment tax payable under the Pondicherry Municipalities Act, 1973 (Act No. 9 of 1974) or the Pondicherry Village and Commune Panchayats Act, 1973 (Act No. 10 of 1974) as the case may be, and the rules made thereunder.

95F. Every place other than any means of transport in respect of which application is made for licence under this part shall satisfy the following requirements, namely :—

(i) the distance between the video screen and the first row of the seats shall be not less than 10' (ten feet) and no person shall be admitted within such space;

(ii) the distance between the existing permanent or semi permanent or temporary cinemas and video public exhibitions shall not be less than 100 metres;

(iii) the distance between one video centre and another video centre shall not be less than 100 metres;

(iv) the building where such exhibition is given shall be provided with open space of not less than 10 feet in width on any two sides of the building and an open space of not less than 20 feet in width on the third side for parking of vehicles;

(v) the licensing authority may in consultation with Health Officer either require extracters, exhaust fans, ceiling fans or other means of artificial ventilation to be provided;

(vi) there shall be openings of 1.5 square metres for every ten persons for ventilation purposes to ensure a balanced air supply;

(vii) one W.C. and one urinal for every fifty persons and less for exclusive use of each sex shall be provided;

(viii) there shall be at least two door ways fitted with doors to open outwards;

(ix) drinking water shall be provided in such manner and in such quantity as may be specified by the licensing authority;

(x) all the cables, wires used shall be of ISI grade and the wiring shall pass through conduit pipes only;

(xi) there shall be a separate circuit controlled by a suitable linked switch for the supply of electricity taken to the video hall;

(xii) Three pin plugs with the third pin effectively connected to earth shall be used;

(xiii) separate circuits shall be provided for lights, fans and other equipments respectively;

(xiv) an automatic voltage regulator/stabiliser which can provide an output voltage of 230.6% shall be installed before the video equipment;

(xv) one portable fire extinguisher of CO<sub>2</sub> or CTC or D.P.C. type of 1 kg. capacity and one bucket (9 lits.) filled with sand shall be provided.

95G. The following provisions shall be observed providing seating accommodation, namely:—

(i) the number of persons to be admitted into any part of the auditorium shall be determined by calculating at the rate of 20 persons per 9 square metres of floor area after excluding the area for entrances, passages, gangways, stage and all places to which the public are not admitted.

(ii) chairs shall be battened together in complete lengths;

(iii) there shall be an intervening space of at least 0.30 metres between the back of one seat and front of the seat immediately behind measured between perpendiculars. In the case of establishments for serving coffee, tea, cool-drinks and other beverages, required tables should also be provided;

(iv) there shall be a passage of 0.90 metres in width for every ten rows of seating accommodation.

(v) the gangways shall not be less than 0.90 metres in width and shall be so arranged that no seat shall be more than 10 seats from a gangway.

95H. Video films shall not be exhibited in a totally dark room or hall. A dim light (about 25 watts. to 40 watts bulb) shall be kept burning throughout the exhibition of films. The bulb shall be placed at right angles to the line of vision of the public.

95I. No person licensed under this Part shall exhibit or permit to be exhibited any film other than a film which has been certified as suitable for public exhibition by the authority constituted under section 3 of the Cinematograph Act, 1952 (Central Act No. 37 of 1952) and which when exhibited displays the prescribed marks of that authority and has not been altered or tampered with in any way since such mark was affixed thereto.

95J. Either the holder of the licence or some person or some of the several persons whom the licensee has nominated as Manager or Managers and whose names have been entered as such in the licence shall be present at the exhibition to which the licence applies during the whole time for which premises are open to the public for exhibition of film by means of video cassette recorder.

95K. The licensee shall have the license displayed prominently on the wall of the licensed premises or in a conspicuous place in any means of transport, as the case may be.

95L. A licence granted under these rules shall not be transferable, but shall be personal for the benefit only of the person to whom it is granted and on the death of the licensee, shall be deemed to be revoked.

**FORM-AI**

(See rule 95F)

Application for licence under rule 95 C of the Pondicherry Cinemas

(Regulation) Rules, 1966.

1. Name of applicant :
2. Father's name :
3. Age :
4. Address :
5. Name of place and description where  
exhibition of film for public shall be made  
by the video cassette recorder. :
6. Whether certificates under rule 95C (2)  
have been obtained from the concerned  
authorities and enclosed :
7. Time Schedule for exhibition of film :
8. Details regarding building and requirements  
vide rule 95F :
9. Seating arrangement in the building vide  
rule 95G :
10. Rates of admission proposed :
11. Treasury voucher No. and date  
indicating deposit of licence/renewal  
fees :

I solemnly affirm and state that the particulars furnished above are true to the best of my knowledge and belief.

**Signature of the applicant.**

## FORM-CI

[See rule 95C (2)(i) (a)]

### CERTIFICATE OF SUITABILITY OF THE BUILDING FOR VIDEO EXHIBITION

Certificate No.

Pondicherry/Karaikal/Mahe/Yanam.

Under rule 95C of Part-VIA of the Pondicherry Cinemas(Regulation) Rules, 1966, I certify that building at.....where Thiru.....proposes to show public exhibition of moving pictures on video is structurally sound and suitable for that purpose and afford shelter from the sun and rain. An inspection report is enclose.

2. This certificate is valid for a perid of one year from.....to..... but is liable for revocation within that period.

Signature of the officer and seal.

Designation :

Station :

Date :

## FORM-C II

[See rule 95E (4)]

### LICENCE FOR EXHIBITION OF MOVING PICTURE/ VIDEO CASSETTE RECORDER/PROJECTOR

Under the power vested in the District Magistrate under section 3 of the Pondicherry cinemas (Regulation) Act, 1964, licence is hereby granted to Thiru.....son of Thiru ----- resident of -----district -----for givingexhibition by means of Cingematograph (recorded film or series of films on the magnetic cassettes by video cassette recorder) for the public in the following premises mentioned below subject nevertheless to the following further conditions and restrictions.

(Here give full description of the licensed premises).

#### Conditions and Restrictions

1. The licensee shall not exhibit or permit to be exhibited in the cinema :—

(a) any film other than a film which has been certified by the Board of Film Censors constituted under section 3 of the Cinematograph Act, 1952 (No. XXXVII of 1952), as suitable for unrestricted public exhibition or for public exhibition restricted to adults and which, when exhibited, displays the prescribed mark of the Board and has not been altered or tampered with in any way since such mark was affixed thereto;

(b) any film which has been certified by the Board of Film Censors as suitable for



public exhibition restricted to adults or to any person who is not an adult;

(c) any film the exhibition of which is suspended under section 6 of the said Act.

2. The licensee shall.—(1) Prominently exhibit at each public entrance of the premises, whenever the premises are open to the public, a notice indicating in tabular form and in clear bold letters and figures,—

(i) the title of each film, to be shown on that day;

(ii) the approximate times of commencement of each such film;

(iii) whether each film is suitable—

(a) for unrestricted public exhibition and has received certificate; or

(b) for public exhibition restricted to adults and has received certificate;

(iv) whether persons who are not adults will be admitted to the exhibition of the film.

(2) Indicates clearly the nature of any certificate received from the Board of Film Censors by the 'U' or 'A' as the case may be in any advertisement of the film displayed at the premises.

(3) Not exhibit or permit to be exhibited, in the cinema, any photograph, picture or poster which depicts, represents or purports to represent a scene or shot which has been excised from any film under the orders of the aforesaid Board of Film Censors or the Central Government.

(4) Not exhibit or permit or cause to be exhibited any poster or picture which is a gross misrepresentation of the film itself and which is obscene.

(5) Not continue any performance or exhibition of any film by means of a cinematograph after 12.30 a.m.

(6) Comply with such other conditions as may be prescribed from time to time by rules or the instructions given by the licensing authority.

(7) Inform the licensing authority the titles of film to be exhibited during the week.

(8) Not except with the previous permission of the licensing authority admit in the cinema auditorium or in any part or division thereof a number of persons more than that indicated below or not increase or reduce the number of seats in any such part or division.—

(Here enter name of division  
or part of the auditorium).

(Here mention the number of  
persons that may be  
admitted in the auditorium).

(9) The licensee shall comply with any direction and instructions (including any direction for temporarily closing the cinema premises) which the licensing authority may, from time to time, issue for preventing any obstruction, inconvenience, annoyance, risk, danger or damage to the audience in the licensed premises or the public or the residents or passers by the vicinity of the said premises or for the maintenance of public safety and the prevention of the disturbance therein.

3. The maximum rates of payment for admission to the licensed premises shall be as indicated below and these rates shall not be increased during the currency of this licence without an order in writing by the licensing authority permitting such increase. The order of the licensing authority in this behalf is liable to be cancelled or modified by the Government, if it considers such a course just and necessary.

4. This licence is granted subject to the provisions of the Pondicherry Cinemas (Regulation) Act, 1964 and the Pondicherry Cinemas (Regulation) Rules, 1966 licensing and the conditions detailed in this licence and is liable to suspension or cancellation for a breach of any of the said provisions or conditions.

5. This licence is not transferable but is personal for the benefit of the licensee mentioned above.

6. The persons nominated as Managers under rule 95 are:

(1) Thiru.....son of ..... resident of .....

(2) Thiru.....son of..... resident of .....

7. The licence is valid till the .....day of.....19  
Given under my hand and sea of this .....day of .....19.

Licensing Authority.

#### RENEWALS

| Date of renewal<br>(1) | Valid till fee paid<br>(2) | Signature of Licensing Authority<br>(3) |
|------------------------|----------------------------|-----------------------------------------|
|------------------------|----------------------------|-----------------------------------------|

#### FORM DI

[ See rule 95C (2) (i) (b) ]

#### CENTRAL WATER AND POWER COMMISSION

(Power Wing)

Office of the Electrical Inspector for the Union territory of Pondicherry.

Certificate No.

Dated:

#### **Certificate of the video apparatus, electrical installations, fire fighting appliance and fire precautionary measures.**

Under rule 95C in Part VI-A of the Pondicherry Cinemas (Regulation), Rules, 1966 I certify that the video apparatus and the electrical installations of the building more particularly described overleaf in respect of which Thiru..... has proposed to apply for licence under Part-VI-A of the said rules are in order.

2. I also certify that the rules regarding fire fighting appliances and fire precautionary measures in the premises have been complied with.

3. The certificate is valid for a period of one year from.....  
to ..... but is liable to revocation within that period.

Signature of the Officer and Seal.

Buildings :

Revenue village :

Door No :

Street :

Video apparatus—

(a) Maker's name:

(b) Number or other distinguishing mark :

Detail of fire extinguishers and other fire fighting equipments :

Signature of the Officer.

**PART VII - CINEMA EXHIBITION IN EDUCATIONAL  
OR INDUSTRIAL ESTABLISHMENTS  
AND IN THE OPEN AIR.**

96. The rules in this part and 1 to 7 in part I will apply to the cinematograph exhibitions in -

(a) educational institutions

(b) industrial and business establishments, and

(c) open air cinemas.

97. The electrical equipment shall be initially inspected by the electrical Inspector or an officer deputed by him who shall send a report to the licensing authority within a period not exceeding one month from the date of receipt of application. A fee of rupees five shall be paid into the Government treasury to the credit of the Government and the treasury receipt furnished to the Electrical Inspector. But 35 mm. projector installations, which show feature films and admit the general public, shall be inspected once in every year and their electrical certificates renewed.

98. The licensing authority may grant a free licence in Form 'F' within two weeks from the date of receipt of the report referred to in rule 97.

99. While granting licences for open air cinemas, the licensing authority shall take into consideration the interest of permanent and touring cinemas in the neighbourhood.

**" FORM A "**

**Application.**

**See Rule 13 Part II (a).**

1. Full name of the applicant:

2. Address of the applicant:

Village :

Commune :

3. Status and previous experience of the applicant :

4. Is the application for a permanent or touring cinema ?

5. Place where the cinema is proposed to be located survey number or number of the plot or plots:

Village :

Commune :

6. Site plan drawn to a scale of not less than 13 mm. to a metre covering an area up to (200 metres) from the boundaries of the proposed site showing -

(1) the position of the proposed premises in relation to any adjacent premises and to the public thoroughfare upon which the site of such premises abuts ; and

(2) thatched sheds, if any, in the neighbourhood.

7. Possession by the applicant of other places, if any, licensed under the Act.

(a) Whether in the same locality or elsewhere :

(b) Whether at the time of applying for licence or at any previous time.

8. Distance by public road of the proposed site to the -

(1) nearest permanent cinema :

(2) nearest touring cinema :

(3) nearest school :

(4) nearest hospital : and

(5) nearest temple or other religious institution.

9. Interest of the public generally likely to be served by the location of the cinema.

10. Population of the place according to the census figures.

11. Suitability of the place where the cinema exhibition are proposed to be given.

12. Adequacy of the existing places for the exhibition of cinema films in the locality.

13. Benefits to any particular locality or localities to be afforded by the opening of a new place of cinema exhibiton.

Date :

Signature of applicant :

### **FORM B**

#### **No Objection certificate**

##### **Rule 14 in Part II (a)**

In exercise of the powers conferred by rule 14 in Part II (a) of the Pondicherry Cinemas (Regulation) Rules 1966, I ..... District Magistrate (Independent) do hereby grant this certificate that there is no objection to Shri ..... son of ..... resident of village ..... Commune..... locating a permanent/touring cinema in the land belonging to Shri ..... village ..... Commune .....

The site where the cinema is to be located is specified below :

(Please give here the description of the site as in form A).

This 'No Objection Certificate' is valid for a period of two years in the case of permanent cinema, and six months in the case of touring cinemas from the date hereof and if within this period, the proposed cinema in not put up a fresh 'No Objection Certificate' should be applied for

Given under my hand, this ..... day of .....19

Licensing Authority.

### **FORM C**

#### **Licence for exhibition under the Pondicherry**

##### **Cinemas (Regulation) Act 1964.**

##### **(See Rule 20 in Part II (C) and Rule 87 in Part VI)**

Name and address of licensee :

If the licensee is not the owner of the place  
or building the name and address of the  
owner thereof :

Situation of the place or building:

Area of the place or building in square  
metres :

Whether the place or building is to be used  
during the day or during the night or  
both;

Date of last inspection by the Electrical  
Inspector or Officer authorised by him:

Special conditions, if any, on which the  
licence is granted :

Period for which the licence is to be in  
force :

Fees paid :

Maximum number of persons permitted in  
each part of the auditorium:

|                    |         |
|--------------------|---------|
| In the first class | Persons |
| In the             | Persons |
| In the             | Persons |
| In the             | Persons |
| Total              | Persons |

### CONDITIONS OF LICENCE

This licence is granted subject to the provisions of the Pondicherry Cinemas (Regulation) Act, 1964 and the Rules made thereunder it is also subject to the following conditions. The terms and conditions of the licence, as inserted, may be modified or added to at any time during the currency of the licence :

1. This licence does not exempt the licensee or his servants or agents for taking out any other licence required by or otherwise complying with any other law or rule or by-law made thereunder.

2. (a) The licensee shall not exhibit or permit to be exhibited film other than a film which has been certified as suitable for public exhibition by the authority constituted under section 4 of the Cinematograph Act 1952 and which, when exhibited displays the prescribed mark of that authority and has not been altered or tampered with in any way since such mark was affixed thereto:

(b) The licensee shall not exhibit or permit to be exhibited in the place in respect of which this licence is given to any person who is not an adult any film which has been certified by an authority constituted under Section 4 of the Cinematograph Act, 1952 as suitable for public exhibition restricted to adults.

**Explanation** - This condition shall not be construed as prohibiting the exhibition of a film, in respect of which an 'A' Certificate has been granted, to children in arms below the age of three.

(c) The licensee shall not display or cause to be displayed any photograph picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Censors or the Central Government.

(d) There shall be prominently exhibited at each public entrance whenever the premises are open to the public, a notice indicating in tabular form and in clear bold letters and figures.

i) the title of each film to be shown on that day, other than trailers and advertisement films;

ii) the approximate times of commencement of each such film;

iii) whether each such film has received an 'A' or 'U' Certificate from the Central Board of Film

iv) whether persons below the age of 18 years, other than children below the age of 3 years will be admitted or not.

(e) The nature of any certificate received in respect of a film from the Central Board of Film Censors shall clearly be indicated by the letter 'U' or 'A' in any advertisement of the film displayed at the premises.

3. The licensee shall not exhibit advertisement, slides relating to sexual diseases and medicines to correct sexual disorders or purporting to assist the childless in begetting children.

4. The licensee shall not permit obscene or objectionable poster or pictorial publicity material to be displayed in all the licenced permises.

5. The grant of this licence is subject to any orders that may be passed by the Government under section 5 (2) of the Act.

6. The maximum rates of payment for admission to the different classes in the licensed premises shall be as indicated below and these rates shall not be increased during currency of this licence without an order in writing by the licensing authority permitting such increase. The order of the licensing authority in this regard is liable to be cancelled or modified by the Government if they consider such a course just and necessary.

Any person who is aggrieved by the order of the licensing authority on an application for permission to increase the said maximum rates may, within thirty days from the date of receipt of such order appeal to the Government, who may, after such inquiry as they consider necessary, pass such orders thereon as they think fit

| Class of accommodation | Maximum rate of admission. |
|------------------------|----------------------------|
| I Class                | .....                      |
| .....                  | .....                      |
| .....                  | .....                      |

7. The licensing authority and any subordinate duly authorized by him in that behalf and any police officer deputed to keep order during any entertainment in the licensed premises shall, at all times, have free access to the said premises in order to see whether the conditions of the license are fulfilled.

8. The licensee shall comply with such directions as the Government may, by general or special order, give as to the manner in which approved films shall be exhibited in the course of any performance.

9. The licensee shall also comply with such directions as the licensing authority may give in regard to the exhibition of slides in each performance.

10. No fire work shall be used as an adjunct to cinema exhibition.

11. No person shall be admitted within a line metre in front of and parallel to the screen. A strong barrier or other efficient partition shall be provided for enforcing this condition.

12. The licensee shall not, without the permission of the licensing authority, assign, sublet or otherwise transfer the licence or the licensed premises, nor shall the license without permission as aforesaid allow any other person during the period of currency of the licence, to exhibit films in the licensed premises.

13. In the case of traveling cinema shows, the address on the first day of each month and of even subsequent change of camp shall be notified to the Electrical Inspector.

Censors; and

14. The licensed premises shall not be kept open after the hours fixed by the licensing authority with due regard to local conditions (but not earlier than 12 midnight and not later than 1.30 A.M.) on any day without obtaining special permission in writing from the licensing authority in respect of such day.

15. The licensee shall ensure that no dispute arising out of ownership or possession of the site, building or equipment is likely to cause any breach of the peace at any time.

16. Non-payment of F.T. and other dues to the Government and local authorities will lead to cancellation of the license.

17. This license shall be subject to cancelled or suspension for the breach of any of these conditions or of the special conditions specified on the reverse.

18. The licensee shall keep offer or expose for sale any ticket or pass or any other evidence for admission only at the booking offices approved by the licensing authority in the plan of the theatre and no change in the location of the booking windows shall be made except with the previous permission in writing of the licensing authority.

Provided that the licensing authority may in the case of charitable shows or for any other sufficient reason permit in writing the sale of tickets, passes or any other evidence for admission of places other than the licensed booking offices or by other persons other than the licensee.

19. The licensee shall cause to be affixed and displayed in conspicuous manner in the cinema premises or the booking office a price list showing the various rates charged per ticket of different classes which are kept, offered or exposed by him for sale and also the hours of business during which such sale will be effected and no sale shall be effected excepting the hours notified.

20. Every licensee shall print or cause to be printed on the face of every ticket, pass or other evidence of the right of admission to be sold or kept, offered or exposed for sale the price charged therefor as approved by the licensing authority and he shall not at any time charge for any such ticket, pass or evidence of the right of admission a price in excess to that printed thereon.

21. Not more than four tickets, pass or evidence of the right of admission shall be sold to any particular individual for any one show.

22. Any kind of tickets, passes or other evidence of the right of admission shall be sold only after authentication is obtained from the entertainment tax authorities concerned.

23. Every licensee shall at all times keep and maintain full and accurate set of records showing sale of tickets and their rates and produce on demand for inspection by the licensing authority and the officers mentioned in rule 7 of the Pondicherry Cinema (Regulation) rules, 1966.

Dated the

Official seal of the licensing Authority.

<sup>1</sup>[FORM C1  
**GOVERNMENT OF PONDICHERRY  
PUBLIC WORKS DEPARTMENT**

Pondicherry-1, the

Certificate No.

Date

**Certificate of the Structural Soundness of the buildings.**

Under Rule 18 in Part II (c) of the Pondicherry Cinemas (Regulation) Rules, 1966, I certify that the



building housing the \_\_\_\_\_  
of which Shri \_\_\_\_\_ is the managing proprietor, is structurally sound.

2. I also certify that the rules regarding the maintenance of the premises and fire fighting appliances in the licensed premises as required in Rules 63 and 64 and 74 in Part V have been complied with. An inspection report is enclosed herewith.

3. This certificate is valid for a period of \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_  
but is liable to revocation within that period.

Signature of Officer

Designation:

<sup>2</sup>[ **FORM D**

**See Rule 18 in Part II (c)**

**GOVERNMENT OF INDIA**

**CENTRAL WATER AND POWER COMMISSION  
(POWER WING)**

**OFFICE OF THE ELECTRICAL INSPECTOR FOR THE UNION  
TERRITORY OF PONDICHERRY, MADRAS.**

Certificate No. \_\_\_\_\_ dated \_\_\_\_\_

**CERTIFICATE OF THE CINEMA APPARATUS AND PLANT, ELECTRIC INSTALLATION, FIRE  
FIGHTING APPLIANCES AND FIRE PRECAUTIONARY MEASURES.**

Under Rule 18 in Part II (c) Rule 31 (2) in Part II (b) of the Pondicherry Cinema (Regulation) Rules, 1966, I certify that the enclosure, the Cinema apparatus and plant and the electrical installation of the cinema known as \_\_\_\_\_ (for silent i.e. non-talkies films only/both silent and talkies films) and more particularly described overleaf of which Shri \_\_\_\_\_ is the managing proprietor and Shri \_\_\_\_\_ is the Manager or person-in-charge at \_\_\_\_\_ on \_\_\_\_\_ are in order.

2. I also certify that the rules regarding the fire fighting appliances and fire precautionary measures in the licensed premises and Rule 10 in Part I, Rule 55 in Part IV and Rule 74 in Part V have been complied with.

3. This certificate is valid for a period from \_\_\_\_\_ to \_\_\_\_\_ but is liable to revocation within that period.

Signature of Officer.

(Reverse)

**Details of equipment**

| Equipment | Maker's | name | Number | Quantity |
|-----------|---------|------|--------|----------|
|-----------|---------|------|--------|----------|

Engine

Motor

Generator

Rectifier

Projector

Converter

Transformer

Amplifier

Fire Extinguishers

Name of Operator

Licence Number

Period of validity of licence

Where, however, the licensee does not employ a licensed operator at the time of issue of certificate under Rule 18 by the Electrical Inspector, these details will be entered in at the time of issue of licence.

**Note:** For renewals, a chalan for Rs. \_\_\_\_\_ towards fee for inspection under rule 32(1) Part II (d), 91 (1) Part VI should be sent to reach the Electrical Inspector on or before the \_\_\_\_\_.]<sup>2</sup>

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2. Substituted by Notification No.F.36-57/66-Home dt 20/1/67.

**FORM E**

**TEMPORARY PERMIT FOR EXHIBITION UNDER THE PONDICHERRY  
CINEMAS (REGULATION) ACT, 1964**

**See Rule 30 in Part II (d)**

Whereas ..... (full name and address) has applied for the renewal of his licence and the said licence has been retained in my office pending disposal of his application, he is hereby permitted temporarily to exhibit films in ..... (here enter description of premises), under the Pondicherry Cinemas(Regulation) Act, 1965 for a period of one month from this date subject to the provisions of Rule 30 in Part II (d) of the Pondicherry Cinemas (Regulation) Rules, 1966.

Dated the .....

Licensing Authority.

30. (1) If, on an application for the renewal of a licence made under Rule 27, the licensing authority does not for any reason before the date of expiry of the licence, either renew and return the licence or refuse to renew the same, he shall grant a temporary permit in Form E provided that the Electrical Inspector's certificate continues to remain valid.

(2) Such temporary permit shall be subject to the conditions of the licence sought to be renewed, and shall be valid for a period of one month from the date of the grant thereof and may be renewed by the licencing authority for further periods of one month at a time.

Provided that the temporary permit shall cease to be valid and shall be surrendered to the licensing authority on the applicant receiving the licence duly renewed or on his receiving an order refusing to renew the licence.

Provided further that the temporary permit shall be surrendered to the licensing authority on demand made at any time in that behalf.

(3) No fees shall be levied for the grant of such temporary permit.

(4) The temporary permit shall, during the period of its validity, be deemed to be a licence for the purpose of these rules.

**FORM F**

***Licence for exhibition under the Pondicherry  
Cinemas (Regulation) Act, 1964***

**(See Rule 98 in Part VII)**

Name and address of licensee:

If the licensee is not the owner of the place  
or building, the name and address of  
the owner thereof :

Situation of the place or building :

Area of the place or building in square metres :

Materials of which the roof, side walls, gallery and staircase are made :

Whether the place or building is to be used during the day or during the night or both :

Date of inspection by the Electrical Inspector or Officer authorised by him :

Period for which the licence is to be in force :

### **CONDITIONS OF LICENCE**

This licence is granted subject to the provisions of the Pondicherry Cinemas (Regulation) Act, 1964 and the rules made thereunder. It is also subject to the following conditions. The terms and conditions of the licence as inserted, may be modified or added to at any time during the currency of the licence :-

(1) This licence does not exempt the licensee or his servants or agents from taking out any other licence required by or otherwise complying with any other law or rules or by-law made thereunder.

(2) The licensee shall not exhibit advertisement slides relating to sexual diseases and medicines to correct sexual disorders or purporting to assist the childless in begetting children.

(3) The licensee shall not permit obscene or objectionable posters or pictorial publicity material to be displayed in the licensed premises.

(4) The licensee shall not display or cause to be displayed, any photograph, picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Censors, or the Central Government.

(5) The licensing authority and any subordinate duly authorised by him in that behalf and any police officer deputed to keep order during any entertainment in the licensed premises shall at all time have free access to the said premises in order to see whether the conditions of the licence are fulfilled.

(6) No firework shall be used as an adjunct to a cinema exhibition.

(7) No admission fee shall be charged.

Dated the

Official Seal of the Licensing Authority.

<sup>1</sup> [FORM G

(Counter Foil).

Sl. No.

Valid upto

Renewed upto

Renewed upto

**GOVERNMENT OF INDIA**

<sup>2</sup>[ Central Electricity Authority, New Delhi  
Central Electrical Inspectorate] <sup>2</sup>

*Certificate of Competency for Cinema Operators.*

Under sub-rule (1) of rule 10 of Pondicherry  
Cinemas (Regulation), Rules 1966

Passport size  
Photograph.

Name of the Candidate .....

Father's name .....

Address .....

Place of Examination .....

Date of issue .....

New Delhi

Dated :

Electrical Inspector  
to the Government  
of Pondicherry.

**FORM G**

Sl. No.

Valid upto .....

Renewed upto .....

Renewed upto .....

**GOVERNMENT OF INDIA**

Central water and Power Commission  
(Power Wing)  
New Delhi.  
*Central Electrical Inspectorate.*

Certificate of Competency for Cinema opera-  
tors Under sub-rule (1) of rule 10 Pondicherry  
Cinemas (Regulation)  
Rules 1966.

This is to certify that Shri.....  
.....

son of Shri.....

and resident of.....  
has passed the examination for cinema op-  
erators conducted by the Electrical Inspector  
and he has been competent to handle and  
operate cinematograph apparatus.

Passport size  
Photograph

.....  
Specimen signature of the candidate.

The holder of this certificate is a authorised to  
operate the cinematograph Apparatus through-  
out the Union Territory of Pondicherry.

New Delhi  
Date

Electrical Inspector  
to the Government of Pondicherry.

Note: The certificate may for the reasons to be  
recorded in writing be withdrawn by the Electri-  
cal Inspector, or an Officer not below the rank of  
Dy. Director appointed duly to assist the Elec-  
trical Inspector.] <sup>1</sup>

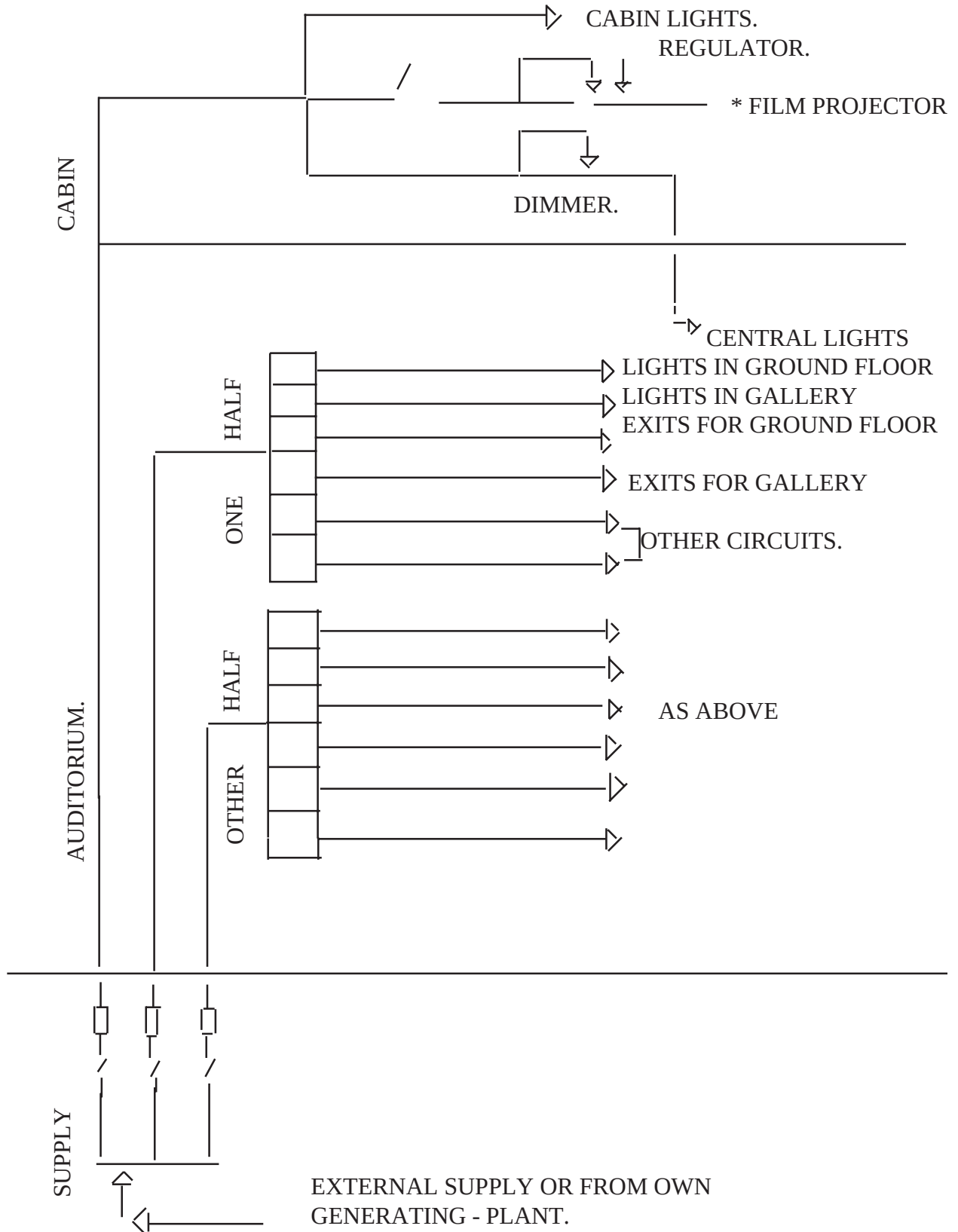
1. Substituted by G.O.Ms.No.27 dt. 9.3.74 E.O.G. No.42 dt. 25.3.74

2. Substituted by G.O.Ms.No.118 dt. 15.10.1975

## APPENDIX - I

### Model wiring Diagram For Cinemas.

[ See Rule 15 (i) (IV) in Part II (b) ]



## <sup>2</sup>[APPENDIX II

(See Rule 10(1))

### **Regulations for the issue of certificate of competency for Cinemas Operators**

1. *Applications* : Applications for the issue of certificate of competency for cinema operators may be made on the prescribed form obtainable from the <sup>3</sup> [ Regional Inspectorial Organisation, Central Electricity Authority, III Floor, Block No. IV, Shastri Bhavan, Madras-6 ] <sup>3</sup> on a written requisition. Every such requisition shall be accompanied by sufficiently stamped self-addressed envelope of size of 23 cm by 10 cm. The application forms duly filled in and complete in all respects, supported by necessary certificates and countersigned by a Gazetted Officer shall be submitted to the said office.

#### *2. Documents and certificates to be sent along with the application:*

(1) Attested copies of the school leaving certificates, degree or diploma in Electrical Engineering of a university, as the case may be, in support of the authentic proof of academic/technical qualifications.

(2) Three copies of passport size photograph of the applicant taken within six months of the date of application and attested by a Gazetted Officer as under:-

- (i) two copies duly attested on the back side of the photograph, and
- (ii) one copy duly attested on the front side of the photograph.
- (iii) conduct and service certificates duly signed by the appropriate authorities as specified therein.
- (iv) evidence or authority indicating the correctness of age of the applicant.
- (v) original copy of the receipted challan of Rs. 10.
- (vi) three specimen signatures of the applicant duly attested by a Gazetted Officer.

#### *3. Qualifications of Candidates:*

(i) the minimum educational qualification for candidates shall be VIII Standard pass. Prior to the date of application the candidate should have served as an apprentice in a cinema theatre under the supervision of a licensed operator for a period of not less than one year. If the candidate is a holder of a degree or diploma in Electrical Engineering of a University, or of a recognized Institute, he should have served previously to the date of applying for the certificates as an apprentice for not less than six months in a cinema theatre under the direct supervision of a licensed operator.

(ii) The record of such apprenticeship or service should be certified and attested both by the licensed operator under whose supervision he has worked and by the manager or proprietor of a theatre where he has worked for the specified period.

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2. Substituted by G.O.Ms.No.27 dt. 9-3-1974.

3. Substituted by G.O.Ms.No. 118 dt. 15-9-1975

4. *Age* : A candidate applying for the certificate of competency must be not less than 18 years of age on the date of application.

5. *Eligibility* : The certificate of competency shall not be granted unless the applicant possesses:

(i) working knowledge of cinematograph machines and technical knowledge of the particular type of machine which he is at the time employed in operating;

(ii) is thoroughly conversant with the rules relating to cinematograph exhibitions and precautions against fire, as per Pondicherry Cinemas (Regulations) Rules, 1966 as amended from time to time.

(iii) is acquainted with the most speedy and effective methods of dealing with fires;

(iv) possesses a fair knowledge of the elements of electric power such as direct and alternating currents, voltages, amperes, etc;

(v) is proficient in the handling, winding, repairing and efficient cleaning of films, and

(vi) satisfies the regulations for the issue of certificate of competency for cinema operator in form 'G' given in Appendix II.

(vii) possess the working knowledge of 35 mm cinema Projector and allied equipments.

6. *Payment of Fees*: A fee of Rs. 10 shall be remitted into the Pondicherry Government Treasury or the State Bank of India to the Head of Account " XIII-Other taxes and Duties etc. B-Receipts from Electricity Duties-(a) Fees under the Indian Electricity Rules, 1956 and fees for the Electrical Inspection of Cinemas, theatres and other places of public amusement ", by a challan in triplicate. Original copy of the relevant challan shall be submitted along with the application.

7. *Issue of a duplicate Certificate*: An application for a duplicate certificate may be made by a Cinema Operator in case the certificate is lost, defaced or damaged stating the circumstances under which this was occasioned and made alongwith a fee of Rs.5. The fee may be paid into the Pondicherry Government Treasury or the State Bank of India to the Head "XIII-Other Taxes and duties-B. Receipts from Electricity Duties-(a) Fees under the Indian Electricity Rules, 1956 and fees for the Electrical Inspection of Cinemas, theatres and other places of Public emusements " by a challan in triplicate and original copy of the receipted challan enclosed. The application shall be accompanied by 3 copies of Passport size photographs taken within 6 months of application and three specimen signatures of the applicant duly attested by a Gazetted officer.

The duplicate certificates may be issued by the Electrical Inspector or by an officer, not below the rank of Deputy Director duly appointed to assist the Electrical Inspector at his discretion after satisfying the bonafides of the case.



8. *Renewal of the Certificate* : Application for renewal of certificate shall be made direct to the <sup>1</sup> [ Electrical Inspector, Central Electricity Authority, AB-5, Safdarjung Enclave, New Delhi-110016;] three months before the expiry of the certificate. A fee of Rs.5 shall be paid into Pondicherry Government Treasury or State Bank of India to the Head of Account, "XIII-Other Taxes and Duties---. Receipts from Electricity Duties-(a) Fees under the Indian Electricity Rules, 1956 and fees for the Electrical Inspection of Cinemas, theatres and other places of Public amusements ", by a challan in triplicate and the original copy of the challan enclosed. Two copies of the passport size photographs taken within six months of the expiry of the certificate duly attested by a Gazetted Officer on the back side of photographs and two specimen signature duly attested by a Gazetted Officer shall be forwarded alongwith the application.

The application received in the office of the Electrical Inspector after the expiry of the period of the certificate, shall be considered as an application for a new certificate and a fee of Rs.10 shall be charged.

Application received late, but within the date of expiry of the certificate, shall be considered as belated applications, and the penalty of Rs.1 for a delay of each month or part thereof shall be paid into the Pondicherry Government Treasury or State Bank of India to the said Head of the Account and the Treasury Challan relating to the payment of the penalty shall be furnished to the Electrical Inspector with the application and Treasury challan relating to the renewal of certificate for cinema operator.

The certificate issued to a candidate who had not got renewed his certificate as required above within a period of five years, shall be taken as lapsed after the date of expiry of his certificate and he shall have to appear again for the examination if he desires renewal after the lapse of his earlier certificate.

9. The fees once paid shall not be refunded.

10. The Cinema operator shall report to the <sup>1</sup> [ Regional Electrical Inspectorial Organisation, Central Electricity Authority, III Floor, Block No. IV, Shastri Bhavan, Madras-6; ] <sup>1</sup> whenever, he resigns or accepts appointment in another cinema.

11. The Electrical Inspector or an officer not below the rank of Deputy Director duly appointed to assist the Electrical Inspector, may issue the certificates for period not exceeding five years.

12. The certificate for cinema operator granted to any person under these regulations shall be liable to be withdrawn, suspended or cancelled, if, in the opinion of the Electrical Inspector or the officer not below the rank of a Deputy Director duly appointed to assist the Electrical Inspector the operator has not complied with these provisions, or is found incompetent or adopts malpractices or impersonated. The decision of the Electrical Inspector or the officer duly appointed to assist the Electrical Inspector shall be final in all matters of issue of certificates, renewals, suspension or cancellation.

13. The syllabus for the examination shall be as under:

#### **SYLLABUS FOR CINEMA OPERATORS TEST**

(1) Applicants knowledge and ability to handle the Cinematograph machine: Types of projectors, name and working of the associated equipment required for running the projector viz. motor generator sets, amplifiers, rectifiers, voltage regulators etc. Operation of the Cinematograph

(2) machines, rewinding and jointing of films, replacement of electrodes and knowledge of operating voltages.

(2) Applicants knowledge about Cinematograph rules: Knowledge about the relevant rules pertaining to electrical installation and equipments laid in the Pondicherry Cinemas (Regulation) Rules, 1966 and knowledge about the wiring of the Cinemas.

(3) Knowledge about safety of equipments and personnel: Various types of fire fighting equipments used in cinemas and their operation and refilling etc. knowledge about the electric shock treatments and first-aid.

(4) Applicants knowledge about electricity: Elementary knowledge about the elements of AC, DC, supplies batteries, measuring instruments viz., Megger. Earth tester, volt meter ampere meter, energy meters etc. knowledge about the earthing of the electrical installations knowledge about connecting switches instruments, projectors etc.]

### **SCHEDULE**

Conditions under which not more than, 90 Kms. of cinematograph film may be stored in the premises licensed under the Pondicherry Cinemas (Regulation) Act, 1964.

*(Vide Rule 68 in Part V)*

Film shall be stored-

1. (i) in a storage shed constructed of suitable unflammable materials; the doors and ventilators may be of wood, and shall open outwards, or

(ii) in a tent, placed on private grounds and separated by distance of not less than 8 metres from any dwelling house, other buildings, highway, street, or public place.

2. The storage shed or tent shall not be used for any other purpose.

3. All film waste and scrap shall be disposed of immediately.

4. Adequate precautions shall at all times be taken for the prevention of accidents by fire or explosion and no smoking, fire or articles capable of causing fire to film shall be permitted at any time within the licensed premises.

5. The furniture and other articles shall be so arranged as to afford free egress to persons in the room in the event of fire.

6. There shall be kept posted up in large characters in the room-

(i) full instructions as to the action to be taken in case of fire, and

(ii) full directions as to the means of escape from the room in case of fire.

7. Free access to the licensed premises shall be given at all reasonable times to any Magistrate or any Police Officer not below the rank of a Sub-Inspector of Police deputed by the District Magistrate or the Superintendent of Police or the Electrical Inspector and every facility shall be afforded to such officer for ascertaining that the rules and conditions are duly observed.

8. Any accident, fire or explosion occurring within the licensed premises which is attended with loss of human life or serious injury to persons or property shall be reported immediately to the nearest Magistrate or to the officer-in-charge of nearest Police Station and by telegram or telephone where such means of communication are available.

9. If the licensing authority calls upon the holder of a license by a notice in writing, to execute any repairs to the licensed premises which are in the opinion of such authority necessary for the safety of the premises, the holder of a licence shall execute the repairs within such period, not being less than one week from the date of receipt of notice, as may be fixed by the notice.

10. All electric wiring and equipment shall conform to the regulations for the electrical equipment of buildings framed by the institution of Electrical Engineers. All electric wiring shall be in gas-tight screwed conduits which shall be electrically and mechanically continuous throughout and effectively earthed outside the building.

Portable electric lights on extension cords shall not be used in any storage shed or examining room.

# **THE KARAIKAL PANNAIYAL PROTECTION RULES, 1966**

## THE KARAIKAL PANNAIYAL PROTECTION RULES, 1966

In exercise of the powers conferred by section 11 of the Karaikal Pannaiyal Act, 1966 (Act No. 3 of 1966), the lieutenant Governor of Pondicherry hereby makes the following rules, namely:-

Short title.1. These rules may be called the Karaikal Pannaiyal Protection rules, 1966

Definitions.2.. In these rules-

(i) "Act" means the Karaikal pannaiyal Protection Act, 1966 (Act No. 3 of 1966)

(ii) "Government" means the Administrator of Pondicherry appointed by the President of India under Article 239 of the Constitution and

(iii) "Section" means a section of the Act.

3.The Revenue Court and the Conciliation Officer shall have-

(i) Power to enter upon any land and inspect and do any act which in their opinion may be necessary for the purpose of carrying out the functions entrusted to them by or under the Act ; and

(ii) Power to summon witnesses and call for Production of documents.

4. The proceeding of the Revenue Court and the Conciliation Officer shall be summary and shall be Governed as far as possible, by the provisions of the Pondicherry Motor Accidents Claims Tribunals Rules, 1964\*, having regard to-

(a) the issue and service of summons:

(b) the examination of parties and witnesser

(c) the production of documents.

<sup>1</sup>[ 4-A. The period within which an application under sub-section (i) of section 8A shall be six months from the date of discharge or retirement from service or being sent to Reserve, as the case may be.

4-B. The matters to be taken into account under sub-clause (iii) of clause (a) of sub-section (3) of section 8-A to decide whether a pannayal is to be reinstated or not shall be,-

(i) the physical condition of the pannayal to do the farm work ; and

(ii) the number of pannayals working in that farm on the date of the application and their adequacy having regard to the number of pannayals in respect of similar farm or farms in that village or in the neighbouring villages."]

5. (a) Every application for adjudication of any dispute under sub-section (1) of section 9 shall be presented in person or by agent or be sent by registered post by the Conciliation Officer having jurisdiction (and in his absence to the head ministerial officer of his office) who shall endorse the date of receipt thereon.

(b) In passing an order under sub-section (1) of section 9, the Conciliation Officer shall record in brief the grounds for his decision.

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1. Insertion vide E.O.G. No. 116 dated 3-11-1971

(c) Every appeal under sub-section (2) of section 9 shall be presented in person or by agent or be sent by registered post to the presiding officer to the Revenue Court having jurisdiction (and in his absence to the head ministerial officer of the Court ), who shall endorse thereon the date of receipt.

6. The report of dismissal of a pannaiyal from service submitted to a Conciliation Officer under section 8 shall contain the following particulars :-

- (1) Name and address of the landowner.
- (2) Name and address of the pages
- (3) Wages which the pannaiyal was getting.
- (4) His period of service as pannaiyal.
- (5) Date of dismissal.
- (6) Full reasons for dismissal.

7. In any proceeding before a Revenue Court or a Conciliation Officer, the court or the Conciliation Officer, as the case may be, may permit any agent authorised by a party to plead on his behalf :

Provided that the Court or the Conciliation Officer may, at any stage of the proceeding, cancel the permission.

8. Any order, decision or award passed by any Revenue Court, Conciliation Officer or other authority under the Act shall be enforceable by an officer of the Revenue Department not lower in rank than a Revenue Supervisor (Surveillant des contributions).

9. The Revenue Court or the Conciliation Officer may collect process fees at the following rates:-

- |                                                                                                                                        |        |
|----------------------------------------------------------------------------------------------------------------------------------------|--------|
| (1) For each summons or notice -                                                                                                       | Rs. P. |
| (a) When sent by registered post, for each defendant, respondent or witness.                                                           | 1-50   |
| (b) When served by an Officer of the Court -                                                                                           |        |
| (i) On a defendant, respondent or witness.                                                                                             | 1-50   |
| (ii) On every additional defendant, respondent or witness residing in the same village if the process be applied for at the same time. | 0.75   |

(2) Travelling expenses of the process- server at four paise per kilometre may be calculated from the headquarters of the court to the place to which the process-server has to go for serving the summons, and shall be recovered from the parties by way of court-fee stamps, in addition to the process fees.

(3) Authorisation letters produced before the court or the Conciliation Officer shall be engrossed on non-judicial stamp paper of the value of Re. 1-50 (Rupees one and fifty paise).

# **PONDICHERRY PAWN BROKERS RULES 1966**

**PONDICHERRY PAWN BROKERS RULES**  
**1966**  
**(ADAPTED FROM MADRAS PAWN BROKER RULES 1944)**

1. **Short title and extent.**— (1) These rules may be called the Madras Pawn Brokers Rules, 1944.

(2) They extend to the whole of Union Territory of Pondicherry.

2. **Definition.**— In these rules-

(a) "the Act" means the Madras Pawnbrokers Act, 1944;

(b) "Form" means a form appended to these rules ; and

(c) "section" means a section of the Act.

3. **Application for licence.**— Every application for a Pawnbroker's licence shall be made to the <sup>1</sup> [ Tahsildar or Deputy Tahsildar ] concerned having jurisdiction over the place of business of the pawnbroker. Such application shall be in Form "A".

3-A. **Authority which or officer who may be consulted in granting licence.**— Any officer of the Police Department not below the rank of inspector having jurisdiction over the place of business of the pawnbroker shall be an authority or officer for the purpose of sub-section (3) of section 4.

3-B. **Time of appeal.**— The time within which the person aggrieved referred to in sub-section (3-A) of section 4 or sub section (3) of section 14-A may appeal, shall be thirty days from the date of receipt by him of the order appealed against.

4. **Form and conditions of licence.**— Every licence issued under sub-section (4) of section 4 shall be in Form B and shall be subject to the conditions specified therein.

4-A. Authority for the purpose of sub-clause (II) of clause (a) of sub-section (4) and the proviso to sub-section (6) of section 8.— The authority or person for the purpose of sub-clause (II) of clause (a) of sub-section (4) and the proviso to sub-section (6) of section 8, shall be the licensing authority concerned.

5. **Charges allowed to pawnbrokers.**— (1) (a) A pawnbroker may, in addition to the cost of <sup>1</sup> [ \*Revenue Stamps ] demand and take from the pawner a sum not exceeding 25 P. for any loan not exceeding Rs.250 and 50 P. for any loan exceeding Rs. 250 for incidental expenses connected with the advance of such loan.

(b) A Pawnbroker shall supply to the pawner free of cost the pawn-ticket and the forms of declaration referred to in sub-clauses (i), (iii) and (iv) respectively of clause (b) of sub-section (1) of section 10.

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1. Substituted vide Notification No. G1- 12732/69, dated 22-11-1969.



(2) The fee which may be charged by a pawnbroker for the inspection of the entry of a sale in the sale book of pledge referred to in sub-clause (II) of clause (b) or sub-section (1) of section 10 shall be five paise.

(3) (a) The fee which may be charged by a pawnbroker for a statement of accounts furnished by him under clause (d) of sub-section (1) of section 10 shall be as follows :—

|       |                                                                         | Rs. P.  |
|-------|-------------------------------------------------------------------------|---------|
| (i)   | If the amount of the loan does not exceed Rs. 50                        | - 0. 5  |
| (ii)  | If the amount of the loan exceeds Rs. 50 but does not exceed Rs. 100    | - 0. 10 |
| (iii) | If the amount of the loan exceeds Rs. 100 but does not exceed Rs. 300   | - 0. 20 |
| (iv)  | If the amount of the loan exceeds Rs. 300 but does not exceed Rs. 500   | - 0. 25 |
| (v)   | If the amount of the loan exceeds Rs. 500 but does not exceed Rs. 1,000 | - 0.35  |
| (vi)  | If the amount of the loan exceeds Rs. 1,000                             | - 0. 50 |

**Explanation.—** The fee shall be charged separately in respect of each loan and each requisition. Thus the fee relating to two separate loans of Rs. 120 and Rs. 300 will be forty five paise.

(b) The fee shall be recoverable by the pawnbroker as if it were included in the loan but no interest shall be charged on such fee.

(4) where a pawner redeems the pledge before it is actually disposed of by sale in public auction, the pawnbroker may demand and take from him the charges, if any, incurred by the pawnbroker in bringing the pledge to auction.

**6. Forms of declaration and notices.—** (1) The forms of declarations referred to in sub-section (2) sub-section (3), sub-clause (i) of clause (a) of sub-section (4), sub-section (6) and sub-section (7) of section 8 shall be in Forms C, D, D-1, D-2, D-3 and D-4 respectively.

(2) The forms of notices referred to in the second proviso to sub-section (3) and sub-section (5) and (7) of section 8 shall be in Forms D-5, D-6, D-7 and D-8 respectively.

**7. Pledge book.—** The pledge book referred to in clause (a) of sub section (1) of section 10 shall be in Form E.

**8. Pawn-ticket, sale book of pledges and receipts on redemption of pledge.—** The Pawn ticket, the sale book of pledges and the receipt on redemption of pledge referred to in cause (b) of sub-section (1) of section 10 shall be in Forms F, G and H respectively.

**9. Certificate.—** No copy of an account shall be admissible in evidence under sub-section (3) of section 10, unless it contains two certificates at the foot, the first by the pawnbroker himself or his agent and the second by some other person who has compared the copy with the original, the certificate of the pawnbroker or his agent shall be in Form I and that of a person other than the pawnbroker or his agent shall be in Form J.

**10. Language of the locality for the purposes of sub-section (2) of section (10).—** For the purposes of sub-section (2) of section 10, Tamil shall be the language of all the localities in the Pondicherry and Karaikal regions of the Union Territory of Pondicherry.

Provided that the languages specified in column (1) of the Table below shall be the languages of the localities specified in the corresponding entries in column (2) of that Table :—

**THE TABLE**

| Languages<br>(1) |     | Localities<br>(2) |
|------------------|-----|-------------------|
| Malayalam        | --- | Mahe Region       |
| Telugu           | --- | Yanam Region      |

**11. Manner of furnishing statement of account.—** (1) The statement of account referred to in clause (d) of sub-section (1) of section 10 shall be sent to the pawner by registered post, acknowledgement due, to the address given in the requisition made by the pawner.

(2) Notwithstanding anything contained in sub-rule (1), where the pawner agrees in writing to the statement being delivered personally it shall not be necessary to send it by registered post.

(3) When a pawner takes personal delivery of the statement of account, he shall acknowledge receipt of the same in writing. The pawner shall sign the acknowledgement or if he is illiterate, affix his thumb-impression thereto.

(4) If the statement of account is sent by registered post, the production of the postal receipt and acknowledgement shall be sufficient proof of the sending of such statement.

(5) The postal registration and acknowledge charges incurred under sub-rule (1) shall be entered in the account and shall be recoverable by the pawnbroker as if such charges were included in the loan, but no interest shall be charged on such charges.

**11-A. Pass book.—** The pass book which the pawn broker may supply to the pawner under the proviso to clause (d) of sub-section 10, shall be in Form K.

## **12. Procedure in auction of pledges:-**

<sup>1</sup> [(1) The auctioneer to whom the sale of a pledge by public auction is entrusted shall be a person approved by the Government or the District Magistrate (Independent) in making the selection, regard shall be had to the antecedents and solvency of the applicants.]

(2) An auctioneer approved by the government shall be competent to conduct public auctions under these rules only within the area specified by the officer approving the auctioneer.

"Provided that an auctioneer may be authorised to do business in more than one region with the approval of the District Magistrate"

"(3) The Pawn broker shall apply to the District Magistrate (independent) for permission for the Sale of the time-barred jewels or articles with list in triplicate of jewels etc., containing particulars of the date of pledge, name and address of the pawner, the name or description of the article pledged and an approximate value of the article proposed to be sold in auction. The pawnbroker shall also enclose the written consent of the auctioneer to conduct the auction.

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1. Substituted by Notification in G.S.R.No.12 vide G.O.Ms. No. 9 dated 25<sup>th</sup> March 1969.

(4) On receipt of the application referred to in sub-rule (3) above, the District Magistrate (Independent) may grant the permission applied for <sup>1</sup> [ nominating an auction from the approved list for the said purpose, and ] fixing a time limit within which the auction shall be conducted. Of the three lists submitted under sub-rule (3) above, one copy of the list shall be retained in the office of the District Magistrate, one copy of the list shall be sent to the auctioneer duly signed by the authority granting the permission.

(5) The Government may, in their discretion, at any time, either of its own motion or on an application, call for and examine the records of an order passed by the District Magistrate (Independent) under rule 12 (1), for the purpose of satisfying themselves as to the legality or propriety of such order and may in reference thereto pass such order as they think fit.

(6) The auctioneer shall cause all pledges to be exposed to public view

(7) (i) The auctioneer shall print and publish a catalogue of the pledges to be sold in auction with the following particulars :—

(a) The name, place of business and licence number of the pawnbroker concerned.

(b) date of loan.

(c) number of pledge in pledge book.

(d) full and detailed description of the article (weight to be noted in the case of jewels),

(e) name and address of pawner; <sup>2</sup> [ \* \* \* ]

(f) date, hour and place of sale.

(g) <sup>2</sup> [ \* the amount of principal ; and

(h) the amount of interest due upto the date notified for sale;]

(ii) The period catalogue referred to in clause (i) shall be published in the following manner:—

(a) A copy shall be posted at the place of business of the pawnbroker concerned and also at the place of sale.

(b) Copies shall be given to intending bidders.

(iii) The auctioneer shall send at least a week before the date fixed for the sale:—

(a) two copies of the printed catalogue to the police station having jurisdiction over the premises where the auction is to be held, one copy for being pasted on the notice board of the police station and another copy for record at the police station.

(b) one copy of the printed catalogue to the police station or each of the police stations having jurisdiction over the place of the business of the pawnbroker concerned for record at such police station; and

(c) in any case shall notify each of the police stations having jurisdiction over the place of business of the pawnbroker concerned and the place or

(d) places of sale, any postponement of such auction and all the subsequent dates of auction

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1. Inserted Vide Notification No.A-13761/72 dated 09-03-1973.

2 Deleted Vide Notification No.8746/71-C.1 dated 02-11-1971.

(iv) The auctioneer shall also send a copy of the printed catalogue by registered post to the pawner at least a week before the date fixed for the sale.

(v)<sup>1</sup> [The auctioneer shall also send atleast a week before the data fixed for the sale, a copy of the printed catalogue to the Inspector concerned who may be present at the auction:

Provided that the Inspector may, at his discretion, also depute the concerned firka Revenue Inspector to be present and watch the proceedings of the auction.]

(8) The Pledge of each pawnbroker in the catalogue shall be separated from the pledges of any other pawnbroker.

(9) The auctioneer shall insert in the Official Gazette and in some public newspaper approved by the District Magistrate (Independent), an advertisement giving notice of the sale and stating:—

(a) the pawnbroker's name and place of business;

(b) the months in which the pledges were pawned, and

(c) the date, hour and place of sale.

(10) The advertisement shall be inserted on two separate days in the same newspaper, and the second shall be inserted at least ten clear days before the first day of sale

(11) Where a pawnbroker bids at a sale, the auctioneer shall not take the bidding in any form other than bidding in any form other than that in which he takes the bidding of other persons of the same sale; and the auctioneer on knocking down any article to a pawnbroker shall forthwith declare audibly the name of the pawnbroker as purchaser.

(12) The auctioneer shall, within fourteen days after the sale, deliver to the pawnbroker a copy of the catalogue or of so much thereof as relates to the pledges of that pawnbroker, filled up with amounts for which the several pledges of that pawnbroker were sold as well as the charges for the sale of each of them and authenticated the signature of the auctioneer.

(13) The pawnbroker shall preserve every such catalogue for at least three years after the auction

(14) Where a pledge has been sold for more than the amount of the loan and interest and prescribed charges due to the sale, the pawnbroker shall within thirty days from the date of the sale intimate the pawner by registered post acknowledgement due the surplus amount realised by the sale".]

**(13) Charges for disposing of pledges in auction.—** Charges referred to in clauses (a) of sub-section (4) of section 12 may be—

(i) charges for the publication of auction notice

(ii) charges for bringing the article from the normal place of its keeping to the place of publication.

(iii) charges for the conduct of sale.

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1. Inserted vide Notification No.8746/71-C.1 dated 02-11-1971.

(iv) <sup>1</sup> [ \* "Postal charges for intimating the pawner of the surplus amount realised by the sale". ]

14. **Register of auctions.**— The register referred to in sub-section (1) 14-D shall be in Form-L

15. **Place of inspection of registers maintained by auctioneers.**— The place at which the Police Officer referred to in sub-section (2) of section 14-D may inspect the register to in sub-section (1) of that section shall ordinarily be the place of business of the auctioneer concerned.

### **Form – A**

**(See section 4(1) and rule 3)**

#### **FORM OF APPLICATION FOR A PAWNBROKER LICENCE**

To

<sup>2</sup> [ Tahsildar/Dy.Tahsildar Taluk ]

1. Name in full of applicant.
2. Address in full (any subsequent change should be notified).
3. Father's name.
4. Is the applicant a citizen of India? If the applicant has a residence outside the Union territory of Pondicherry
  - (1) Full address of such residence; and
  - (2) A list of the properties owned by him in places outside the Union territory of Pondicherry.
5. Address of shop or place of business in respect of which the licence is applied for.
6. If the applicant has more than one shop or place of business, the address of each shop or place of business.
7. Has the applicant applied for a separate licence in respect of each shop or place of business mentioned against item 6, and if so, with what result?
8. Is the present application made for the grant of a new licence or for the renewal of a licence granted in the previous year?

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1. Inserted by Notification in G.S.R.No.12 Vide G.O.Ms.No.9 dated 25<sup>th</sup> March, 1969.

2. Notification G1-12732/69 dated 22-11-1969.

9. The financial year for which the licence is applied for.

10. Has the applicant paid the prescribed fee for the licence? The treasury receipt should be enclosed

Signature of the applicant

I declare that the particulars stated above are correct to the best of my knowledge and belief.

Signature of the applicant.

### Form – B

(See section 4(4) and rule 4)

### Pawn Broker's licence

No.

I, <sup>1</sup> [ Tahsildar/Dy.Tahsildar Taluk ] do hereby authorise and empower -----now residing at -----of----- to carry on the business of pawnbroker in premises No. \_\_\_\_\_ in Commune from upto and until the 31st day of March -----on the conditions noted below:—

1. This licence shall not be transferred to any other person.
2. This licence shall be produced to any Inspector appointed under the Act demanding to see the same.
3. The premises are not frequented by thieves or persons of bad character.
4. All books, accounts and documents maintained by the licensee and all pledges taken by him shall be open to inspection by the Inspector having jurisdiction.
5. The licensee shall not remove any article pledged with him to any place outside the town or village in which he is carrying on the business of a pawnbroker except with the permission in writing of the <sup>1</sup> [ Deputy Collector (Revenue). ] having jurisdiction over the area
6. This licence shall apply only to the premises mentioned above. The place of business shall not be changed except with the previous approval of the licensing authority.

A breach of any of the above conditions is punishable under sub section (1) of section 18 of the Act.

Give under my hand and seal, this ----- day of -----

Fee paid Rs.

Controller

Commune.

**Form – C**

**(See section 8(2) and rule 6(1))**

**Declaration by pawner**

I, ----- of ----- in pursuance of sub - section (2) of section 8 of the Madras, Pawnbroker Act, 1943 ( Madras Act XXIII of 1943 ), as made applicable to the Union territory of Pondicherry by the Pondicherry pawnbrokers Act, 1966 ( Act No 11 of 1966 ) do solemnly and sincerely declare that the right to redeem the article / articles described below pawned by me at the shop of ----- Pawnbroker and covered by pawn Ticket No.----- dated -----has been transferred to or is vested in ----- and that ----- is entitled to redeem the pledge. I also hereby declare that my right to redeem the pledge is hereby extinguished.

The article / articles above referred to is / of the following description

- 1.
- 2.

Signature of the pawner.  
Designation.  
Address.  
Date.

I, ----- of ----- in pursuance of sub - section (2) of section 8 of the said Act, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be ----- of-----.

Signature of the identifying person  
Designation.  
Address.  
Date.

**Form – D**

**(See section 8(2) and rule 6(1))**

**Declaration by the person entitled to redeem the pledge**

I, ----- of ----- in pursuance of sub-section (2) of section (8) of the Madras Pawnbrokers Act, 1943 (Madras Act XXIII of 1943) as made applicable to the Union Territory of Pondicherry by the Pondicherry pawn brokers Act, 1966 ( Act No. 11 of 1966) do solemnly and sincerely declare that the right to redeem the article/articles described below, the property of ----- and ----- pawned by pawnbroker, and covered by pawn Ticket No ----- has been transferred to or is vested in me, I also do solemnly and sincerely declare that I am in possession of the said pawn Ticket and that I am entitled to redeem the pledge.

The article / articles above referred to is / are of the following description.

1.

2.

Signature of the person.  
Designation.  
Address.  
Date.

I, ----- of ----- in pursuance or sub - section (2) of section 8 of the said Act, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be ----- of -----

Signature of Identifying person.  
Designation.  
Address.  
Date.



**Form D – 1**

**(See section 8(3) and rule 6(1))**

**Declaration by Messenger / Agent**

I, ----- of ----- in pursuance of sub-section (3) of section 8 of the Madras Pawnbrokers Act, 1943 (Madras Act XXIII of 1943), as made applicable to the Union territory of Pondicherry by the Pondicherry Pawnbrokers Act, 1966, (Act No 11 of 1966), do solemnly and sincerely declare that I am the Messenger / Agent of the pawner ----- who has pawned the article / articles described below at the shop of -----, pawnbroker under pawn Ticket No. ----- Dated ----- and that I have been duly authorised by the pawner ----- to redeem the pledge.

The article / articles above referred to is/are of the following description.

- 1.
- 2.

Signature of the Messenger agent.  
Designation.  
Address.  
Date.

I, ----- of ----- in pursuance of sub - section (3) of section 8 of the said Act, do solemnly and sincerely declare that I know the person now making the above declaration to be ----- of -----.

Signature of identifying person.  
Designation.  
Address.  
Date.

**Form – D – 2**

**(See section 8(4)(a)(i) and rule 6(1))**

**Declaration by legal representation of pawner.**

I, ----- of ----- in pursuance of sub - clause (i) of clause (a) of sub - section (4) of section 8 of the Madras pawnbrokers Act, 1943 (Madras Act XXIII of 1943) as made applicable to the Union territory of Pondicherry by the Pondicherry Pawnbrokers Act, 1966 (Act No. 11 of 1966), do solemnly and sincerely declare that I am the legal representative of the deceased pawner being his / her ----- and that I am entitled to redeem the article / articles described below and pawned by the deceased pawner at the shop of ----- pawnbroker under pawn Ticker No. --- ----- dated -----

I also hereby declare that the said Pawn Ticket is now in my possession.

The article / article above referred to is / are of the following description;-

1.

2.`

Signature of persons.  
Designation.  
Address.  
Date.

I, ----- of -----in pursuance of sub - clause (i) of clause (a) of sub - section (4) of section 8 of the said Act, do solemnly and sincerely declare that I know the person know making the foregoing declaration to be ----- of -----

Signature of identifying person  
Designation.  
Address.

Declared before me this ----- day of -----  
(Seal)

Magistrate or judge

**Form D – 5**  
**(See second provision to section 8(3) and rule 6(2))**

**Notice to the Pawner**

Notice is hereby given that ----- claiming himself / herself if to be your agent / messenger has produced on the ----- Pawn ticket No.-----, dated -----, issued to you for the article/articles ----- described below pawned by you at my shop and offered to redeem the pledge. I -----pawnbroker propose to allow his/her claim to reedem the peldge. You are hereby required to state your objections, if any, in respect of the above proposal. If noting is heard from you within two weeks after the date on which this notice would in the usual course of post reach you, the person claiming to be your messenger / agent will be allowed to redeem the pledge.

The article / article above referred to is / are of the following

- 1.
- 2.

Signature of Pawnbroker.  
Address.  
Date.

**Form D – 3**  
**(See section 8(6) and rule 6(1))**

**Declaration by pawner of loss or destruction of pawn ticket**

I, ----- of ----- in pursuance of sub - section 8 of the Madras Pawnbroker Act, 1943 (Madras Act XXIII of 1943), as made applicable to the Union territory of Pondicherry by the Pondicherry Pawnbrokers Act, 1966 (Act No.11 of 1966) do solemnly and sincerely declare that I pledged at the shop of ----- pawnbroker, the article / articles described below being my property and having received pawn ticket bearing No. (if known) for the same, which has since been lost / destroyed and that the pawn ticket has not been sold, assigned or transferred to any person by me to the best of my knowledge and behalf.

The article / article above referred to is / are of the following description;-

- 1.
- 2.

Signature of the Pawner.  
Designation.  
Address.  
Date.

I, ----- of ----- in pursuance of sub - section (6) of section 8 of the said Act, do solemnly and sincerely declare that I know the person making the fore going declaration to be ----- of -----

Signature of identifying person.  
Designation.  
Address.  
Date.

**Form D – 4**

**(See section 8(7) and rule 6 (1))**

**Declaration by person claiming to be owner of pledge**

I, ----- of ----- in pursuance of sub - section (7) of section 8 of the Madras Pawnbrokers Act, 1943 (Madras Act XXIII of 1943), as made applicable to the Union territory of Pondicherry by the Pondicherry Pawn brokers Act. 1966 (Act No.11 of 1966) do solemnly and sincerely declare that I am the owner of the article / article described below pawned at the shop of ----- pawnbroker, and that the pledge in respect of the article / article was pawned without my knowledge or authority.

The article / article above referred to is / are the following description:-

- 1.
- 2.

Signature of the person.  
Designation.  
Address.  
Date.

I, ----- of ----- in pursuance of sub - section (7) of section 8 of the Act. do solemnly and sincerely declare that I know the person now making the foregoing declaration to be ----- of -----

Signature of identifying person .  
Designation.  
Address.  
Date.

**Form D – 6**

**(See section 8(5) and rule 6(2))**

**Notice of Assignment to pawnbroker**

Notice is hereby given that I, ----- of ----- have come into possession of the pawn ticket No. ----- dated ----- as the assignee, of the pawn in respect of the article / articles described below pawned by him at the shop of ----- Pawnbroker you are hereby required to recognize my claim and to allow me to redeem the pledge.

The article/article above referred to is / are of the following description;-

Description of the article/articles  
Signature of the person  
Designation.  
Address.  
Date.

To

Pawnbroker at

**Form D – 7**

**(See section 8(5) and rule 6(2) )**

**Notice to pawn in claim made by assignee**

Notice to pawn in claim made by assignee

Notice is hereby given that ----- claiming himself to be your assignee as produced on ----- the pawn ticket No. dated ----- given to you in respect of the article/articles described below pawned by you at the shop of ----- pawnbroker, and he offered to redeem the pledge I, ----- pawnbroker, propose to recognize his claim and to allow him to redeem the pledge, You are hereby required to intimate to me the objections, if any, to the proposal. If nothing is heard from you within two weeks after the date on which this notice would in the usual course of post reach you, it will be presumed that you have no objection to the proposal and the claimant will be recognized as your assignee and allowed to redeem the pledge.

The article / articles above referred to is/are of the following description:—

Description of the article/articles.

Signature of the pawnbroker.  
Address.  
Date.

**Form – D – 8**

**(See section 8(7) and rule 6(2))**

**Notice to pawner of claim by owner of pledge**

Notice is hereby given that ----- claims to be the owner of the pledge in respect of the article/articles described below, pawned at the shop of ----- pawnbroker, and ----- covered by pawn ticket No ----- dated ----- alleges that the pledge was pawned without his knowledge and authority. You are hereby required to intimate in writing whether you have any objection to the claim of ----- to the articles pledged by you. If no communication is received in writing within two weeks after the date on which it would, in the usual course of post reach you, it will be presumed that you do not object to the claim made by the said ----- and he will be recognized as the legitimate owner of the article/articles and will be allowed to redeem the pledge.

The article/articles above referred to is / are of the following description:—

Signature of the pawnbroker.  
Address.  
Date.

**Form – E**

**(Section 10(1)(a) and rule 7)**

**Pledge Book**

Name of Pawner.

Full address

1. Number of pledge :
2. Date of loan. :
3. Amount of principal of the loan :
4. Rate of interest charged :
5. The amount of every payment  
received towards loan and the  
date :
6. Full and detailed description of  
the articles (weight to be noticed  
in the case of jewels) :

7. Value of article or articles :
8. The time agreed upon for the redemption of the Pawn :
9. Date of redemption of sale in auction :
10. Name of the address of the owner, if he is not himself the pawner :
11. Name and address of person redeeming or purchasing at sale in auction :

**Note :** All entries in the pledge book except items 5, 9 and 11 respecting each pledge shall be made on the day of the pawning thereof.

### Form – F

(See section 7 and rule 8)

### PAWN–TICKET

Number of pledge.

Number and address of pawn broker.

Number and date of licence of pawn broker.

The following article/articles is / are pawned with me

1. Name and full address of pawner.
2. Date.
3. Amount of principal of the loan.
4. Rate of interest charged.
5. Full and detailed description of the articles (weight to be noted in the case of jewels)
6. Value of article or articles.
7. Time agreed upon for redemption of the articles.
8. Signature or thumb– impression of the pawner.

Signature of pawn broker  
or his agent

The rate of interest Reverse on any pledge article shall not exceed twelve per cent per annum simple interest that is to say, one paisa per rupee mensem simple interest.

2. Every pledge shall be redeemable within a period of one year or such longer period as may be provided in the contract between the parties, from the day of pawning (exclusive of that day) and shall continue to be redeemable during seven days of grace following the said period. A pledge shall further continue to be redeemable until it is disposed of as provided in the Act although the period of redemption and days of grace have expired.

**Form – G**

**(Section 10(1) (b) (ii) and rule 8)**

**SALE BOOK OF PLEDGES**

(Date and place of sale)

(Name and place of business of auctioneer)

1. Number of pledge as in the pledge book.
2. Date of pawning.
3. Name of pawner.
4. Amount of loan.
5. Amount for which pledge sold as stated by the auctioneer.
6. Signature of the auctioneer or his agent.
7. Name and address or purchaser.

**Form – H**

**(Section 10(1) (b) (v) and rule 8)**

**Receipt**

Date :

Received from ----- on redemption of pledge, number ----- amount of -----

|                |       |
|----------------|-------|
| Amount of Loan | ----- |
| Interest       | ----- |
| Total          | ----- |

Signature of pawn broker  
or is agent.



**Form – I**

**CERTIFICATE OF THE PAWNBROKER OR HIS**

**AGENT UNDER RULE 9**

Certify that the above is a true copy of the account maintained under clause (a) of sub-section (1) of section 10 of the Madras Pawnbrokers Act, 1943, as made applicable to the Union territory of Pondicherry by the Pondicherry Pawnbrokers Act, 1966 ( Act No. 11 of 1966 ), for the loan of Rs. ----- taken by ----- on ----- (date) and that there are no alterations or erasures in the account (except the following)

Signature of pawn broker  
or his agent.

**Form – J**

**CERTIFICATES OF A PERSON OTHER THAN THE**

**PAWNBROKER OR HIS AGENT UNDER RULE 9**

I certify that I have compared the above copy with the original account in the custody of the pawnbroker and found it to be correct.

Signature.  
Designation.  
Address.

**Form – K**

**(See proviso to section 10(1) (d) and rule 11-A)**

**Pass - Book**

Name of the pawnbroker.

Full address.

Number and date of licence of the pawnbroker.

Name of the pawner.

Full address of pawner

Name of the owner (if pawner is not the owner of all/any articles)

Address of owner

Articles belonging to pawner/owner.

1. Number of the pledge.
2. Date of loan.
3. Amount of principal of the loan.
4. Rate of interest charged on the loan per cent per annum or per rupee per mensem or per rupee per annum.
5. Full and detailed description of the articles (weights to be noted in the case of jewels) of each of the articles taken in pawn.
6. Value of the article/articles (Value of each item should be specified).
7. Time agreed upon for the redemption of the pawned articles.
8. Details of payment made.

| Amount paid towards Principal |      |               | Amount towards interest |      |            | Balance on date |           | Initial of pawn broker |
|-------------------------------|------|---------------|-------------------------|------|------------|-----------------|-----------|------------------------|
| Prin-<br>cipal                | date | Amount<br>due | interest<br>due         | date | amount     | Princi-<br>pal  | interest  |                        |
| 1                             | 2    | 3<br>Rs .P    | 4<br>Rs.P               | 5    | 6<br>Rs. P | 7<br>Rs.P       | 8<br>Rs.P | 9                      |

-----

Date of redemption.

Signature of pawnbroker.

### Form – L

#### (SEE SECTION 14-D (1) AND RULE 14 ) REGISTER OF AUCTIONS

Name and place of business of the auctioneer.

Full address.

Number and date of order approving him as an auctioneer

Name of the pawnbroker

Full address.

Number and date of licence of pawnbroker.

1. Number of pledge as in the pledge book maintained by the pawnbroker
2. Date of loan.
3. Name and address of the pawner.

4. Amount of loan.
5. Full and detailed description of the articles sold (weights to be noted in the case of jewels)
6. Date of publication of the catalogue or pledges.
7. Date, hour and place of sale held.
8. Particulars of bid at the auction,

| Name and bidders | Amount |
|------------------|--------|
|------------------|--------|

i)

ii)

iii) etc.

9. Amount for which pledge has been sold by the auctioneer.
10. Amount taken as advance from the successful bidder.
11. Further amount taken from the successful bidder after the knocking down with date.
12. Name and address of the purchaser.
13. Signature of the purchaser.

**Note :-** Separate entry shall be made for each bid made by the bidders even if one bidder bids more than once.

Signature of the auctioneer.

# **THE PONDICHERRY SETTLEMENT RULES, 1970**

**GOVERNMENT OF PONDICHERRY  
REVENUE AND FINANCE DEPARTMENT**

*(G.O.Ms.No.44, dated 24th December 1970.)*

**NOTIFICATION**

**THE PONDICHERRY SETTLEMENT RULES, 1970**

G.S.R.No.1— In exercise of the powers conferred by sub-section (1) of section 27 of the Pondicherry Settlement Act, 1970 (Act 28 of 1970) and all other powers hereunto enabling him in this behalf, the Lieutenant-Governor, Pondicherry makes the following Rules namely:—

1. **Title.**— These rules may be called the Pondicherry Settlement Rules, 1970.

2. **Definitions.**— In these rules, unless there is anything repugnant in the subject or context;

(a) `Act` means the Pondicherry Settlement Act, 1970;

(b) `Form` means a form appended to these Rules;

(c) `section` means a section of the Act;

<sup>1</sup>[(cc) "Specified Officer:] means an officer not below the rank of <sup>2</sup>[a Deputy Tahsildar] specified by the Collector under sub-section (1) section 16.

(d) `village` means a Revenue village.

3. The form of the summons to be issued to persons for recording of evidence and for obtaining production of documents under clauses (i), (ii) and (iii), of section 4, shall be, in Form 1 and there shall be an interval of not less than fifteen days for the conduct of the enquiry or production of documents after the service of the notice.

4. The notice to the occupier of any land for entry on his land, building or closed court or garden attached to a dwelling house on that land or building under section 5 of the Act shall be served on him in Form 2.

5. (1) The Settlement Officer shall fix a day for enquiry under sub-section (2) of section 8 and shall at least before 15 days of the said enquiry cause to be published a notice in Form 3, requiring any person interested in the lands intended to be settled and assessment fixed under the said enquiry, to file objections, if any, before him within a week from the date of the notice and also requesting

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1. Insert *vide* G.O.Ms.No.4, dated 13-10-74 and published in E.O.G No. 137 dated 17-10-74.

2. Substituted *vide* G.O.Ms.No.5 dated 30-10-75 and published in Extraordinary Gazette No. 232 dated 27-11-75.

such persons to be present at the enquiry either in person or through an authorised representative and make their representations.

(2) Copies of the said notice shall be affixed on the Notice Board of the Office of the Settlement Officer, the Office of the Tahsildar or Deputy Tahsildar, as the case may be, having jurisdiction over the said area and also in the village chavady or in any conspicuous public place in the village or villages where the said lands are situated. The fact of such enquiry shall also be proclaimed by beat of tom-tom in the said village or villages.

(3) The enquiry shall be summary and the Settlement Officer shall hear the parties after affording them reasonable opportunity for adducing any oral or documentary evidence.

(4) The decision of the Settlement Officer, after the enquiry referred to in the above clauses shall be published on the Notice Board of the Office of the Settlement Officer, and the copies of the same can be had from the said office on application made in this behalf.

6. In issuing orders under sub-section (2) of section 9; the Government shall generally be guided by the following principles:-

(1). *General remission:-*

(i) Full remission of assessment shall be given if the land is left waste or the crop is totally lost due to deficiency or excess of water;

Provided that such excess or deficiency is not occasioned by any act or negligence on the part of the land-owner or the cultivator as the case may be:

Provided further that in the case of a double crop wet land, if one irrigated crop is successfully harvested, one single wet assessment will be charged.

(ii) When a dry crop is grown on single crop wet land, but water becomes available in the irrigation source during any portion of the year, when it can be used for growing a wet crop, the usual wet assessment shall be levied. Where, however, no supply is received or the supply is received at a time when it cannot be used or in quantity insufficient for raising a wet crop, only the dry assessment shall be charged if the crop is not irrigated.

(iii) Where all the crops grown on a double crop wet land are dry and the water received in the irrigation source is not sufficient to raise a wet crop and is not used to irrigate any of the crops raised on the land, dry assessment only may be charged.

(2). *Reduction, suspension and remission of assessment under exceptional circumstances:—*

(a) In exceptional circumstances, such as the occurrence of widespread calamities like famine, drought and general failure of crop or local calamities caused by hailstorms, flood, locusts and the like, suspension or remission of assessment may be allowed and the following considerations shall weigh with the authorities in deciding the nature of such relief, namely:-

- (i) Outturn for the year of the dry crops, both early and late in the local area;
  - (ii) The crop history of the area during the previous two years;
  - (iii) The abundance or paucity of its irrigation sources including wells, the irrigation results of the year and the question whether the dry cultivation is the main or a subordinate feature of the area;
  - (iv) The prices of produce prevailing in the year and the probability of prices ruling high in the next season also; and
  - (v) any special local circumstances which may indicate the need or the absence of need for relief.
- (b) Suspension must relate to a definite period and the period should not ordinarily extend beyond the current fasli.

7. All Government lands as are at the disposal of the communes for remunerative purposes and assessed to land tax before the commencement of the Act shall be registered in the holding of the communes subject to the following conditions:-

- (i) that the communes pay the assessment, that may be fixed on them, for so long as they are being used for the same purpose as at the time of the commencement of the Act;
- (ii) that in the event of their being not required for the abovesaid purpose, Government may direct that the said lands will be replaced at their disposal;
- (iii) that the decision of the Government under clause (ii) above shall be final.

8. The Settlement Register shall be compiled in English and in the Tamil languages for each village in Pondicherry and Karaikal regions; in English and Malayalam languages in Mahe region and in English and Telugu languages in Yanam region and it shall be in Form 4. <sup>1</sup>[In respect of lands on village-site (Natham) and town, the register shall be in form 4A and 4B respectively.]<sup>1</sup>

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1. Inserted *vide* G.O.Ms.No.14, dated 13-7-76 and published in Extraordinary Gazette No.336, dated 27-7-1976.

9. Register of Rights shall be prepared in Tamil for each village in Pondicherry and Karaikal regions, in Malayalam for each village in Mahe region and in Telugu for each village in Yanam region and it shall be in Form 5. <sup>1</sup>[In respect of lands in village-site (Natham) and town, the register shall be in form 5A and 5B respectively. The intimation to every person communicating to him an extract from the Register shall be in Form 6]<sup>1</sup>

10. Any objection to the entries in the Register of Rights as communicated with notice in Form 6 shall be in Form 7 and it should be stamped with a court-fee stamp of the value of 75 paise.

11. No objection petition, not stamped, as aforesaid, will be entertained by the Settlement Officer.

12. The enquiry under clause (ii) of sub-section (3) of section 14 of the Act shall be a summary enquiry and notice of the enquiry shall be given in Form 8.

13. (1) Where any objection petition was received and it was disposed of after due enquiry under rule 12, the Settlement Officer will suitably revise the Register of Rights in accordance with the orders passed by him on the objection and publish the Register as revised, and, in other cases, as prepared already, for the information of the general public, together with a notice in Form 9.

(2) When the Register of Rights is placed for final publication under sub-section (1) of section 15, a certificate in the following form shall be attached to it, in the first volume, if there are more than one volume.

*"Certificate of final Publication"*

Village No:

Name:

No.of volumes in the Register:

Pages:

Certified that the Register of Rights of the interests as contained in the pages noted above, has been finally framed and is hereby published under sub-section (1) of section 15 of the Pondicherry Settlement Act, 1970 on this ..... day of ..... 19.....

Settlement Officer.

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1. Inserted *vide* G.O.Ms.No.14, dated 13-7-76 and published in Extraordinary Gazette No.336, dated 27-7-1976.



Notes:— (1) The certificate shall be sealed with the seal of the Settlement Officer.

(2) Each page of the Register shall be stamped with a seal in the following form:-

"Register of Rights finally framed and finally published under sub-section (1) of section 15 of the Pondicherry Settlement Act, 1970.

Settlement Officer.

14. Copies of maps prepared under the authority of the Government and extracts from or copies of final Register of Rights after certifications as aforesaid, may be made available to public officers, to land owners and tenants and to others in such manner as the Government may from time to time by general or special order direct. The copies of maps and records which will be made available under this rule to persons other than public officers shall be on payment of cost as under.

(i) The fee for copies of plans, sketches and diagrams at <sup>1</sup>[Rupees Five]<sup>1</sup> per sheet of paper of the size used for a page of the field measurement book, and <sup>1</sup>[Rupees Five] for every additional required in sheet.

(ii) Copies of other records will be furnished on copy stamp paper sheets at the rate of 175 words per sheet whether in English or in vernacular. A sheet means a stamped paper bearing stamp (s) of the value of Fifty paise.

15. An application under sub-section (1) of section 16 of the Act for modification of the entries relating to any land in the Register of Rights shall be in Form 10 and it shall be made to the <sup>2</sup> [Specified Officer] <sup>2</sup>, and it shall bear a court-fee stamp of the value of one rupee <sup>3</sup>[except in respect of applicants belonging to Scheduled Castes and Scheduled Tribes]. <sup>3</sup>

16. On receipt of such an application the <sup>2</sup>[Specified Officer] shall give notice of it in Form 11 to the other interested parties as entered in the approved Register of Rights, calling on them to prefer, on a date not later than fifteen days from the date of receipt of the notice, their objections, if any, as to why the modification applied for should not be complied with.

17. The Register of Rights may be rewritten after every five years or such longer period as the Collector, or Deputy Collector of Pondicherry, Karaikal, Mahe or Yanam, as the case may be, may decide after scrutiny of the Register.

18. The Register for Mutations shall be in Form 12.

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1. Substituted *vide* G.O.Ms.No.3, dated 7-6-88 published in the Official Gazette (Supplementary) No.44, dated 15-6-88

2. Substituted *vide* G.O.Ms.No.4, dated 10-10-74 and published in Extraordinary Gazette No.137, dated 17-10-74.

3. Inserted *Vide* G.O.Ms.No.14, dated 13-7-76 and published in Extraordinary Gazette No.336, dated 27-7-76.

19. (1) All reports for mutation under sub-section (1) of section 17 shall be in Form 13, and shall be sent to the <sup>1</sup>[Specified Officer] having jurisdiction over the village in which the land is situated. The applicant making the report shall fill up columns 1 to 9. The other columns shall be filled up in due course by the officers concerned. The applicant shall also furnish sufficient number of spare copies of the report for communication to the persons interested.

(2) Any person who prays for mutation of name in the Register of Rights shall also state in his report the lands already held by him or any member of his family as ryot, tenant, land-holder or mortgagee with possession or otherwise.

(3) The <sup>1</sup>[Specified officer] shall acknowledge the receipt of the report by making over the counterfoil duly filled in, signed and dated and fix a date for hearing objections, if any, to the sanction of the mutation. The notice of hearing shall be in Form 14.

<sup>2</sup>[19-A. The report of the registering authority under section 18 shall be in Form 13-A and the Specified Officer shall before sanctioning the mutation in any case, gather details of the lands already held by the person acquiring the right, or any other member of his family as ryot, tenant or landholder or mortgagee with possession or otherwise"].

20. Before sanctioning the mutation, the <sup>1</sup>[Specified Officer], shall satisfy himself that the acquisition in pursuance of which mutation is sought for is not in contravention of any of the provisions of the Act.

21. After such sanction, the <sup>1</sup>[Specified Officer], shall make the necessary corrections in the Register of Rights.

22. The intimation under sub-section (2) of section 19 of the Act shall be given by sending a copy of the correction made under the said sub-section.

23. The fee to be paid along with the registration fee, for making the necessary entries in the approved Register of Rights shall be one rupee.

24. Every landholder and any person holding any interest in land or employed in the management of land shall be bound, on the requisition of the <sup>1</sup>[Specified Officer] and of his subordinates, to furnish any information required by them for the purpose of preparing, making or correcting any entry in the Register of Rights or the Register of Mutations, or to show to the satisfaction of such officer, that it is not in his power to furnish the information.

25. Whenever any court of competent jurisdiction makes a decree confirming any transfer of possession of holding or gives effect to any decree transferring any such possession, such transfer

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1. Substituted *vide* G.O.Ms.No.4, dated 10-10-74 and published in Extraordinary Gazette No.137, dated 17-10-74.

2. Insertion *vide* G.O.Ms.No.4, dated 10-10-74 and published in Extraordinary Gazette No.137, dated 17-10-74.

shall, on an application made in this behalf by the person in whose favour the decree is passed or otherwise, be registered in the Register of Mutations by the <sup>1</sup>[Specified Officer].

26. Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act or the rules made thereunder :

- (a) If the order is passed by a Settlement Officer to the Director; and
- (b) in other cases to the <sup>2</sup> [Collector] in the Revenue Department.

27. (1) Certified copy of any order made under this Act, shall be obtained on an application affixing a court-fee stamp of the value of seventy five paise, made in this behalf to the concerned authority.

(2) No such appeal will be entertained unless it is made within thirty days from the date of the receipt of the order appealed against.

*Explanation:—* In computing the above period of limitation, the time taken for obtaining a copy of the order appealed against shall be excluded.

28. Where these rules require any summons, notice or order to be issued and served on any person before passing any order concerning him, such notice or order can be served on him by-

- (a) delivering the notice to him personally or to his duly authorised agent, legal representative or adult member of his family, or
- (b) by sending it to him by registered post acknowledgment due, or
- (c) when such person, his legal representative or any adult member of his family refuses to receive the same, by affixture in his residence or his last known residence or in a conspicuous place in the land concerning which the summons, notice or order has been issued, such affixture, as also the cause of such affixture being certified to by the person effecting it, such certificate being attested by at least two literate residents of the village.

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1. Substituted *vide* G.O.Ms.No.4, dated 10-10-74 and published in Extraordinary Gazette No.137, dated 17-10-74.

2. Substituted *vide* G.O.Ms.No.5, dated 30-10-75 and published in Extraordinary Gazette No.232, dated 27-11-75.

## APPENDIX

### THE PONDICHERY SETTLEMENT RULES, 1970

#### Notice to Party

#### FORM 1

(See Rule 3)

To

A.B

Whereas for carrying out the Settlement operations in respect of the land(s) described in the schedule hereto, it is necessary to examine you and to peruse documents of your title thereto;

You are hereby required to appear before me either in person or by a duly authorised agent at ..... O'clock on the ..... day of ..... 19.....at.....(place) and there produce the undermentioned documents and give evidence, failing which the matter will be decided in your absence.

#### SCHEDULE

Taluk:

Village:

| S.<br>No. | <sup>1</sup> [Wet,<br>dry<br>or<br>Manai] <sup>1</sup> | Extent |   | Boundaries |     |     |     | Description<br>of the<br>Document<br>to be<br>produced |
|-----------|--------------------------------------------------------|--------|---|------------|-----|-----|-----|--------------------------------------------------------|
|           |                                                        | Ha     | A | N          | E   | S   | W   |                                                        |
| (1)       | (2)                                                    | (3)    |   | (4)        | (5) | (6) | (7) | (8)                                                    |

Settlement Officer.

1. Substituted *vide* G.O.Ms. No.14, dated 13-7-76 and published in Extraordinary Gazette No.336, dated 27-7-76.

## THE PONDICHERY SETTLEMENT RULES, 1970

### Notice of Landholders

#### FORM 2

(See Rule 4)

To

A.B

Where as for purposes of survey and taking measurements of the land specified in the schedule hereto, it is necessary for me/my subordinates/ the Settlement Inspector/Surveyors, to enter upon the land to survey its boundaries, take measurements and take such other action as may be necessary for carrying out the settlement of the same.

Now, therefore, this is to require you to allow me/my subordinates/Settlement Inspectors/ Surveyors to enter into the said land, building or any closed court or garden attached to the dwelling house on the said land, on ..... day of ..... 19 at ..... O'clock, failing, which I/my subordinates/Settlement Inspector/Surveyors can, without your consent, enter into the said land, building or any closed court or garden attached to the dwelling house on the land on the said date and hour, for the purpose herein mentioned.

Settlement Officer.

#### SCHEDULE

No. and name of village:

Taluk:

| S<br>No. | <sup>1</sup> [Wet, dry<br>or Manai] <sup>1</sup> | Extent |    | Boundaries |     |     |     | Remarks |
|----------|--------------------------------------------------|--------|----|------------|-----|-----|-----|---------|
|          |                                                  | Ha.    | A. | N          | E   | S   | W   |         |
| (1)      | (2)                                              | (3)    |    | (4)        | (5) | (6) | (7) | (8)     |

Settlement Officer.

1. Substituted *vide* G.O.Ms. No.14, dated 13-7-76 and published in Extraordinary Gazette No.336, dated 27-7-76.

## THE PONDICHERY SETTLEMENT RULES, 1970

### Notice of Classification of Land

#### FORM 3

(See Rule 5)

Whereas in pursuance of a notification issued under sub-section (1) of section 6 of the Pondicherry Settlement Act, 1970, directing the settlement of the local area comprised in the village included in the communes specified below and published at page ..... of the La Gazette de L'Etat dated .....

Now therefore, in exercise of the powers conferred under sub-section (1) of section-8 of the said, Act, the Settlement Officer, Pondicherry, hereby-

(i) gives notice that the lands situated in the villages mentioned above and more fully described in the schedule to the Notice are proposed to be divided into the following groups and classes having regard to the circumstances described in sub-section (2) of section 7 of the said Act; and

(ii) invites any one having any objection or representation to make in the matter, to make such objection or representation in person or by a duly authorised agent, adducing grounds in support of the same on ..... day of ..... 19 .....at----- O'clock in ..... (place).

2. If no objection or representation is received on or before the date and hour specified above, the Settlement Officer will proceed to make the division of the lands into groups and classes and fix their assessments on such materials as are available to him for the purpose.

Name of  
commune

No. and name of  
the village

Settlement Officer.

To

The Village Karnam (2 Copies). One copy of the notice should be published in the village Chavadi, if there is one, and if there is no Chavadi, in a conspicuous public place in the village, and the contents of the notice should also be proclaimed by beat of tom-tom. The other copy should be returned to the Settlement Officer with a certificate of such publication in the following form, attested

by at least two literate residents of the village.

Tahsildar \_\_\_\_\_ of \_\_\_\_\_ Taluk  
Copy to \_\_\_\_\_  
Deputy. Tahsildar \_\_\_\_\_ Sub-Taluk

for publication by affixing it in the Notice Board of his office.

Copy for the Notice Board of the Settlement Officer.

### CERTIFICATE

This notice was published on ..... in the village Chavadi ..... (or some conspicuous place to be mentioned) at ..... village and its contents were also proclaimed in the said village by beat of tom-tom on .....

Signature of  
Village Karnam.

Signature of  
at least two literate residents  
of the village.

- 1.
- 2.

### SCHEDULE

No. and Name of the Village:

Name of the Commune:

| Survey<br>No. and<br>Sub-divi-<br>sion No. | Description<br><sup>1</sup> [Wet, dry or<br>Manai] <sup>1</sup> | Extent<br>Ha. A | Classification<br>with reference<br>to soil*<br><sup>2</sup> [or with reference to<br>the use of residential,<br>commercial,<br>industrial, or<br>other purposes<br>for the lands in<br>Village site<br>(Natham) and<br>town] <sup>2</sup> | Grouping<br>proposed<br>(i.e) Turam<br><sup>2</sup> [or group<br>number or<br>the lands in<br>village-site<br>(Natham)<br>and town] <sup>2</sup> | Rate of<br>assessment<br>per hectare<br>proposed to<br>be adopted<br>for the land |
|--------------------------------------------|-----------------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| (1)                                        | (2)                                                             | (3)             | (4)                                                                                                                                                                                                                                        | (5)                                                                                                                                              | (6)                                                                               |

Rs. P.

1. Substituted *vide* G.O.Ms. No.14, dated 13-7-76 and published in Extraordinary Gazette No.336, dated 27-7-76.  
2. Insertion *vide* G.O.Ms. No.14, dated 13-7-76 and published in Extraordinary Gazette No.336, dated 27-7-76.

Note:— \* The class of soil is represented by Roman letter (I, II, etc.) and the sorts by Arabic numerals also (1 to 5) according to the value and fertility of the soil, 1 denoting `best`; 2 denoting `good`; 3 `ordinary; 4 `inferior` and 5 `worst` lands. The classes of the soils are-

I. Alluvial clay

II. Alluvial loam

I-1A and II-1A special sorts, (i.e.) exceptionally protective soil in I and II classes.

III. Regar clay containing upwards of 2/3 of clay.

IV. Regar loam containing from 1/3 to 2/3 of clay.

V. Regar sand containing not more than 1/3 clay.

VI. Red clay containing upwards of 2/3 clay.

VII. Red loam containing from 1/3 to 2/3 clay.

VIII. Red sand or gravel, containing not more than 1/3 clay.

IX. Calcareous soil containing upwards of 2/3 clay.

X. Calcareous mixed or loamy soil containing from 1/3 to 2/3 of clay.

XI. Calcareous sandy or gravelly soil containing under 1/3 of clay.

XII. Arenaceous loamy soil with 1/3 to 2/3 of clay.

XIII. Arenaceous sandy soil containing from 1/3 to 1/10 clay.

XIV. Arenaceous heavy sandy soil with less than 1/10 clay.

## **THE PONDICHERRY SETTLEMENT RULES, 1970**

### **FORM 4**

(See Rule 8)

Settlement Register of the village of ..... No. .... Taluk. Pondicherry  
Union territory.

### **INDEX OF COLUMN NUMBER**

Col. No.

1. Resurvey No.

2. Subdivision No.

3. Old Survey Number.

4. Government (G) <sup>1</sup> [Ryotwari (R)]

5. Dry: D; Wet: W; Unassessed: U; or Poramboke: P.

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1. Substituted *vide* G.O.Ms. No. 5 dated 30-10-75 and published in Extraordinary Gazette No.232 dated 27-11-75.



6. Source of irrigation and class.
7. If double crop, rate of composition
8. Class and sort of soil
9. Taram
10. Rate per hectare
11. Extent.
12. Assessment
- <sup>1</sup>[13. Patta No. and name of the registered holder.
14. Name of the tenant, if the registered holder himself is not cultivating the land.
15. Remarks (Details of wells, description of poramboke etc.)]

Settlement Officer.

## THE PONDICHERRY SETTLEMENT RULES, 1970

### Register of Rights

#### FORM 5

(See Rule 9)

|                |                                        |                                |
|----------------|----------------------------------------|--------------------------------|
| Name of taluk: | Name of commune:                       | No.and name of Village:        |
|                |                                        |                                |
| Patta No.      | Name and father`s<br>name of pattadar. | S.No.and<br>Subdivision<br>No. |
| (1)            | (2)                                    | (3)                            |

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1. Substituted *vide* G.O.Ms. No. 5 dated 30-10-75 and published in Extraordinary Gazette No.232 dated 27-11-75.

| WET    |       |            | DRY    |       |            | Assessment |
|--------|-------|------------|--------|-------|------------|------------|
| Total  |       |            |        |       |            |            |
| Extent |       | Assessment | Extent |       | Assessment |            |
| Ha.    | A. C. |            | Ha.    | A. C. |            |            |
| (4)    | (5)   |            | (6)    | (7)   | (8)        |            |
| Rs. P. |       |            | Rs. P. |       |            | Rs. P.     |

| Estimated yield per hectare from each of the crops normally raised on the land` | Share of each joint pattadar | Name of the lessee or sub-lessee or tenant and his father`s name and address who is cultivating the land |
|---------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------|
| (9)                                                                             | (10)                         | (11)                                                                                                     |

| Period<br>of tenancy<br>(Year and<br>season)<br>(12) | If the land is not cultivated personally |        |            |            | Remarks<br><br>(18) |      |
|------------------------------------------------------|------------------------------------------|--------|------------|------------|---------------------|------|
|                                                      | Extent cultivated as                     |        |            | Rent fixed |                     |      |
|                                                      |                                          |        |            |            |                     |      |
|                                                      | Tenant                                   | Lessee | Sub-lessee | Cash       |                     | Kind |
|                                                      | (13)                                     | (14)   | (15)       | (16)       |                     | (17) |
| <hr/>                                                |                                          |        |            |            |                     |      |

## Register of Rights for lands in village-site (Natham)

### FORM 5-A

(See Rule 9)

Name of taluk/sub-taluk:

Name of the commune:

Number and name of revenue village:

| Manai patta number | Name and father`s/<br>husband`s<br>name of<br>the pattadar | Re-survey number<br>and subdivision<br>number | Name of<br>the locality | Name of<br>the street | Door<br>number<br>if any | Class of land<br>i.e.,Residential(R)<br>Commercial(C);<br>Industrial (I);<br>Others (O) | Extent |
|--------------------|------------------------------------------------------------|-----------------------------------------------|-------------------------|-----------------------|--------------------------|-----------------------------------------------------------------------------------------|--------|
| (1)                | (2)                                                        | (3)                                           | (4)                     | (5)                   | (6)                      | (7)                                                                                     | (8)    |

H. A. C.

| Assessment | Name and father`s/<br>husband`s name of<br>the tenant, lessee or<br>any other person<br>having an interest<br>in the land | Details of rent or lease or other consideration for occupation |                         |                                     |                                       | Remarks |
|------------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------|-------------------------------------|---------------------------------------|---------|
|            |                                                                                                                           | Nature of interest i.e.,<br>tenant. lessee etc.                | Period of<br>occupation | Whether<br>express<br>or<br>implied | Amount fixed<br>per annum<br>or month |         |
| (9)        | (10)                                                                                                                      | (11)                                                           | (12)                    | (13)                                | (14)                                  | (15)    |

Rs. P.

# Register of Rights for lands in towns

## FORM 5-B

(See Rule 9)

Name of the Municipality/Town:

Number and the name of the revenue village:

| Manai<br>patta<br>number | Name and father's/<br>husband's name of<br>the pattadar | Field<br>number | Town Survey<br>Subdivision<br>number | Name of<br>the<br>locality | Name of<br>the<br>street | Muni-<br>cipal<br>door<br>No. | Wet(W)<br>Dry(D)<br>Special<br>rate<br>dry<br>(SRD)<br>Manai<br>(M) | Class of<br>land i.e.,<br>Residential<br>(R); Com-<br>mercial (C);<br>(C1); (C2);<br>Industrial (I);<br>in respect<br>others(o) |
|--------------------------|---------------------------------------------------------|-----------------|--------------------------------------|----------------------------|--------------------------|-------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| (1)                      | (2)                                                     | (3)             | (4)                                  | (5)                        | (6)                      | (7)                           | (8)                                                                 | (9)                                                                                                                             |

| Extent as per town survey | Assessment | Name and father's/husband's name of the tenant, lessee or any other person having an interest in the land | Details of rent or lease or other consideration for occupation |                            |                      |                                 | Remarks |
|---------------------------|------------|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------|----------------------|---------------------------------|---------|
|                           |            |                                                                                                           | Nature of interest i.e., tenant, lessee etc.                   | Whether express or implied | Period of occupation | Amount fixed per annum or month |         |
| (10)                      | (11)       | (12)                                                                                                      | (13)                                                           | (14)                       | (15)                 | (16)                            | (17)    |

H.A.C.

Rs. P.

**THE PONDICHERRY SETTLEMENT RULES, 1970**

**Issue of extracts from the Register of Rights**

**FORM 6**

(See Rule 9)

To

A.B

An extract from the Register of Rights in so far as it relates to you is enclosed. Any objection or representation you may wish to make thereon may be made by you before the undersigned in person or through a duly authorised agent on-----date of-----19 ----- at-----  
----- O'clock at----- (place)

Settlement Officer.

Copy to the Karnam of ----- village (2copies) for publishing one copy in the village chavadi or a conspicuous public place in the village and returning the other to this office before the date of enquiry with the mode of publication endorsed on it. He is also requested to be present at the enquiry.

**THE PONDICHERRY SETTLEMENT RULES, 1970**

**Objection under sub-section (2) of section 14 of the Pondicherry**

**Settlement Act, 1970**

**FORM 7**

(See Rule 10)

To

The Settlement Officer, Pondicherry.

Taluk:

Village:

1. Name, father`s name and address of the objector.
2. Name, father`s name and address of the person against whose patta objection is made.
3. No. of the patta in respect of which objection is made.

4. S.No. and subdivision of the land in respect of patta relating to which objection is made.
5. Nature of objection, e.g., status, rent, revenue etc.
6. Brief statement of the matters objected to and the documents or other evidence relied upon in support of the objection.

Signature.

(Reverse)

Objection No.

Village No. and name:

Order of the Settlement Officer:

Signature of the Settlement Officer.

### **THE PONDICHERY SETTLEMENT RULES, 1970**

#### **Notice fixing date for hearing objection under section 14(1)**

#### **of the Pondicherry Settlement Act, 1970**

#### **FORM 8**

(See Rule 12)

Taluk:

Objection No:

No. and name of the village:

Name of Objector:

Name of other parties:

To

A.B.

C.D.

Whereas an objection has been filed under section 14(1) of the Pondicherry Settlement Act, 1970 and (date) ..... has been fixed for hearing, you are hereby required to be present before the undersigned either personally or by duly authorised agent with evidence, oral and documentary at ..... O'clock on the above said date at ..... (place). If you fail to do so, orders may be passed without it.

Settlement Officer.





**THE PONDICHERRY SETTLEMENT RULES, 1970**

**Application for modification of entries in the Register of Rights**

**FORM 10**

(See Rule 15)

To

The <sup>1</sup>[Specified Officer]

Sir,

I hereby apply for modification of the entries in the Register of Rights relating to ..... Village, ..... Taluk, in respect of the land S. No ..... of the said village, because.

- (i) of the death (on.....) of ..... to whom I am next heir:
- (ii) of my purchase of the same/having taken it up on lease, mortgage or on tenancy.

2. I enclose the following documents:

- (i) Certified extract from the Death Register of ..... Village ..... Taluk
- (ii) Registered Sale/lease/mortgage deed.
- (iii) ..... etc, etc.

3. I request that my name may be substituted for the existing entry relating to the land, and the terms of lease/tenancy/mortgage and the entry thereby modified with reference to the documents produced.

Signature of the applicant.

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1. Substituted *vide* G.O.Ms.No.4, dated 10-10-74 and published in the Extraordinary Gazette No.137, dated 17-7-74.

# THE PONDICHERRY SETTLEMENT RULES, 1970

## Intimation of receipt of application for modification in the

### Register of Rights

#### FORM 11

(See Rule 16)

To

A.B.

Whereas an application has been made by ..... for modifying the entries in the Register of Rights relating to S.No..... of ..... village ..... Taluk, as detailed in the schedule hereto, this is to require you to appear before the undersigned personally or by a duly authorised agent at ..... O` clock on ..... day of ..... 197 ..... at ..... (place) and make such objection or representation, if any, as you may deem necessary and there produce any document or evidence on which such objection or representation is based. If you fail to do so, the application for modification will be disposed of on the materials available before me.

<sup>1</sup> (Specified Officer.)

Copy to the applicant. He is also requested to appear for the enquiry on the date and place and at the hour specified therein failing which the matter will be disposed of on merits. Copy to the Karnam ..... Village. He is also requested to be present at the enquiry with the village records.

#### SCHEDULE

| Village | S.No. | Description<br><sup>2</sup> [Wet,Dry<br>or Manai] <sup>2</sup> | Extent<br>Ha. A. | Nature of modification<br>applied for |
|---------|-------|----------------------------------------------------------------|------------------|---------------------------------------|
| (1)     | (2)   | (3)                                                            | (4)              | (5)                                   |

<sup>1</sup> Specified Officer.

1. Substituted *vide* G.O.Ms.No.4, dated 10-10-74 and published in Extraordinary Gazette No.137 dated 17-10-74.

2. Substituted *vide* G.O.Ms.No.14, dated 13-7-76 and published in Extraordinary Gazette No.336 dated 27-7-76.

# THE PONDICHERY SETTLEMENT RULES, 1970

## Register of Mutations

### FORM 12

(See Rule 18)

Taluk: \_\_\_\_\_ Commune: \_\_\_\_\_ No. and name of village \_\_\_\_\_

| Sl. No. | Patta No | S.No. and Sub-division | Date of application/Date of its receipt in office | Name and father`s name and address of the applicant | Gist of the report, giving nature of acquisition | Total area of the land or subdivision |
|---------|----------|------------------------|---------------------------------------------------|-----------------------------------------------------|--------------------------------------------------|---------------------------------------|
| (1)     | (2)      | (3)                    | (4)                                               | (5)                                                 | (6)                                              | (7)                                   |

| Extent Covered by the mutation | Date of issue of notice | Date of service of notice and date of return after service | Disposal                    |          |                    | Remarks and signature of the certifying Officer |
|--------------------------------|-------------------------|------------------------------------------------------------|-----------------------------|----------|--------------------|-------------------------------------------------|
|                                |                         |                                                            | Date of sanction or refusal | Abstract | Date of correction |                                                 |
| (8)                            | (9)                     | (10)                                                       | (11)                        | (12)     | (13)               | (14)                                            |

**THE PONDICHERY SETTLEMENT RULES, 1970**

**Report for Mutation**

**FORM 13**

[See Rule 19 (1) and (2).]

1. No. and name of the village.
2. Name of the commune.
3. Serial No.
4. Date of Report.
5. Names of the applicant making the reports.
6. (a) Names of recorded persons which their father's names and address in whose place mutation is sought.  
(b) Patta No.
7. Manner of acquisition with consideration paid, if any, and date.
8. Details of other lands held by the applicant or by any other member of his family either as ryot, tenant or landholder or mortgagee in possession.
9. Date of sending the report to the prescribed Officer <sup>1</sup> [Specified Officer] <sup>1</sup>

Signature of applicant.

10. Date of entry in the mutation Register.
11. Date of sanction or refusal.
12. Abstract of order.
13. Date of correction in the Register of Rights.
14. Signature with date of the Officer verifying the correction.

.....  
*Counter foil*

Receipt for application for mutation Serial No..... in the Register of Mutation  
..... No and name of village .....

Received the request for mutation from Shri ..... of  
..... village on .....

Signature of <sup>1</sup> Specified Officer

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1. Inserted vide G.O. Ms. No.4, dated 10-10-74 and published in Extraordinary Gazette No. 137, dated 17-7-74.

## THE PONDICHERRY SETTLEMENT RULES

### Report of the Registering Authority

#### <sup>2</sup> FORM 13-A

(See Rule 19-A)

#### Office of the

No.

Date

1. Name of Taluk/Sub-Taluk/Commune
2. No. and name of the Village
3. Particulars of the transaction relating to land:
  - a) Nature of the transaction (Sale,gift,etc)
  - b) Particulars of land involved
    - i) Patta No.
    - ii) Cadastre No.
    - iii) Classification <sup>1</sup>[Wet, dry, garden or manai] <sup>1</sup>
    - iv) Extent
    - v) Assessment
  - c) Name, father`s or husband`s or Karnavan`s name and address of the executant.
  - d) Name, father`s or husband`s or Karnavan`s name of the claimant.
  - e) Date of execution of the document.
  - f) Registration number and date of registration of document.

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1. Inserted vide G.O. Ms. No.4, dated 10-10-74 and published in Extraordinary Gazette No. 137, dated 17-7-74.

2. Substituted vide G.O.Ms.No.14, dated 13-7-76 and published in Extraordinary Gazette No.336 dated 27-7-76.

g) Value of the property involved or consideration for lease, sub-lease or tenancy or other terms, if any.

Signature of the Registering Authority.

To

The Specified Officer.

## **THE PONDICHERRY SETTLEMENT RULES, 1970**

### **Notice to general public on mutation report**

#### **FORM 14**

[See Rule 19 (3)]

Whereas a mutation report has been received by the undersigned from ..... S/o ..... village in respect of S.No..... of ..... village ..... taluk, notice is hereby given that it will be taken up for enquiry on ..... day of .....19 at ..... O'clock ..... (place). Anyone having any objection or representation to make in regard to the sanction of the mutation may appear personally or by a duly authorised agent before the undersigned on the above said date and hour and at the place specified and produce oral or documentary evidence in support of his objection or representation.

Deputy Collector, Pondicherry/Karaikal/  
Mahe/Yanam

To

The Karnam of ..... village (2 copies) for publication of one copy in the chavadi in the village, if there is one, and in a conspicuous public place if there is no chavadi, at least seven clear days before the date of enquiry and returning the other copy to the office of issue with a certificate of such publication. He is also requested to be present at the enquiry with the village records.

Copy to the applicant (in duplicate for service and return). He is also requested to be present at the enquiry.

**GOVERNMENT OF PONDICHERRY**

**REVENUE AND FINANCE DEPARTMENT**

(G.O.Ms.No.45, dated 24th December 1970)

**NOTIFICATION-I**

S.O.No.3:- In exercise of the powers conferred by sub-section (3), of section 1 of the Pondicherry Settlement Act, 1970 (Act No.28 of 1970) the Lieutenant-Governor of Pondicherry hereby appoints the 11th day of January, 1971 as the date on which the said Act shall come into force in the Union territory of Pondicherry.

**NOTIFICATION-II**

S.O.No.4.- In exercise of the powers conferred by sub-section (1) of section 3 of the Pondicherry Settlement Act, 1970 (Act No.28 of 1970), the Lieutenant-Governor of Pondicherry hereby appoints the Director of Survey and Land Records, Pondicherry, as also the Director of Settlements to carry out the Settlement operations and to perform the duties and discharge the functions assigned to such Director by or under the said Act.

**NOTIFICATION-III**

S.O.No.5.- In exercise of the powers conferred by sub-section (2) of section 3 of the Pondicherry Settlement Act, 1970 (Act No.28 of 1970), the Lieutenant-Governor, Pondicherry hereby appoints the Settlement Tahsildar, Pondicherry as Settlement Officer for the whole of the Union territory, to perform the duties and discharge the functions assigned to him by or under the said Act.

**GOVERNMENT OF PONDICHERRY**

**REVENUE (SURVEY) DEPARTMENT**

*(G.O.Ms.No.4.,dated 21st August 1975.)*

**NOTIFICATION**

In pursuance of the provisions of clause (b) of section 12 of the Pondicherry Settlement Act, 1970 (Act No.28 of 1970) the Lieutenant-Governor, Pondicherry hereby declares the following areas in the Union territory of Pondicherry as "Towns" namely:-

| Sl.<br>No.<br>(1) | Name of the region<br>(2) | Name of the area declared<br>as town<br>(3) |
|-------------------|---------------------------|---------------------------------------------|
| 1.                | Pondicherry               | Pondicherry Municipality                    |
| 2.                | Karaikal                  | Karaikal Municipality                       |
| 3.                | Yanam                     | Yanam Municipality                          |



**ADMINISTRATIVE INSTRUCTIONS FOR  
IMPLEMENTATION OF THE  
PONDICHERRY REVENUE RECOVERY  
ACT, 1970**

# Administrative Instructions

*Administrative instructions for the guidance of Revenue Officers in the matter of guidance of Revenue officers in the matter of implementation of the Pondicherry Revenue Recovery Act, 1970. Act No.14 of 1970.*

The Pondicherry Revenue Recovery Act, 1970 is going to be enforced with effect from the date to be notified according to the notification published in the official Gazette No.

The General Procedure to be followed in implementing the various provisions of the said Act and the course of action to be pursued in all administrative matters arising thereon are set out below as supplementary one. The officers of the Revenue Department are therefore requested to study the Act carefully and abide by it in the course of their discharge of their duties entrusted to them under the provisions of the Act. The day to day administration in the matter of recovery of Government dues, the foremost and primary duty cast upon them. They should take note of the illegalities and irregularities of the Act listed out in Annexure III.

## PAYMENT OF REVENUE

1. (a) **Under section 4(1)** of the Act, it has been notified that the revenue leviable on account of a fasli year shall be all in four monthly equal instalments commencing from January to April of the fasli year on account of which the revenue is due, on the 10th of the months aforesaid uniformly in all regions. The time, place, manner of payment as set out in the Notification should be carefully adhered to.

(b) Non - resident pattadars may remit the amount of revenue due direct in the Government treasury subject to the conditions laid down in the said notification in Annexure I.

2. **CURRENT COLLECTIONS.--** It is of importance that the current revenue should be collected within the fasli year, and Dy. Collectors should make every exertion to secure this subject. When arrears are allowed to accumulate their realisation cripples the resources of the ryots, renders the collection of the current year's revenue difficult and gives the inferior officials an opportunity for oppression.

3. **OVERPAYMENTS.--** Adjustment of overpayments.-- Overpayments made on account of any patta and not refunded before the preparation of Village Account No. 14-C should be treated as advance payments of the succeeding fasli and adjusted towards the succeeding year's assessment under the same patta wherever that patta continues to exist. If however after the account has been prepared and before the demand for the subsequent fasli has fallen due the registered holder requests that the overpayments should be refunded in cash, refund in cash should be made under the orders of the Deputy collector (Revenue) and the amount should be deleted from section I of village Account No. 14 - C.

(i) Unadjustable items to be refunded on demand. Deputy collector (Revenue) should notify that overpayments which cannot be adjusted towards any patta will be paid on demand, and they should comply with all demands for repayment of such amounts shown to be due in Account No.14-C .

(ii) List of overpayments to be published in the village.-- As soon as the accounts of the fasli are closed and the exact amounts of overpayments can be ascertained from columns 1 of 6 of account No. 14 - C, a notice signed by the Tahsildar should be published in the village giving a list of

overpayments and stating that the amount which can be adjusted as advance payments towards pattas will be adjusted towards the revenue due under those pattas in the current year, and that persons who have made overpayments which cannot be so adjusted should apply to the tahsildar for the refund of those amounts. The notice and list should be prepared in duplicate and the village headman should be required to return one copy with the signature and mark of parties to whom refunds are due as far as practicable and with a certificate to the effect that it was duly published not only in writing, but by beat of drum in the village.

4. 1) **COLLECTION AND REFUND OF BACK ASSESSMENT.--** In cases of oversight.-- In case where the occupation of land at the disposal of the Government whether authorised or unauthorised has escaped notice, the collection of back assessment shall be limited to the period of occupation or to ten years whichever is less.

2) In case of positive error.-- In cases where assessment has not been collected where it was due or an amount less than was due has been collected owing to some positive mistake on the part of officers of Government, such as wrong registry of ryotwari lands as in the entry, of a wrong area or assessment, etc., the claim of Government to back assessment should be restricted to three years previous to the year of detection of the mistake.

5. **Collection of Disputed items of Revenue.--** When a suit is against the Government in respect of an item of revenue the collection of such revenue will ordinarily continue to be made until the decision of the court of the instance is given, unless the party obtains an injunction from the court restraining the Government from collecting such revenue. If the court of first instance declares the collection of the item of revenue in question to be illegal, no further collection thereof will ordinarily be made pending the result of appeal, unless such suspension of collection might result in subsequent collection being barred by limitation. In that case, collection shall not be suspended.

6. a ) **WRITING OFF IRRECOVERABLE ARREARS.--** Powers of Deputy Collector (Revenue) -- Deputy Collectors can, on their own authority, write off irrecoverable arrears of land revenue including water cess provided that they fall under one of the following heads:-

- (1) amounts erroneously included in the demand;
- (2) amounts wrongly charged on lands taken over for public purpose;
- (3) amounts remitted;
- (4) Demands remaining undischarged after sale of the defaulter's property.

b) Deputy Collectors (Revenue ) can exercise powers in respect of all the heads except (4) referred to above subject to a limit of Rs.100/- in regard to each item. Deputy collector can also write off irrecoverable arrears in cases where the defaulter has no property provided that the arrears do not exceed Rs. 1,000/- in each items. Interest due in respect of any items so written off should also be written off on the authority of the same order. But any cess amount due should be written off with prior concurrence of the Legislative Assembly Department. The total of the amounts written off by Collectors and divisional officers under the authority of this order will be exhibited under each head in the monthly demand, collection and balance statements.

c) Quarterly statements of irrecoverable arrears.-- Deputy Collectors (Revenue) should submit quarterly statements to the collector in the prescribed form showing such items as require the sanction of the collector. The returns should reach the collector's office not later than 20th of the month after the close of each quarter with individual.

d) Proclamation of the amounts written off.-- In order to prevent exaction by the vast Grade Government revenue servants, special care should be taken whenever arrears are written off the accounts, to make known to the defaulters concerned that there is no further demand against them. The remission of arrears should be published at the Taluk cutcherry, and in the village chavadi or in any public place in the village where there is no chavadi.

7. **GROSS COLLECTIONS TO BE CREDITED.--** Deputy Collectors (Revenue) should be careful that the gross revenue collected in their divisions is duly brought to account.

8. **GENERAL PROCEDURE UNDER THE PONDICHERY REVENUE RECOVERY ACT 1970** as amended.-- Property amenable to coercive processes.-- Sections 6 and 26 enable a Collector or other officer empowered by the Collector, generally the Tahsildar of the Taluk/Deputy Tahsildars of Sub Taluk to realize an arrear with all costs by the sale of either the movable or the immovable property of the defaulter, or of both at his discretion.

**Note:** The undivided property of a joint family cannot be proceeded against under this Act for realising the arrears of revenue due by a member of the joint family in respect of separate property owned by him.

9. **EXEMPTION OF CERTAIN PROPERTY BELONG TO AGRICULTURISTS.--** The implements of husbandry and one pair of ploughing cattle for each cultivator and such personal ornaments as in accordance with custom or religious usage cannot be parted with by a woman, for example, a 'tali' or "wedding ring" should be considered as exempted from attachment and sale for arrears of revenue.

The attachment of the doors and windows of houses is illegal.

**Notes.--** (1) The exemption referred to above be allowed in cases of unauthorised cultivation by persons who own no lands in the village.

(2) If several holdings are owned by a ryot he will be entitled to exemption as regards only one pair of cattle on each occasion of distraint.

(3) Where several persons own holding jointly, each is entitled to the exemption for himself.

10. **INTEREST ON ARREARS.--** Under Section 7, arrears bear interest at the rate of <sup>1</sup>[12%] per annum, but except under the orders of the Collector or the Deputy Collector (Revenue) interest shall not be charged on arrears of land revenue until the end of the fasli year.

11. **PROCEDURE IN DISTRAINT.--** Section 8 to 21 set forth the rules to be observed in respect of the distraint of movable property. The order of distraint (notice of demand No.1) will generally be issued by the Tahsildar/ Deputy Tahsildar or by Revenue inspector during kist months; but the Tahsildar/Dy. Tahsildar/Revenue Inspectors must be empowered in this behalf by the collector, and this, as a rule, should be done by a general order from the Collector empowering all such officers to take action. In every case the distrainer should be furnished with a demand in writing which must be produced, and which if the arrear etc., be not at once paid, will be his authority, without further notice, for making the distress.

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1. Substituted by No. 520/ Leg. / 90-LLD dated 07-11-1990

12. 1) **SALE OF DISTRAINED PROPERTY.--** Section 22 to 24 prescribe the rules to be observed in the sale of distrained property. Fifteen days must elapse after the notice of sale has been duly published before the sale can take place, and under section 10 the defaulter's property must be released if payment of the arrear with costs, etc., is made before sun set on the day previous to the day of sale.

2) Under Section 2(e) of Act of 1970, Tahsildars/ Dy. Tahsildars are vested with powers of "sales officer" to sell distrained property for arrears of revenue. Under Section 6 thereof, they may delegate by general order to revenue inspectors, the power to conduct sales of distrained property with specific instructions that the person authorised will be held responsible for any abuses in the sales and will be liable to severe punishment and for damages sustained by aggrieved party and that the action of the authorised person will be subject to the powers of general control and superintendence of the District Collector and the Dy. Collector (Revenue). He has also power to cancel such sales conducted by him as irregular and to recovery the property to the original owners. In the sales conducted by Revenue Inspectors the notice of sale of movable property ( Form No.3 ) should be signed by Tahsildar/ Dy. Tahsildar and not by the Revenue Inspector or other Subordinates.

13. **ATTACHMENT OF LAND.--** The sections of the Act already mentioned in paragraphs 11 and above refer to the distraint of the movable property. The Act next preceeds, in sections 25 to 47, to prescribe rules for the attachment and management of land. Before land is attached a written demand must be served on; and a copy given to, the defaulter and after attachment is made a notice containing certain particulars must be affixed on some conspicuous part of the land, and the attachment must be notified by the public proclamation on the land as well as by publication in the official gazette. These preliminaries should invariably be observed before the land is brought to sale.

**Notes:** 1) The notice of attachment shall, whenever possible be served on defaulters personally, where this is impossible it should be published by beat of tom tom in the village and a list should be posted prominently in the village chavadi or the temple of the village deity or some other place of public assembly in the village.

2) If the land belongs to a soldier who is still in service whether the land is owned by him singly or jointly and whether it has been assigned to him for service during the war or has been inherited by him or acquired by him by sale, gift, or otherwise, the revenue authorities should, before bringing the land to sale for non payment of assessment, inform the defaulter through his commanding officer, that the assessment of the land is overdue and that, if it is not paid within 2 months, the land will be brought to sale. Specific sanction of the Collector, should be obtained before any land which belongs to a serving soldier is sold for arrears of revenue.

**MANAGEMENT OF ATTACHED LAND.--** Provision is made under section 28 to 33 for managing landed property at any time during attachment. Such management should not be undertaken except so far as may be absolutely necessary during the interval between attachment and sale, or in very exceptional cases, in which the sanction of the Government should be applied for and the reasons for adopting this course fully stated and it should be clearly intimated to defaulters that the Collector will not undertake the management of their lands when they are in arrear, but will proceed at once to realise it in the manner prescribed by the Act.

14. **PAYMENT OF ARREARS BY PERSONS INTERESTED.--** Under section 35 any person claiming an interest, tenants and bonafide mortgagees of land attached for arrears or about to be sold, as well as all persons not being in possession thereof but bonafide claiming an interest therein adverse to the defaulter, are given the option of releasing it by payment of the arrear; such persons should be allowed every reasonable facility to save their interest in the land.

**NOTE.--** Absentee ryots and encumbrancers are permitted to register their addresses and the survey numbers in which they are interested on payment of a annual fee of one rupee which will hold good even if the survey numbers are included in several holdings as situated in several villages of a taluk. If any of these survey numbers are notified for sale for arrears, the fact should be intimated in time to the registered addresses. If the notice is sent by hand an acknowledgement should be obtained; if by post, it should be registered, " for acknowledgement " As a registration fee is levied, no postage or other charge should be made for sending the notice.

**15. PROCEDURE IN SELLING LAND.--** Section 36 to 47 apply to the sale of land and the consequences of such sale. The sanction of the Government previous to the sale of land is not necessary. In addition to the notice required to be issued when the land of a defaulter is attached, another notice of sale must be issued. This notice must contain the particulars mentioned in clause (ii) of Section 36. It must be issued in English as well as in the regional language and fixed up, at least one month before the sale, in the Collector's office and in the other places specified. It must also be read out in full at the time of sale, and initialled publicly as so read. A notice in the form 8 given in Appendix II should also be published in the official gazette atleast a fortnight before the date of the intended sale. Before the land is sold it should be inspected by an officer not lower than in rank of a revenue inspector. The officer,conducting the sale should himself read the notice and certify the fact in his report of the sale.

**NOTE.--** If the defaulter dies at any time before the date of sale of his holding, urgent steps should first be taken for the transfer of registry of the holding to his legal heirs; the sale proceedings should then be started de novo

**16. WHO MAY BID.--** Any person, including the defaulter, may bid at a sale of land; but public servants can do so only in conformity with the Government servants' Conduct Rules.

**17. CONFIRMATION OF SALES.--** Dy. Collector (Revenue) or Sub Collector in charge of a division has the power to confirm sales and issue certificates under section 40 (5) But the order of these officers confirming or settings aside sales are subject to the general powers of revision and control exercisable by the District Collector. Such powers may be exercised by the Collector suo moto or at the instance of one or other of the parties concerned. The law imposes no limitation as to the period within which such powers may be exercised.

**NOTE.--** Single certificate may be given for lands purchased at a single sale and the certificate may be in English or in the regional language.

**18. EXTENT OF LAND TO BE SOLD.--** Section 46 authorizes the Collector to sell the whole or any portion of the land of the defaulter for arrears of revenue due by him, i.e. the whole or any portion of the holding of the defaulter and not merely the whole or any portion of the fraction of the holding on which the arrears have actually accrued. The latter clause of the section, however, provides that no larger "section" of the land shall be sold than may be sufficient to discharge the arrear with costs, etc., with reference to this it should be a rule that no section less than a registered revenue field bearing a distinct number shall be sold when the field is in the sole possession of the defaulter.

**19. SECURITY FOR PAYMENT OF ARREARS.--** Under Section 47 Collectors are competent to accept security for the payment of an arrear; and to post - pone the site of the defaulter's property.

**20. IMPRISONMENT OF THE DEFAULTER.--** With reference to sections 48 to 49 and proviso thereon arrest for arrears of revenue may be resorted to when the Collector has reason to



believe that the defaulter or his surety is wilfully withholding payment of the arrears, or has been guilty of fraudulent conduct to evade payment. Subsistence allowance should be granted to defaulters imprisoned for arrears due to Government at the rates fixed for judgment debtors under the civil procedure code. In case the defaulter is imprisoned for arrears due to local funds, the subsistence allowance should be charged to such funds. These provisions do not apply to Indian Officers or soldiers or other persons in the Indian Army who are exempt from arrest.

**21. CROPS ON THE GROUND NOT TO BE INTERFERED WITH.--** Exception.-- Except under the special provisions of section 51, no interference with the land holder is allowed by the Act in regard to the removal of his crops on the ground, unless they have been attached in due course of the law. When the revenue is payable in kind, which is now very seldom the case, authority is given by this section to prevent the removal of the crop until a division has been made, or security furnished for the Government share.

**22. COLLECTION OF ARREARS OF REVENUE OTHER THAN LAND REVENUE.--** Under section 52, arrears of revenue other than land revenue, and advances of public money for revenue purposes, as well as fees, etc., payable to village servants employed on revenue and police duties, and other lawful cesses and all sums due to the state Government including compensation for any loss or damage sustained by them in consequence of a breach of contract may be recovered in the same manner as arrears of land revenue. A similar provision has been made in various special Acts. By itself however it does not convert the arrears into one of land revenue and so attract the attributes accorded by sections 2 and 52. This has been done in some special Acts, which says it shall be deemed to be land revenue.

**23. RECEIPTS BY WHOM TO BE SIGNED.--** Under Section 56, the receipts to be given to all persons paying revenue are to be signed by the Collector or other officer empowered by him in that behalf. The receipt should be in Form No.13 in Appendix II.

**24. PROCESSES TO BE SERVED IN OTHER DISTRICTS OR TALUKS.--** Under section 57, Collectors may delegate all or any of their powers and duties under this section to any subordinate revenue officer not below the rank of a Deputy Tahsildar. Requisitions to other districts, or to other taluks within the district, for the collection of arrears under section 57 should be sent as sparingly as possible: Wherever it is necessary to send a demand notice to another district, or to another taluk of the district, for attachment of movable, the Tahsildar or the Deputy Tahsildar of the taluk in which the default occurs should proceed against the land in his taluk simultaneously, so that no time may be lost, if eventually it becomes necessary to pursue the latter course to a conclusion.

**25. PROPERTY OF MINORS.--** No land which is the property of a minor and descended to him by the regular course of inheritance, shall, during his minority, be sold for arrears of revenue accruing subsequently to his accession to the same.

**26. LIMITATION OF TIME FOR EXECUTION OF PROCESS.--** Act does not prescribe any limit of time for the service or execution of processes issued under its provisions. It is necessary, however, both for the prompt recovery of the Government revenue and for the protection of revenue defaulters against the exactions of unscrupulous process servers, that some limit of time should be provided. The Government has fixed twenty days as the limit. Any process not served or executed within twenty days after issue must be returned by the process - server or karnam with an explanation of his failure to serve or execute it.

27. **PUBLICATION OF REVENUE ACT.--** The Deputy Collectors (Revenue) should make the provisions of the Revenue Recovery Act generally known and should enjoin on subordinate officers as well as on taluk and village servants employed in the collection of revenue the necessity of making themselves thoroughly acquainted with the Act.

28. **FORMS UNDER THE ACT.--** Forms under the Act will be found in Appendix II.

29. **ILLEGALITIES AND IRREGULARITIES UNDER THE ACT.--** A list of illegalities which vitiate sale proceedings under the Pondicherry Revenue Recovery Act, 1970 and a list of irregularities which are merely infringements of executive instructions issued from time to time are given in Appendix III with a view that subordinate officers may avoid them.

30. **CONDUCT OF SALES.-- (i) General sales rules.--** The sale of property attached for arrears of any kind, whether due to Government or to an intermediate party should be peremptory and without reserve. It is the duty of the Collector to see that the sale is conducted under such supervision as shall prevent collusion. It should also be made known before the sale that adjournments and delays will not be granted, but that the sale will take place punctually, according to the terms of the notice.

(ii) Adjournment of sales.-- The adjournment deprecated here is that of a lot once put up. Where the lots to be sold are very numerous, so that they cannot be all sold on one day, the sale may properly be stopped after business hours and adjourned to the next business day, due notice of the day hour being given. Lots should invariably be put up in the order in which they stand in the list.

31. **SALE OF LAND ALREADY ALIENATED** By the defaulter in favour of other parties.-- It is undesirable that land transferred by a registered holder however informally, to another party, and on which no arrears are due should be sold for arrears of revenue due by the registered holder on other land which is not brought to sale. Deputy Collectors (Revenue) should not sell land in the

possession of alienees until all other land and property in the possession of the registered holder have been sold, or unless the arrear due is caused by the default of the alienees. Whether the land to be sold is in the possession of the registered holder or not, and whether the arrear is due by the registered holder or by the alienee on the portion alienated, should be ascertained by local enquiry.

32. **PROCEDURE IN CASE OF DOUBTFUL OWNERSHIP OF LAND.--** Deputy Collectors (Revenue) can, at their option, proceed against the defaulter's personal or real property. The right course, therefore, when the ownership of land is disputed on which the arrear is due, regarding the liability of which, whoever the owner may be, there can be no question.

33. **BUYING IN FOR GOVERNMENT --** (a) General procedure.--If no bid is made for land sold for arrears of revenue whether on account of combination among the ryots or otherwise, it should be purchased on behalf of Government at a nominal price, the amount of the purchase money being written off the accounts as an irrisoverable arrear with the sanction of the competent authority.

(b) when there is good reason to suspect combination to prevent the realization of the full value of the land, the officer conducting the sale is authorized to bid on behalf of Government, when the bids are less the annual assessment of the land, upto an amount not exceeding the annual assessment of the land. When land is bought in by Government, the certificate should be issued, in the name of the Government.



**34. TREATMENT OF BROUGHT - IN LAND.--** Government have an absolute right to lands purchased by them at sales for arrears of revenue; consequently such lands should not be treated in the first instance necessarily as village waste available for occupation by ryots with or without darkhast, but entered in Taluk register No. and the village officers must clearly understand, and must also inform the ryots, that so long as the land is included in this register it will not be dealt with under the darkhast rules and that any unauthorized entry upon it will render the trespasser liable to be evicted which should be applied in accordance with the instructions in force.

**35. TRESPASS ON BOUGHT IN LAND HOW DEALT WITH.--** If during the time that the land is retained on the register, it is occupied without permission whether by the former owner or by any one else, the divisional officer, tahsildar or deputy tahsildar has full discretion to deal with the unauthorised occupation by applying, the provisions of public premises Act.

**36. MAINTENANCE OF PROCESS REGISTERS IN TALUK OFFICES.--** Three registers to processes issued should be maintained in the Taluk in the forms given in Appendix IV. Either the Tahsildar or Dy. Tahsildar should scrutinize these registers every day and insist on the punctual execution of processes. This duty should receive particular attention during the kist months.

**37. RECOVERY OF ARREARS OF REVENUE ON LAND ATTACHMENT BY CIVIL COURT.--**

a) **EFFECT OF ATTACHMENT BY CIVIL COURTS.** Attachment of land by civil courts, whether before or after judgement, is no bar to its attachment for arrears of revenue. Collectors have the same authority to attach and sell land and the crops standing thereon for arrears of revenue after attachment by a civil court as before it; what the courts attach and sell being only the right, title and interest of the judgement - debtor in the land and crops, while the revenue authorities sell the land itself and the crops standing on it.

b) **NOTICE TO CIVIL COURTS.--** In, the course of distraining land and the crops standing thereon for arrears of revenue, it may be found that the right, title, and interest therein of the defaulter have been previously attached by order of a civil court notice of the distraint for arrears and of the intention of the revenue authorities to bring the land and crops to sale in default of the arrears being the land and crops to sale in default of the arrears being liquidated, shall be given to the civil court under whose orders such attachment, has been made..

c) **RECOVERY OF ARREARS OF REVENUE ON LAND SOLD BY CIVIL COURTS.--** No steps should be taken to recover arrears of revenue from the proceeds of land sold under the decree of a civil court. Process can issue under the revenue law for the recovery of Government dues, current and arrears, against the land itself and without reference to changes of ownership. The purchaser at a court sale takes the land with its encumbrances, and as proclaimed in the notification on the subject issued in all areas, he can ascertain by application to the tahsildar what these encumbrances are so far as Government arrears are concerned.

**38. REWARDS FOR INFORMATION OF LAND REVENUE FRAUDS.--** If any information is given at or before the time of the annual settlement, or within a reasonable period after it, as to frauds committed by karnams in regard to concealed cultivation or any item of land revenue includes in the annual settlement, and if such information proves to be well founded, the collector, may recommend to the Government, the grant to the informant of a reward not exceeding 50% of the year's assessment of the land or other dues concerned. Application by collectors for the payment of such rewards must be made in the prescribed form, which will be found in Appendix V.

## **ANNEXURE - I**

**(Vide Paragraph 1)**

### **GOVERNMENT OF PONDICHERRY REVENUE DEPARTMENT**

\*\*\*

No. B.819/68-Rev.III

Pondicherry, the 20/07/1970.

#### **NOTIFICATION**

In exercise of the powers conferred by sub-section (i) of section 4 of the Pondicherry Revenue Recovery Act, 1970 (No.14 of 1970), the Lieutenant Governor, Pondicherry, is hereby pleased to order that the revenue leviable on account of a fasli year shall be payable at such times, in such instalments to such persons, at such places and in such manner, as specified below, namely:-

(a) The revenue shall be paid in four monthly equal instalments commencing from January to April of the fasli year on account of which the revenue is due.

(b) Each instalment of revenue shall be payable on the 10th of the months aforesaid.

(c) In the case of pattas for amounts less than five rupees, the whole amount shall be payable in one instalment, on the 10th January.

(d) The revenue shall be paid to the Karnam of the village where the land or lands in respect of which revenue is payable is or are situated.

Provided that it can be paid direct in the Sub - Treasury subject to the following conditions, namely:-

(i) The revenue payable in respect of each taluk or or sub - taluk paid in a sub - treasury shall not be less than Rs.50/- for each instalment or Rs.200/- for the fasli.

(ii) The chalans accompanying the remittances shall be in triplicate and shall be prepared separately for each taluk or sub - taluk with full particulars showing the names of the villages, the Survey Numbers of fields and the numbers of holdings, the names of the registered holders or of the persons who pay the amounts if they are not the registered holders, the instalment and the fasli to which it relates.

(iii) The payment shall be made on or before the 3rd of the months in which the instalment is payable.

Provided further that it shall be the duty of the party concerned to prove to the satisfaction of the village Karnam that he has paid the dues in the Treasury/ Sub - Treasury and by his failure to do so if any loss or damage is caused to him by the action of the Village Karnam, the Government will in no case be responsible for such loss/damages.

## ANNEXURE II

( Vide Paragraph 28 )

Form No. 1

( Section 8 of the Pondicherry Revenue Recovery Act, 1970 )

### DISTRAINT ORDER

A.R., Of Village of  
Taluk/Sub Taluk is authorised to distrain the property of the undermentioned defaulter for arrears of revenue due by him:-

| Number and name of the village | Name of the defaulter. | For What period arrear is due. | Amount of Arrears due. | Date on which arrears fell due. | Patta to distrainer. | Inte-rest, rate and amount to date | Date of distress & delivery of copy to defaulter, or if no distress is made, date of payment of sum due. |
|--------------------------------|------------------------|--------------------------------|------------------------|---------------------------------|----------------------|------------------------------------|----------------------------------------------------------------------------------------------------------|
|--------------------------------|------------------------|--------------------------------|------------------------|---------------------------------|----------------------|------------------------------------|----------------------------------------------------------------------------------------------------------|

The defaulter is hereby informed that if the amount due together with batta and all expenses of distress be not previously discharged, the distrained property will be immediately brought to public sale.

Station:

Dated :

**Tahsildar or Dy. Tahsildar**

**or Revenue Inspector**

**Notes:** 1) The defaulter is informed that, on presentation of this dstraint order, he should pay the arrear, together with batta, to the village karnam and obtain a receipt from him. On no account should the defaulter pay the money to the batta peon even though the latter has been authorised to execute this order.

2) The distrainer should produce this order, and if the sum due be not at once paid, he may make distress and on the day on which the property is distrained, he should deliver to the defaulter a copy of the order, endorsing there on a list of the property distrained and the name of the place where it is kept. Clause (1), Section 8, Act of 1970.

**FORM NO. 2**

**Section 9**

**Inventory of the attached property**

List of the movable property of \_\_\_\_\_ in the village of \_\_\_\_\_  
distrained \_\_\_\_\_ by \_\_\_\_\_ A.R., for arrears of revenue due by the  
defaulter, forwarded to the Tahsildar/Dy. Tahsildar  
Revenue Inspector

| Name of articles | Estimated Value | Amount of arrears due. | Date of distress and of copy given to defaulter. |
|------------------|-----------------|------------------------|--------------------------------------------------|
|------------------|-----------------|------------------------|--------------------------------------------------|

Station :

Dated :

**Designation of Distraining Officer.**

**FORM NO. 3**

**(Section 22)**

**Notice of sale of movable property**

It is hereby notified that the undermentioned property of \_\_\_\_\_  
a revenue defaulter, in the village of \_\_\_\_\_ of \_\_\_\_\_ taluk,  
has been distrained in satisfaction of arrears of land revenue due by him and that unless those  
arrears with interest and other charges shall be previously paid the said property will be sold by public  
auction near the house of \_\_\_\_\_  
at the said village, on \_\_\_\_\_ day, the \_\_\_\_\_ 19 or other day  
to which the sale may be adjourned. The sale will commence at 11 o'clock A.M. and the property will  
be knocked down to the highest bidder without reserve for ready cash. The purchaser will not be  
permitted to carry away any part of the property until he has paid for the same in full.

If the purchaser fails to pay the purchase - money, the property will be resold, and the defaulting  
purchaser will be liable for any loss arising, as well as for the expenses incurred on the resale.

This notice was affixed on the defaulter's house or premises (as the case may be) where the  
property was distrained on the \_\_\_\_\_ 19 \_\_\_\_\_.

Schedule of property distrained.

Station :

Date :

**Tahsildar or Deputy Tahsildar**

N.B. : Fifteen days must elapse from the date on which the notice is affixed to the premises before  
sale takes place.

**FORM NO. 4**

**(Section 25)**

**DEMAND PRIOR TO ATTACHMENT OF LAND**

Notice of demand to \_\_\_\_\_ of \_\_\_\_\_ Village in  
taluk.

Take notice that the Tahsildar/Deputy Tahsildar of \_\_\_\_\_ Taluk/Sub - taluk  
demand from you the sum of Rs. \_\_\_\_\_, being the arrears of revenue due by you for  
fasli \_\_\_\_\_ as holder of the lands comprised in patta No. \_\_\_\_\_ of \_\_\_\_\_ Village,  
and that you are required to pay the amount within \_\_\_\_\_ days from the date of the  
service of this notice.

You are now required to pay Rs. \_\_\_\_\_ On account of peon's batta.

**TAHSILDAR/DY. TAHSILDAR.**

**Note :** The time allowed for payment must be fixed with reference to the distance of the land on which the arrear is due to the place at which the money is to be paid.

**Note :** The person entrusted to serve this notice should deliver a copy to the defaulter or to some adult male member of his family at his usual place or abode, or to his authorised agent, or should affix a copy thereof on some conspicuous part of his last known residence or on some conspicuous part of the land about to be attached. The mode in which the notice has been served should be noted on it by the server of the process.

**FROM NO. 5**

**(Section 27)**

**Notice of attachment**

Notice of attachment to \_\_\_\_\_ in the village of \_\_\_\_\_ of \_\_\_\_\_ taluk.

Take notice that as you have not paid or shown sufficient cause for the non payment of Rupees \_\_\_\_\_ although the said sum has been duly demanded in writing from you, the landed property belonging to you is hereby placed under attachment and that unless the arrear due by you with interest and other charges be paid within 197 \_\_\_\_\_, the landed property will be brought to sale in due course of law. You will further take notice that from the date of this attachment notice until the date of sale of your land hereby attached, you are and will be held, liable for all kists thereon accruing, and the said kists will be demanded of, and levied from you as arrears of land revenue.

Station :

Dated : \_\_\_\_\_ **TAHSILDAR or DY. TAHSILDAR**

N.B: This notice should be affixed to some conspicuous part of the land attached. The attachment should be publicly proclaimed on the land, and should be published in the official gazette.

**FORM NO. 6**

**(Section 29)**

**NOTICE OF ASSUMPTION**

Assumption notice to \_\_\_\_\_ of \_\_\_\_\_ village of \_\_\_\_\_ taluk,

Take notice that your landed property attached on \_\_\_\_\_ the  
19 \_\_\_\_\_ is taken under Government management under section 28 of the Act  
of 1970, and that

Agent has been appointed to have charge of it.

Station :

Dated :

**COLLECTOR**

N.B. The person entrusted to serve this notice should deliver a copy of it to the defaulter or to some adult male member of his family at his usual place of abode, or to his authorised agent. If this is not possible, he should affix a copy of the notice on some conspicuous part of the defaulter's last known residence or on some conspicuous part of the land attached. Proclamation of assumption of management should also be made on the land, and should be published in the official gazette.

**FORM NO. 7**

**(Section 36)**

**Notice of sale of land**

It is hereby notified that the undermentioned lands selected out of those attached in satisfaction of arrears of land revenue due by \_\_\_\_\_ of \_\_\_\_\_ the present registered land holder and a revenue defaulter will be sold by public auction of \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ (or other day to which the sale may be adjourned), at the following place and time and the lands will be knocked down to the highest bidder.

Place -- at in front of the

In the village of  
hamlet

in the Revenue village of

in

taluk of the region.

time a.m.

-----

p.m.

2. The current revenue payable by the purchaser on the land for the whole (or remainder, as the case may be) of the current fasli in rupees \_\_\_\_\_ as shown in detail in the statement at foot.

3. Purchasers will be required to deposit 15 percent of the purchase money at the time of sale, and if they fail to pay the remainder of the purchase money within 30 days from the day of sale, the money deposited by them shall be liable to forfeiture.

4. When such deposit shall not be made, nor the remaining purchase money paid up the lands will be resold at the expense and risk of the first purchaser.



**FORM No. 8****NOTICE OF SALES OF LAND**

It is hereby notified that the under mentioned lands will be sold by public auction for arrears of revenue under the provisions of Pondicherry Act. of 1970 unless the defaulter or other person acting on his behalf, or claiming an interest in the land, tenders the full amount of the arrears of revenue, with interest and other charges, before sunset on the day previous to that appointed for the sale:-

| Taluk | Village | Field            |                      | Description<br>of land<br>(whether<br>nanja, punja<br>or garden) &<br>of any build-<br>ings on it<br>belonging to<br>the defaulter. | Estimated<br>extent. | Amount<br>of<br>arrears<br>due | Name<br>of<br>defaulter | Date<br>of<br>sale |
|-------|---------|------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------------|-------------------------|--------------------|
|       |         | Survey<br>Number | Sub<br>Divi-<br>sion |                                                                                                                                     |                      |                                |                         |                    |
|       |         |                  |                      |                                                                                                                                     | H. A. C.             | Rs. P                          |                         |                    |

Station :

Dated :

**Tahsildar or Dy. Tahsildar**

N. B:- This notice should be published in the language of the region in the gazette at least a fort-night before the date of the intended sale.

**FORM No. 9****(Section 40)****CERTIFICATE OF SALE**

This is to certify that X.Y., son of \_\_\_\_\_ residing in the village of \_\_\_\_\_ Taluk in the \_\_\_\_\_ region has purchased at a public auction held by the Tahsildar/Dy. Tahsildar of the undermentioned immovable property sold for arrears of revenue due by \_\_\_\_\_, son of landlord in the village of \_\_\_\_\_ taluk in the region and has paid the full amount of the purchase money viz., Rs. \_\_\_\_\_ and that the lands hereinafter described have been registered in the name of the said X.Y:-

| Region and registration district. | Registra - tion sub district. | Taluk and village | Discrip- tion of of immova- ble property | Particulars of field | Estimated extent. | Asse- ssment | Date of sale |
|-----------------------------------|-------------------------------|-------------------|------------------------------------------|----------------------|-------------------|--------------|--------------|
|                                   |                               |                   |                                          | No. Letter Name      |                   |              |              |
|                                   |                               |                   |                                          |                      | H. A. C.          | Rs. P        |              |

Station :

Dated :

**COLLECTOR**



**Notes:** (1) When the immovable property sold is not land, the latter part of the certificates beginning with " and that the lands " should be committed.

(2) A copy of this certificate should be sent to the registering officer within the local limits of whose jurisdiction the whole or any part of the property sold is situate, as required by section 89 of the Registration Act XVI of 1908.

(3) This certificate of sale is exempt from stamp duty.

**FROM No. 10**

**(Section 41)**

**Proclamation of the purchase of land**

It is hereby publicly notified for general information that A.B. of village in taluk of the district has purchased on 19 at a public auction the undermentioned lands sold for arrears of revenue due by , landholder in the undermentioned village, and has paid the full purchase money, viz.,Rs and that the lands have been registered in his name. It is, therefore, declared that the said has succeeded to all the rights and property of the present registered holder in the said lands.

| Village and Taluk. | Description of land, whether nanja, punja or garden. | <u>Particulars of field</u> |             | Estimated extent | Assessment. | Amount of arrears and their nature if they are not land revenue. |
|--------------------|------------------------------------------------------|-----------------------------|-------------|------------------|-------------|------------------------------------------------------------------|
|                    |                                                      | No.                         | letter Name |                  |             |                                                                  |

Station :

Dated :

**COLLECTOR**

N. B. This proclamation should be published in the village in which the land sold may be situated, in the taluk office in the Collector's office and in the official gazette.

**FORM No. 11**

**(Section 49)**

**Form of warrant for arrest in case of wilful or fraudulent non payment of arrears**

To

Where as the sum of Rs. \_\_\_\_\_ is due on account of public (land) revenue by  
of \_\_\_\_\_ and where as the amount realised by the public sale of the movable and immovable  
property of \_\_\_\_\_  
the said defaulter or of \_\_\_\_\_ of security for the said defaulter is insufficient to liquidate the  
amount of the said arrear with interest and charges to date, and where as the undersigned has  
reason to believe that the said or security for the said defaulter is willfully withholding payment of  
the said \_\_\_\_\_ and \_\_\_\_\_ are  
arrears and charges (or have been guilty of fraudulent conduct to evade payment of the said arrears  
and charges), you are hereby directed forthwith to arrest the said or security for the said  
and

defaulter and unless he/they shall pay to you the sum of Rs. \_\_\_\_\_

Appex. II Together with Rs. \_\_\_\_\_ for costs of this process to convey him/them to the District jail, and  
there to deliver him/ them to the jailor to be detained for the period of 2 years unless sooner realised by  
an order from this office (or from the office of the Collector, if the warrant be issued a Divisional officer)

Station :

Dated :

**Collector**

**SCHEDULE**

| Name of the defaulter,<br>or surety or both | Amount of<br>Revenue<br>due. | Date on which the amount<br>due became payable. |
|---------------------------------------------|------------------------------|-------------------------------------------------|
| Rs. P                                       |                              |                                                 |

N. B: This warrant should be delivered with the prisoner to the Jailor, who shall retain a copy of the  
warrant, and forth with despatch the original to the officer in charge of the Jail.

**FORM No. 12****Register of land sold**

Register of immovable property sold for arrears of revenue or for other causes in the Taluk / Sub Taluk of \_\_\_\_\_ for fasli \_\_\_\_\_

| Taluk | Village | Name of defaulters | Arrears due | Particulars of land sold |                  |         |            |
|-------|---------|--------------------|-------------|--------------------------|------------------|---------|------------|
|       |         |                    |             | Description              | Number of field. | Extent  | Assessment |
| 1.    | 2.      | 3.                 | 4.          | 5.                       | 6.               | 7       | 8          |
|       |         |                    |             |                          |                  | H. A. C | Rs. P      |

| Amount realised by sale | Name of the purchaser. | Date of sale. | Date on which sale certificate was issued. | Remarks. |
|-------------------------|------------------------|---------------|--------------------------------------------|----------|
| 9.                      | 10.                    | 11.           | 12.                                        | 13.      |
| Rs. P                   |                        |               |                                            |          |

N.B: Columns 3, 4 and 12 will be blank in the case of property sold for causes other than arrears of revenue.

**APPENDIX III**

(vide paragraph 29)

**Illegalities and irregularities under Act of 1970**

I. The following are illegalities, as they contravene the express provisions of law and thereby vitiate the sale proceedings:-

(1) Inclusion of the amount due for subsequent kists as an arrear in the demand notice (Section 4).

(2) Failure to serve the demand notice No.4 (Section 25 of the Act)

(2a) Issue of No.5 notice before the expiry of the period specified in demand notice No.4 (Sec.27) of the Act.

(3) Failure to proclaim on the land or the land or by tom tom in the village the notice of attachment (Section 27 of the Act).

(4) Failure to publish No.5 notice in the Gazette (Sec 27 of the Act).

(5) Publication of No. 5 notice after the sale (Sec 27 of Act)

(6) Failure to enter details of fields (Survey No., extent etc) in the sale notice (Section 36 (ii) of the Act).

(7) Failure to affix the sale notice No. 7 on the sale land (Section 36, (ii) of the Act).

(8) Sale of property which has not been included in the sale notice (Section 36(ii) of the Act).

(9) Failure to affix sale notice in the nearest police station or Collector's Office (Section 36 (ii) of the Act).

(10) Failure to publish sale notice one month before the date of sale (Section 36 (ii) of the Act).

(11) Sale of land on a date other than that notified without the issue of a fresh notice (Section 36 (ii) of the Act).

**Note:-** The adjournment of sale once commenced is not an illegality as the law stands at present. If the adjournment involves a change in the place of sale, it might well be held by the court to be illegal).

(12) Confirmation of sale by the Divisional Officers in spite of the deposit of arrears, etc., under section 37-A of the Act.

(13) Confirmation of sale before the lapse of one month after the sale (Section 40 (3) of the Act)

(14) Sale of land belonging to minors.

(15) Failure to fill up either half (English or regional language) of the sale notice - Form No.7 (Section 36, (ii) of the Act).

(16) Setting aside a sale under section 40 without recording reasons in writing.(vide proviso to sub - section (3) of sec. 40).

(17) Deputing a person, not under the authority of the Tahsildar/Dy.Tahsildar to conduct the sale (Section 6)

(18) Institution of sale proceedings after the death of the defaulter without prescribed notices being given to any living person (I.L.R. 55 Madras, page 881).

(19) Erroneous inclusion in notice No.5 of arrear amounts not shown in the corresponding notice No.4.

(20) The sale of land belonging to serving military personnel without notice to the commanding officer and without the sanction of the collector.

II. The following are irregularities that contravene the executive instructions issued from time to time by the Collector and the Government ; Officers committing such irregularities will render themselves liable to disciplinary action:-

Sale should not be automatically set aside because these irregularities have occurred. The appearance of any one of these mistakes should, however, be treated as a danger signal. If several occur or if there are other unsatisfactory factors such as unduly low price, Collectors may well use their discretion under section 40 (3) of the Act and set aside the sale:-

- (1) Erroneous credit to one patta of kists paid for two or more pattas.
- (2) Failure to bring to account kist collections.
- (3) Erroneous inclusion in the sale notice in Form No.8 of arrear accounts not shown in the corresponding notice No.4
- (4) Receipt of kist in a treasury other than that to which the village is attached.
- (5) Failure to serve notice No.5 on the defaulter in person (para 13)
- (6) Failure to serve notice Nos.5 and 7 on all persons interested in the land. (Vide para 13)
- (7) In the case of trifling arrears failure to proceed against movable before attaching valuable land.
- (8) Failure to put up the lots to sale according to their serial order in the list (Para 31 (ii) of the act.)
- (9) Failure to read the sale notice publicly at the time of sale.
- (10) Sale of land transferred by a registered holder to another party, however informally, on which the proportionate assessment has been paid, for arrears of revenue due by the registered holder for other land included in the same holding which is not brought to sale (Para 31)
- (11) Collusive sale and purchase of the land by a village officer himself or a relation or an underling of the village officer.
- (12) Failure of the Revenue Inspector to inspect land before sale. (Para 15)
- (13) Failure to send a notice to civil court in case of lands under Civil court attachment (Para 37)
- (14) Sale of lands assigned to the schedule castes.
- (15) Sale of lands owned by soldiers in service without notice through the commanding officers and without obtaining the specific sanction of the Collector.
- (16) Adjournment of sale except where the lots to be sold are very numerous so that they cannot be all sold in one day.

(Vide para 36)

**Form of register of processes.  
Process Register No.1**

| Sl. No. | No. & name of the village. | No. of default-ter | Fasli to which the arrears relate. | Amount of arrears of | Amount of Process fees, If any. | Date of Issue of Notice No.1. | Name of persons to whom the notice is entrusted. | Date fixed for the return of No.1 and for receipt of No.II (for cases in which movable property is dis-trained.) | Date of actual return of No.1 | Number of defaulters from whom collections have been made | Amount of arrears paid without movable property being attached | Amount of process fees collected from defaulters in Col.12 | Remarks |     |     |
|---------|----------------------------|--------------------|------------------------------------|----------------------|---------------------------------|-------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------|---------|-----|-----|
| 1.      | 2.                         | 3.                 | 4.                                 | 5.                   | 6.                              | 7.                            | 8.                                               | 9.                                                                                                               | 10.                           | 11.                                                       | 12.                                                            | 13.                                                        | 14.     | 15. | 16. |

Form of register of processes - cont.

Process Register No.II

| Sl. No. | No. and name of village | Patta No. | Name of defaulter | Fasli to which the arrears relate | Amount of arrears due | Amount of process fees if any | Date of receipt of Notice No. II | Date of issue of Notice No. III | Value of property distrained | No. of Person authorised to sell | Date fixed for sale | Arrears realised Before the actual service of No.III | Arrears realised Before the date fixed for sale | Process fees collected | Balance | remarks |     |
|---------|-------------------------|-----------|-------------------|-----------------------------------|-----------------------|-------------------------------|----------------------------------|---------------------------------|------------------------------|----------------------------------|---------------------|------------------------------------------------------|-------------------------------------------------|------------------------|---------|---------|-----|
| 1.      | 2.                      | 3.        | 4.                | 5.                                | 6.                    | 7.                            | 8.                               | 9.                              | 10.                          | 11.                              | 12.                 | 13.                                                  | 14.                                             | 15.                    | 16.     | 17.     | 18. |

**Form of register of process - Cont.**

**Process Register No.III**

| Sl. No. of village | No. of Patta No. | No. of default ter. | Fasli to which arrears relate. | Amount of arrears due | Amount of process fees If any | Date of issue of Notice No.V. | Name of person entrusted to serve it. | Date fixed for return of No.IV | Amount paid before the actual service of No. IV. | Date of receipt of No. IV | Amount paid on receipt of No.IV but before issue of Nos. V & VII -----<br>Arrears Process fees. | Balance for which Nos.V. and VII were issued. |     |     |     |
|--------------------|------------------|---------------------|--------------------------------|-----------------------|-------------------------------|-------------------------------|---------------------------------------|--------------------------------|--------------------------------------------------|---------------------------|-------------------------------------------------------------------------------------------------|-----------------------------------------------|-----|-----|-----|
| 1.                 | 2.               | 3.                  | 4.                             | 5.                    | 6.                            | 7.                            | 8.                                    | 9.                             | 10.                                              | 11.                       | 12.                                                                                             | 13.                                           | 14. | 15. | 16. |

**Particulars of land attached**

| Date of issue of Nos. V & VII | Amount of arrears realised before the actual service Of No.V | Amount of Process fees Collected. | -----  |            |                 |        |            |                 |
|-------------------------------|--------------------------------------------------------------|-----------------------------------|--------|------------|-----------------|--------|------------|-----------------|
|                               |                                                              |                                   | DRY    |            | WET             |        |            |                 |
|                               |                                                              |                                   | Extent | Assessment | Estimated Value | Extent | Assessment | Estimated Value |
| 17.                           | 18.                                                          | 19.                               | 20.    | 21.        | 22.             | 23.    | 24.        | 25.             |
| 373                           |                                                              |                                   |        |            |                 |        |            |                 |



## Form of Register of Process - Contd

### Process register No. III - Contd

| Sl. No. and name of village | No. 5 Notice                                                                                    |                                                                                        | Amount paid before the actual service of of No. VII |              | No. 7 Notice                          |                                                 |                                                        |                                              |
|-----------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------|--------------|---------------------------------------|-------------------------------------------------|--------------------------------------------------------|----------------------------------------------|
|                             | Date when the attachment was proclaimed and notice affixed to some conspicuous part of the land | Date and Page of the village sheet in which the notice appears in the official gazette | Arrears                                             | Process Fees | Date of affixing in the taluk utchery | Date of affixture in the nearest Police station | Date of affixture on some conspicuous part of the land | Date of affixture in the Collect-or's office |
|                             |                                                                                                 |                                                                                        |                                                     |              |                                       |                                                 |                                                        |                                              |
|                             | (26)                                                                                            | (27)                                                                                   | (28)                                                | (29)         | (30)                                  | (31)                                            | (32)                                                   | (33)                                         |

| Name of person authorised to sell | Date of sale | Amount of arrears collected before the date fixed for sale | Amount of process fees realized before sale | Amount of arrears realized by sale | Amount of process fees realized by sale | Balance |
|-----------------------------------|--------------|------------------------------------------------------------|---------------------------------------------|------------------------------------|-----------------------------------------|---------|
| (34)                              | (35)         | (36)                                                       | (37)                                        | (38)                               | (39)                                    | (40)    |

| Date of resale, if any | Amount released by sale | Remarks |
|------------------------|-------------------------|---------|
| (41)                   | (42)                    | (43)    |

## APPENDIX - V

### Form of application for grant of rewards to persons giving

#### Information regarding cancelled cultivation, etc.

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| Taluk | Village | Name &<br>occupa-<br>tion of<br>informer. | Name &<br>occupa-<br>tion of<br>accused | When and<br>by what<br>Govt.<br>servant<br>the<br>fraud<br>was<br>inves-<br>tigated | Nature<br>and<br>amount<br>of<br>item in<br>regard<br>to which<br>fraud<br>has been<br>committed. | Amount<br>recoverd | Reward<br>Proposed | Detailed<br>remarks. |
|-------|---------|-------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------|--------------------|----------------------|
|-------|---------|-------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------|--------------------|----------------------|

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# **THE PONDICHERRY LAND ENCROACHMENT RULES, 1971**

**GOVERNMENT OF PONDICHERRY**

**REVENUE DEPARTMENT**

No.E.829/68-Rev - 2

Pondicherry, 26th June 1971

**NOTIFICATION**

G.S.R.No.13 - In exercise of the powers conferred by section 18 of the Pondicherry Land Encroachment Act, 1970 (No.2 of 1970), the Lieutenant - Governor, Pondicherry, hereby makes the following rules namely;-

**RULES**

***Short title, extent and commencement***

1. (1) These rules may be called the Pondicherry Encroachment Rules, 1971.
- (2) They shall extend to the entire Union Territory Pondicherry.
- (3) They shall into force at once.

***Definitions***

2. In these rules, unless the context otherwise requires,-

- (a) "Act" means the Pondicherry Land Encroachment Act, 1970;
- (b) "form" means a form appended to these rules;
- (c) "Government" means the Administrator appointed by the President under Article 239 of the Constitution;
- (d) "Section" means a section of the Act;
- (e) "Tahsildar" means the Tahsildar in - charge of a taluk and includes a Deputy Tahsildar in - charge of a sub - taluk; and
- (f) "year" means the fasli year as defined in the Pondicherry Revenue Recovery Act, 1970 (No.14 of 1970).

***Rates of assessment in certain cases***

3. When no rates as specified in clause (ii) of section 4 exist, the ground rent at such rates as may be fixed and notified by the Government from time to time shall be levied as the assessment for the unauthorized occupation.

***Manner and procedure for levy of assessment payable under section 4.***

4. (1) The karnam shall report the unauthorized occupation to the <sup>1</sup>[Deputy Collector (Revenue)]<sup>1</sup> though the firka <sup>2</sup>[Revenue inspector and Tahsildar]<sup>2</sup> every month in the memorandum in Form 1.

(2) In respect of unauthorized occupation falling under clause (i) of section 4, if the <sup>3</sup>[Deputy Collector (Revenue) or subject to his control, the Tahsildar]<sup>3</sup> does not propose to levy penalty under section 6, he shall levy assessment and communicate the order to the karnam.

(3) The <sup>4</sup>[Deputy Collector (Revenue) or the Tahsildar, as the case may be]<sup>4</sup> shall, in all other cases, sign the notice referred to in section 7, if it has not already been served by the Revenue Inspector, and send to the Revenue Inspector, who shall have it served on the occupier, inspect the unauthorized occupation and make a report thereof to the Tahsildar.

***Levy of penalty***

5. (1) The <sup>5</sup>[Deputy Collector (Revenue) or, subject to his control, the Tahsildar]<sup>5</sup> shall in levying the penalty, have regard to any or all of the following factors, namely:-

(i) the occupation does not fall within the category of landless poor, as may be defined by the Government from time to time.

(ii) the occupation does not lie in porambokes classes in the Revenue accounts such as streets, tank, mandaveli, burial ground or burning ground, threshing ground, grazing ground, passage or pathway, road, channel and such other category as may be specified by the Government from time to time by means of executive instructions;

(iii) the occupation, though not lying in the porambokes specified in clause (ii), but of such nature as being prejudicial to the public interest of the villages;

(iv) the occupation is by construction of permanent structure rendering its eviction difficult at a later date.

**Note:-** For the purpose of this rule, permanent structure means pucca construction by using cement or lime.

(2) The levy of penalty if any, shall be intimated to the occupier and the date of intimation noted in the memorandum in Form 1.

(3) A register showing the receipt and disposal of the memoranda in Form 1 shall be maintained in Form 2 in the Office of the Tahsildar.

(4) A register showing the cases reported and orders passed thereon shall be maintained by the karnam in Form 3.

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1. Substituted by notification No.19644/77-J dated 22-5-1978

2. Substituted by notification No.19644/77-J dated 22-2-1978

3. Substituted by notification No. 19644/77-J dated 22-2-1978

4. Substituted by notification No. 19644/77-J dated 22-2-1978

5. Substituted by notification No. 19644/77-J dated 22-2-1978

### ***Manner of prohibition of occupation***

6. Wherever the Collector is of opinion that any particular land or class of lands which are the property of Government shall not be open to occupation, he shall arrange to publish the fact in the Official Gazette and also in the following places in the manner specified against each and the order shall be noted in the concerned village and Taluk office records;-

Village - By Tom tom and also by affixture in a conspicuous public place.

Taluk or Sub - taluk - By affixture in the Notice Board of the Office.

### ***Mode of service of notice under section 7***

7. (1) The notice referred to in section 7 shall be in Form 4 and it shall be served by delivering a copy to the occupier of the land, or to some adult male member of the family, at his usual place of residence, or to his authorised agent, or if none of the said methods is feasible, by affixing a copy thereof to some conspicuous part of his last known residence, or on some conspicuous part of the land occupied.

(2) Where the notice under section 7 is caused to be served by the Revenue inspector, he shall inspect, the land and make a report in writing to the Tahsildar or the Deputy Tahsildar, as the case may be, containing the following particulars, namely:-

- (i) Extent, nature and age of occupation; and how it was dealt with in the previous year;
- (ii) date of inspection of the encroachment by the Revenue Inspector;
- (iii) result of inspection whether occupation is objectionable or unobjectionable with reasons;
- (iv) nature of representations, if any, from the occupier and the remarks of the Revenue Inspector;
- (v) If any objections have been received from the public or any other source ? If so, the nature of the objections and the remarks of the Revenue Inspector ; and
- (vi) recommendations of the Revenue Inspector.

(3) The report referred to in sub - rule(2) shall be obtained by the Tahsildar, in cases where the notice under section 7 is caused to be served by him.

### Procedure to be followed in appeal etc

8. (1) Every appeal or application for revision shall be made in the form of a petition addressed to the authority to whom the appeal lies or the authority competent to revise, as the case may be, and shall be drawn up concisely and legibly and shall bear the signature or make of the appellant or the revision petitioner or his duly authorised agent and shall also bear a court fee stamp as specified below:-

|                                                                                                                         | Rs. p. |
|-------------------------------------------------------------------------------------------------------------------------|--------|
| (1) in the case of appeal to the Deputy Collector (Revenue)                                                             | 1.00   |
| (ii) in the case of appeal or application for revision to the Collector or the Government                               | 2.00   |
| (2) The petition of appeal or application for revision shall contain the following particulars, namely ;-               |        |
| (i) the name, father's name, occupation and place of residence and address of the appellant/revision petitioner;        |        |
| (ii) the name and address of the writer (or typist, if it is typed) of the petition of appeal/application for revision; |        |
| (iii) the date of order appealed against or sought to be revised;                                                       |        |
| (iv) a brief and precise statement of the facts; and                                                                    |        |
| (v) the grounds of appeal or revision.                                                                                  |        |

(3) The petition shall be accompanied by the order appealed against or sought to be revised in original or an authenticated copy thereof, it shall be presented to the appellate or the revising authority by the appellant or the revision petitioner, or his agent or be forwarded to such authority by Registered post.

(4) If the Petition of appeal or application for revision does not comply with the requirements of subrules (1) to (3), and in the case of an application for revision, if the exceptional ground referred to in sub - section (2) of section 10 does not exist, it may be summarily rejected.

Provided that no appeal application for revision shall be rejected under this sub - rule unless the appellant or the revision petition is given such opportunity, as the appellate or revising authority thinks fit, so as to enable him to comply with the requirements of the said sub - rules.

(5) If the appellate or revising authority does not reject the petition under sub - rule (4), it shall call for the records connected with the order appealed against or sought to be revised together with the remarks of the officer who passed the order and fix a date for hearing the appellant or the revision petitioner, as the case may be, or his agent and may adjourn the hearing at any stage.

(6) The appellate or the revising authority shall bear the appellant or the revision petitioner, or the agent/consider all points relevant to the subject matter and pass suitable orders.

(7) If on the date fixed for hearing or any other date to which the hearing may be adjourned the appellant or the revision petitioner does not appear before the said authority either in person or through an agent, the said authority may dismiss the appeal or the application for revision or may decide it ex parte as it thinks fit.

(8) A copy of the order passed on appeal or application for revision shall be supplied free of cost to the appellant or the revision petitioner or the person affected thereby and another copy shall be sent to the officer whose order was appealed against or sought to be revised.

## FORM 1

[See Rule 4 (i) ]

Memorandum showing the unauthorized occupation in -----  
-----village -----Taluk in -----month of-----  
-----fasli year.

1. Serial No.
2. Particulars of land whether assessed or unassessed or Poramboke :  
  
If Poramboke, name of Poramboke and if there is any prohibition order in Respect of the land :
3. Survey No. :
4. Total extent of the land :
5. Extent under occupation :
6. Rate of assessment per hectare :
7. Assessment for the extent noted against item 5 :
8. If the occupier is a pattadar, the extent of land owned by him under wet and dry and the extent under occupation, if any, on other Government lands :
9. Name if occupier Details to be furnished if he belongs to scheduled Caste or Scheduled Tribe) :
10. Nature of occupation, whether by cultivation or by construction :



11. Period of occupation and details of order passed in the previous fasli year :
12. Remarks of the karnam :
13. Date of service of notice under section 7 of the Pondicherry Land Encroachment Act, 1970 :
14. Gist of the reply given by the occupier :
15. Remarks of the Revenue Inspector :
16. Orders of the Revenue Inspector :
17. Date of communication of the order to the party if penalty is levied :

## FORM 2

[See Rule 5 (3)]

### Register of Memoranda in Form 1

**(i) Memoranda relating to poramboke lands and assessed or unassessed waste lands in respect of which notices referred to under section 7 of the Act are issued.**

1. Serial No.& date of receipt in Taluk Office.
2. Name of the village.
3. Survey No. and subdivision number.
4. Date of reference to the Revenue Inspector (Reference to other officers, if any, may be entered in this column).
5. Date of service of the notice under section 7.
6. Date of receipt of petitions in response to the notice under section 7, if any.
7. Date of receipt of report from the Revenue Inspector (reply to references made to other officers if any).
8. Date of issue of orders to village karnams.
9. Date of communication of order to the unauthorized occupier where penalty is levied.

10. Date of submission of report to Sub/Asst./Dy. Collector and further reference, if any, in cases where eviction is resorted to under Public premises (Unauthorised Occupants) Eviction Act, 1958.
11. Date of receipt of orders, from Sub/Asst./Dy. Collector with his number and replies to further references, if any.
12. Date of reference to Revenue Inspector.
13. Date of receipt of R.I's report after eviction.
14. Date of receipt in the record room and Record-keeper's initials in token of acknowledgment.

**THE PONDICHERRY  
OCCUPANTS OF KUDIYIRUPPU  
( PROTECTION FROM EVICTION )  
RULES, 1971**

## **THE PONDICHERRY OCCUPANTS OF KUDIYIRUPPU ( PROTECTION FROM EVICTION ) RULES, 1971**

G. S. R. No. 7.-- In exercise of the Powers conferred by section 12 of the Pondicherry Occupants of kudiyruppu ( Protection from Eviction ) Act, 1970 ( Act No. 4 of 1971), the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely :-

### **Short title**

1. These rules may be called the Pondicherry Occupants of Kudiyruppu ( Protection from Eviction ) Rules 1971.

### **Definition**

2. In these rules—

(i) " Act " means the Pondicherry Occupants of Kudiyruppu ( Protection from Eviction ) Act, 1970 (Act No. 4 of 1971 ) ;

(ii) " Form " means a Form appended to the rules ; and

(iii) " Section " means a section of the Act.

### **Form of application for eviction**

3. Every application for the eviction of a person occupying a kudiyruppu falling under sub-section (3) of section 3, shall be in Form I. The application shall be presented in person or by agent or sent by registered post, within a period of two months from the date on which the cause of action arose, to the authorised officer having jurisdiction over the area :

Provided that the application may be received after the period of two months aforesaid, if the authorised officer, for reasons to be recorded in writing, is satisfied that the applicant had sufficient cause for not applying within that period.

### **Application for restoration of possession**

4. Every application for restoration of possession of kudiyruppu, under section 4, shall be in Form II and the application shall be presented in person or by agent or sent by registered post, to the authorised officer having jurisdiction over the area.

### **Notice to the respondents**

5. (1) On receipt of the application referred to in rules 3 and 4, with as many copies thereof as there are respondents, a notice shall be caused to be served, on all persons who are named as respondents to the application, to show cause, in writing, on or before a specified date, as to why the application should not be allowed. The notice shall contain a summary of the allegations, on the basis of which the relief is claimed by the applicant, as also the nature of the relief claimed ; provided that any respondent shall be entitled to be furnished, free of charge, with a copy of the application.

(2) The respondents shall be given time, for at least fifteen days from the date of service of the notice, for filing their objections in writing, and the notice issued to them shall also specify the date to which the enquiry is posted ; provided that the authorised officer may, for sufficient cause, extend the time allowed for filing objections. The respondents shall, when submitting their objections to the authorised officer, also serve a copy thereof on the applicant or his authorised agent or the legal practitioner appearing for him.

### **Recording reasons**

6. In passing an order under section 6, the authorised officer shall record, in brief, the grounds for his decision.

### **Appeal to the Collector**

7. Every appeal under sub-section (1) of section 7 shall be in Form III and shall bear court fee stamps of the value of Rs. 2 and shall be accompanied by the original, or a certified copy, of the order appealed against. The appeal shall be presented in person or by agent or sent by registered post.

### **Proceedings of the authorised officer**

8. The proceedings of the authorised officer shall be summary and shall be governed, as far as possible, by the provisions of the Code of Civil Procedure, 1908, with regard to—

- (a) the issue and service of summons ;
- (b) the examination of parties and witnesses ;
- (c) the production of documents ;
- (d) the amendment of pleadings ;
- (e) the addition of parties ;
- (f) the passing of ex parte orders and setting them aside for good cause ;
- (g) ordering dismissal for default of appearance and setting aside such orders for good cause ;

- (h) the reviewing of orders passed on grounds of apparent error ;
- (i) local inspection ; and
- (j) the passing of orders.

### **Representation**

9. (1) In any proceedings before the authorised officer or the Collector, a person shall be entitled to be represented by a legal practitioner to act and plead on his behalf.

(2) The authorised Officer or the Collector, as the case may be, may permit any agent duly authorised in writing by a party, to act and plead on his behalf ;

Provided that the authorised officer or the Collector may, at any stage of the proceedings cancel such permission :

Provided further that, in the case of such cancellation the party concerned shall be informed of it and shall be afforded sufficient opportunity for his being thereafter represented before the authorised officer or the Collector, as the case may be, by another agent duly authorised in this behalf, or by a legal practitioner.

### **Manner of serving the order**

10. Every order of the authorised officer or the Collector shall be served upon the parties thereto or their authorised agents or the legal practitioners appearing for them.

## APPENDIX

### FORM I

( See rule 3 )

#### THE PONDICHERRY OCCUPANTS OF KUDIYIRUPPU ( PROTECTION FROM EVICTION ) ACT, 1970 ( PONDICHERRY ACT, No. 4 OF 1971 )

*Application for the eviction of a person occupying a kudiyruppu*

1. Name of the taluk/sub-taluk
2. Name of the village
3. Name of the applicant and his address
4. Whether the applicant is the owner of the kudiyruppu or not :
5. If the applicant is not the owner of the kudiyruppu, the nature of the applicant's interest in it :
6. Name of the person occupying the kudiyruppu, who is to be evicted, and his full address :
7. Particulars of the kudiyruppu :—

---

| Sl.<br>No. | Local name<br>if any | Classification<br>( wet, dry or<br>garden etc. ) | Total extent | Extent of the<br>kudiyruppu. |
|------------|----------------------|--------------------------------------------------|--------------|------------------------------|
| (1)        | (2)                  | (3)                                              | (4)          | (5)                          |

---

- 
8. The term on which the applicant was in possession of the kudiyruppu.
  9. Reasons for the eviction.
  10. Remarks ( the complaint in brief ).

*Signature of the applicant.*

**FORM II**

( See rule 4 )

**THE PONDICHERRY OCCUPANTS OF KUDIYIRUPPU ( PROTECTION FROM EVICTION ) ACT,  
1970 ( PONDICHERRY ACT, No. 4 OF 1971 )**

*Application for restoration of possession of Kudiyiruppu*

1. Name of taluk/sub taluk
2. Name of the village
3. Name of the applicant and his address
4. Name of the owner of the kudiyiruppu and his address.
5. Particulars of the kudiyiruppu :—

---

| Sl.<br>No. | Local name<br>if any | Classification<br>( wet, dry or<br>garden etc. ) | Total extent | Extent of the<br>kudiyiruppu. |
|------------|----------------------|--------------------------------------------------|--------------|-------------------------------|
| (1)        | (2)                  | (3)                                              | (4)          | (5)                           |

---

- 
6. The term on which the applicant was in possession of the kudiyiruppu on the 5th October, 1970.
  7. The date of dispossession
  8. Name of the person, if any, admitted to possession of the kudiyiruppu, subsequent to the 5th October, 1970 and his address.
  9. Remarks ( the complaint in brief ).

*Signature of the applicant.*



**FORM III**  
( See rule 7 )

**THE PONDICHERRY OCCUPANTS OF KUDIYIRUPPU ( PROTECTION FROM EVICTION ) ACT,  
1970 ( No. 4 OF 1971 )**

**MEMORANDUM OF APPEAL**

Before the Collector under section 7 (1) of the Pondicherry Occupants of Kudiyiruppu ( Protection from Eviction ) Act, 1970 ( Pondicherry Act 4 of 1971 ).

|                  |             |
|------------------|-------------|
| A. B.            | Applicant   |
| C. D. and others | Respondents |

The above named appeals to the Collector from the decision of the Authorised Officer

No. \_\_\_\_\_ dated \_\_\_\_\_ and setforth the following grounds of objection to the said decision appealed from viz.,

( Here set out the grounds )

**GOVERNMENT OF PONDICHERRY**

**Revenue Department**

No. E. 14217/69

Pondicherry, 20th March, 1971

**NOTIFICATION**

S. O. No. 28— In exercise of the powers conferred by clause (4) of section 2 of the Pondicherry Occupants of Kudiyiruppu ( Protection from Eviction ) Act, 1970 ( No. 4 of 1971 ), the Lieutenant-Governor, Pondicherry, hereby authorises the officers mentioned in column (2) of the Table below to exercise the powers conferred on, and discharge the duties imposed upon the authorised officer under the said Act within the local limits of their respective jurisdiction specified in the corresponding entries in column (3) of the said Table.

**TABLE**

| Sl. No. | Designation of officers                              | Jurisdiction       |
|---------|------------------------------------------------------|--------------------|
| (1)     | (2)                                                  | (3)                |
| 1.      | Sub/Asst./Deputy Collector<br>Revenue ), Pondicherry | Pondicherry region |
| 2.      | Deputy Collector ( Revenue ),<br>Karaikal            | Karaikal region    |
| 3.      | Deputy Collector ( Revenue ),<br>Yanam               | Yanam region       |

**THE KARAIKAL AGRICULTURAL  
LABOURER FAIR WAGES RULES, 1970.**

## **THE KARAIKAL AGRICULTURAL LABOURER FAIR WAGES RULES, 1970**

No. B-9494/69-II.

Pondicherry, 5th September 1970.

### **NOTIFICATION**

G.S.R. No.19.— In exercise of the powers conferred by section 14 of the Karaikal Agricultural Labourer Fair Wages Act, 1970 (No.25 of 1970), the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely :—

#### **Short title and commencement**

1. (1) These rules may be called the Karaikal Agricultural Labourer Fair Wages Rules, 1970.
- (2) It shall come into force at once.

#### **Definitions**

2. In these rules, unless the context otherwise requires,—
  - (a) "Act" means the Karaikal Agricultural Labourer Fair Wages Act, 1970 (No.25 of 1970) ;
  - (b) "form" means a form appended to these rules ; and
  - (c) "section" means a section of the Act.

#### **Application under section 6(1)**

3. (1) The application to be made to the Conciliation Officer by any agricultural labourer under sub-section (1) of section 6 shall be in Form I and it shall be accompanied by a spare copy of the application for service on the landowner.

(2) On receipt of the application under sub-rule (1), the Conciliation Officer shall fix a date for the hearing and shall cause notice of the date so fixed to be served on the landowner mentioned in the application and a copy of the application shall accompany such notice.

(3) On the date fixed under sub-rule (2), or on any subsequent date to which the application may be adjourned, the landowner may appear in person or through his authorised agent.

(4) If the landowner admits the correctness of the averments made in the application, the Conciliation Officer shall issue a direction under sub-section (2) of section 6.

(5) If the landowner does not admit the correctness of the averments in the application, he may file a counter statement and, thereupon, the Conciliation Officer shall, after taking such evidence or making such enquiry as he considers necessary, pass orders on the application in accordance with the provisions of the Act.

### **Appeal under section 8**

4. (1) Every appeal filed before the Revenue Court under section 8 shall be accompanied by the original or a certified copy of the order appealed against and as many spare copies of the appeal petition as there are respondents.

(2) The appeal shall be fixed within thirty days from the date of communication of the order appealed against.

(3) The Revenue Court may, however, admit an appeal filed beyond the prescribed time limit, if it is satisfied that the appellant had sufficient reason for not filing the appeal within the time.

(4) On receipt of an appeal, the Revenue Court shall fix a date for hearing and shall cause a notice of the date so fixed to be served on the respondent or respondents and a copy of the appeal petition shall accompany such notice.

(5) On the date fixed for hearing, or any subsequent date to which the appeal may be adjourned, the Revenue Court shall hear both sides and pass suitable orders.

### **Orders to contain grounds for decision**

5. All orders passed by the Conciliation Officer or the Revenue Court shall contain the grounds for decision in brief and shall be communicated to the parties concerned.

### *Proceedings to be summary*

6. The proceedings before the Conciliation Officer and the Revenue Court shall be summary and shall, as far as possible, be governed by the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), with regard to:—

- (a) the amendment of pleadings ;
- (b) the addition of parties ;
- (c) the passing of ex-parte orders and setting them aside for good cause ;
- (d) the order of dismissal for default of appearance and setting aside such orders for good cause ;
- (e) local inspection ; and
- (f) the passing of orders

### **Fees**

7. The Court-fee payable on applications, appeals and petitions under the Act shall be as shown below :—

|                                                                |     |               |
|----------------------------------------------------------------|-----|---------------|
| (1) Application under sub-section (1) of section 6.            |     | Rs. P.<br>Nil |
| (2) Appeal under section 8                                     | ... | 1-00          |
| (3) Revision petition under section 9                          | ... | 2-00          |
| (4) Applications or petitions other than those specified above | ... | 1-00          |

### **Parties may be represented by authorised agent**

8. In any proceedings before the Conciliation Officer or the Revenue Court, the Conciliation Officer or the Revenue Court, as the case may be, may permit any agent authorised by a party to plead on his behalf :

Provided that the permission may be cancelled at any stage of the proceedings.

### **Manner of service of notice**

9. All notices and orders issued or made under the Act or under these rules shall be served on the person concerned in the following manner :—

(a) by delivering or tendering the notice or order to the person concerned or his counsel or authorised agent ; or

(b) by delivering or tendering the notice or order to some adult member of the family ; or

(c) by sending the notice or order to the person concerned by registered post acknowledgment due ; or

(d) if none of the aforesaid modes of service is practicable, by affixing the notice or order on some conspicuous part of the last known place of residence or business of the person concerned.

### **Powers of Conciliation Officer, etc.**

10. The Conciliation Officer or any person authorised by him shall have the following powers for effective enforcement of the orders passed under the Act :—

(a) power to enter upon any land on which, or into any building in which, the harvested paddy is kept ;

(b) power to deliver the quantity of paddy due to the agricultural labourer as fair wages ;

(c) power to sell the paddy, where it could not be delivered to the agricultural labourer and to pay the amount of fair wages due to the agricultural labourer and refund the balance to the landowner; and

(d) power to distrain movables from the landowner or agricultural labourer for realisation of fair wages or other amounts due from him, after observing the formalities prescribed by the Pondicherry Revenue Recovery Act, 1970 (No. 14 of 1970) and sell the properties distrained, utilise the proceeds for payment of the fair wages due and refund the balance, if any, to the owner of the properties.

### **Cash value of fair wages**

11. Where fair wages have to be paid in cash in lieu of the cash value of the fair wages shall be calculated with reference to the price of paddy of the variety grown by the landowner in each case prevailing on the date on which the fair wages fell due and for this purpose the prices notified by Government in the periodical price reports shall be taken into account.

### **Authorisation letters**

12. Authorisation letter produced under rule 8 shall be engraved on non-judicial stamp paper of the value of Rs. 1-50.

### **FORM-I**

**[See rule 3(1) of the Karaikal Agricultural Labourer Fair Wages Rules, 1970.]**

### **Form of application for payment of fair wages**

1. Name and address of the agricultural labourer.
2. Name and address of the landowner or land-owners from whom wages are due.
3. Nature of agricultural operation-cultivation or harvest.
4. If for cultivation:—
  - (a) Number of days of work done.
  - (b) Fair wages due to the agricultural labourer.
  - (c) Fair wages actually paid.
  - (d) Fair wages still due.

5. If for harvest :—

- (a) Total quantity of paddy harvested.
- (b) Quantity due as fair wages.
- (c) Number of labourers who harvested.
- (d) Quantity due to the applicant
- (e) Quantity actually paid.
- (f) Quantity still due

6. Remarks.

Signature of the applicant.

## **GOVERNMENT OF PONDICHERRY**

### **REVENUE DEPARTMENT**

No. B-9494\69-III

Pondicherry, 5th September 1970.

### **NOTIFICATION**

#### **I**

G.S.R. No. 70.— In exercise of the powers conferred by section 3 of the Karaikal Agricultural Labourer Fair Wages Act, 1970 (No. 25 of 1970), the Lieutenant-Governor, Pondicherry, hereby appoints the Tahsildar, Karaikal to be a Conciliation Officer for the purpose of performing the functions entrusted to a Conciliation Officer by or under the said Act in the area comprised in Karaikal region.

#### **II**

S.O. No. 71.— In exercise of the powers conferred by section 4 of the Karaikal Agricultural Labourer Fair Wages Act, 1970 (No. 21 of 1970), the Lieutenant-Governor, Pondicherry, hereby constitutes for Karaikal region, a Revenue Court which shall be presided over by of the Deputy Collector (Revenue), Karaikal, for the purpose of performing the functions entrusted to a Revenue Court by or under the said Act.

**THE PONDICHERRY CULTIVATING  
TENANTS  
( PAYMENT OF FAIR RENT )  
RULES, 1970**



## **GOVERNMENT OF PONDICHERRY**

### ***Revenue Department***

No. 6896/70-E.

Pondicherry, 22nd March, 1971.

### **THE PONDICHERRY CULTIVATING TENANTS ( PAYMENT OF FAIR RENT ) RULES, 1971.**

G. S. R. No. 3.— In exercise of the powers conferred by section 17 of the Pondicherry Cultivating Tenants ( Payment of Fair Rent ) Act, 1970 ( No. 5 of 1971 ), the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely :—

#### **Short title and commencement**

1. (1) These rules may be called the Pondicherry Cultivating Tenants (Payments of Fair Rent) Rules, 1971.

(2) They shall come into force from 2nd April, 1971.

#### **Definitions**

2. In these rules, unless there is anything repugnant in the subject or context—

(1) " the Act " means the Pondicherry Cultivating tenants ( Payment of Fair Rent ) Act, 1970 ( No. 5 of 1971 ) ;

(2) " form " means a form appended to these rules ; and

(3) " section " means a section of the Act.

#### ***Power to enter, etc.***

3. The Rent Court and the Rent Tribunal shall have power to enter upon any land and inspect and do any act thereon which in their opinion is necessary for the purpose of carrying out the functions entrusted to them by or under the Act including the power to cut and thresh the crops on any land and to weigh or measure the produce with a view to estimating the capabilities of the soil.

#### **Proceedings of the Rent Courts and Rent Tribunals**

4. (1) Every Rent Court and Rent Tribunal constituted under the Act shall have the powers exercisable by a Civil Court in the trial of suit and in appeals.

(2) The proceedings of the Rent Court and Rent Tribunal shall be summary and shall as far as possible be governed by the provisions of the Code of Civil Procedure with regard to—

- (a) the issue and service of summons ;
- (b) the examination of parties and witnesses ;
- (c) the production of documents ;
- (d) the amendment of pleadings ;
- (e) addition of parties ;
- (f) the passing *ex parte* orders and setting them aside for good cause ;
- (g) the ordering dismissal for default of appearance and setting aside such orders for good cause ;
- (h) the reviewing of orders passed on ground of apparent error ;
- (i) local inspection ; and
- (j) the passing of orders.

(3) Without prejudice to the generality of the foregoing the Rent Tribunal shall also have power (1) to remand a case, (2) to call for findings and (3) to admit fresh and additional evidence for proper cause.

### **Application to a Rent Court**

5. (1) Every application to a Rent Court shall be presented in person or by agent or be sent by registered post to the Rent Court having jurisdiction over the area in which the land concerned is wholly or in part situate and the said Court shall endorse the date of receipt thereon. Along with the application as many copies as there are respondents should also be furnished.

(2) On receipt of the application a notice shall be caused to be served upon all persons who are named as respondents to the application to show cause in writing on or before a date named as to why the application should not be ordered. The notice shall contain a summary of the allegations on the basis of which the relief is claimed by the applicant as also the nature of the relief claimed :

Provided that any respondent shall on application is the applicant be entitled to be furnished free of charge with a copy of the application.

### ***Filing of objections***

6. The respondents shall be given at least a period of 10 days from the date of service for the purpose of filing their objections in writing and the notice issued to them shall also intimate the date to which the enquiry is fixed. Provided that the court shall have for sufficient cause power to extend the time allowed for filing objections. The respondent shall at the same time when he files his objections to the Rent Court serve a copy thereof on the petitioner or his agent or the legal representative appearing for him.

## **Adjournment**

7. The Rent Court shall have power to adjourn the proceedings from time to time and the notice of the adjourned hearing shall be notified on the notice board of the Court.

## **Hearing**

8. (1) In hearing an application under the Act, the Rent Court shall have also power to depute any officer of the Revenue Department not lower in rank than a Revenue Inspector to make local enquiry and inspections and to collect relevant data.

(2) The officer shall submit a report of such enquiry and inspection in writing and this report shall be part of the evidence in this case :

Provided, however, that the parties to the proceeding shall be entitled to be furnished with copies thereof and shall have liberty to file objections thereto and the Rent Court shall consider this report together with the objections thereto in passing orders on the application.

Provided further that if the parties so desire the officer shall be summoned and examined as a witness.

## **Appointment of legal practitioner**

9. (1) In any proceeding before a Rent Court or a Rent Tribunal, a party shall be entitled to be represented by a legal practitioner to act and plead on his behalf.

(2) The Court or the Tribunal may, as the case may be, permit any agent duly authorised in writing by a party to act and plead on his behalf :

Provided that the Court or the Tribunal may, at any stage of the proceeding, cancel such permission :

Provided further that in case of such cancellation the party concerned shall be informed of such cancellation and he shall be afforded sufficient opportunity for his being thereafter represented before the Court or the Tribunal, as the case may be, by a legal practitioner or by any other agent duly authorised in his behalf.

## **The matters to be taken into account in determining the average gross produce**

10. (1) For determining the average gross produce in respect of any land for any specified crop, the Court or the Tribunal, as the case may be, shall take into account the average gross produce, if any, notified by the Government under clause (b) of section 2 of the Act.

(2) The Court or the Tribunal may also take into consideration—

(i) the Government records containing season and crop reports and rainfall accounts, if maintained ;

(ii) the results of crop cutting experiments conducted by the Government ;

(iii) the accounts of landowners, intermediaries and cultivating tenants wherever available in respect of that land and in respect of similar lands enjoying similar advantages ;

(iv) the oral or documentary evidence adduced by any of the interested parties and decrees of civil Courts.

(3) Where the average gross produce in respect of any land for any specified crop has not been notified by the Government, the Court or the Tribunal shall determine the actual gross produce in the manner laid down in sub-rule (2).

### **Service of order**

11. Every order of the Court or Tribunal shall be served upon the parties thereto or their legal practitioners appearing for them or their authorised agents, if any.

### **Form of Application**

12. Every application to the Rent Court shall be in writing and shall be in Form I annexed to these rules

### **The fees to be paid in respect of applications and appeals under this Act**

13. (1) Every application presented to the Rent Court shall bear a court-fee label of the value of Re. 1.

(2) Every appeal to the Rent Tribunal under section 10 (2) shall bear a court fee label of the value of Rs. 2 and shall be accompanied by the original or a certified copy of the order appealed against.

### **The time within which appeals may be presented under the Act**

14. Every appeal to a Rent Tribunal against the order of a Rent Court lying within its jurisdiction shall be made within 30 days from the date following the service of the order :

Provided that the appeal may be received after the period of 30 days aforesaid if the applicant satisfies the Court that he has sufficient cause for not preferring the appeal within that period.

### ***The notification of prices of agricultural or horticultural produce for the purpose of fixing the cash value of the fair rent***

15. (1) The Collector shall notify in the months of January, April, July and October every year in the Official Gazette in English the average market price during the immediately preceding three months at the headquarters of each region of the main crops of the region.

(2) In determining the average market price referred to in sub-rule (1), the Collector may take into consideration the Government records containing the season and crop and price reports and may consult the Director of Statistics, if he considers necessary.

(3) Copies of the notification published in the Gazette under sub-rule (1) shall be kept in the Office of the Rent Court and the Rent Tribunal concerned.

### **Mode of recovery of sum awarded**

16. Any sum awarded by any Rent Court or Rent Tribunal under the Act shall, on application by a party entitled to it, be recoverable by an officer of the Revenue Department not lower in rank than a Revenue Inspector specified by such Court or Tribunal as if it were an arrear of land revenue and the amount recovered shall be paid over to the party entitled to the same.

### **Registers and Forms**

17. Rent Courts shall maintain registers in the forms annexed to these rules

### **Process fees**

18. (1) The Rent Court or the Rent Tribunal may collect process fees at the following rates:—

For each summons or notice :—

|                                                                                                                                        | Rs. P.   |
|----------------------------------------------------------------------------------------------------------------------------------------|----------|
| (a) when sent by registered post, for each defendant, respondent or witness                                                            | ... 1-50 |
| (b) when served by an officer of the Court—                                                                                            |          |
| (i) On a defendant, respondent or witness                                                                                              | ... 1-50 |
| (ii) On every additional defendant, respondent or witness residing in the same village, if the process be applied for at the same time | ... 0-75 |

(2) Mileage for the travelling expenses of the process server at four paise per kilo metre may be calculated from the headquarters of the Court or the Tribunal to the place to which the process server has to go for serving the summons and may be recovered from the parties by way of Court fee stamps, in addition to the process fees.

(3) Authorisation letter produced before the Court or the Tribunal shall be engrossed on non-judicial stamp paper of the value of Rs. 1-50.

***Particulars to be furnished in the receipt***

19. The receipt granted by the landlord for payment of fair rent by the cultivating tenant shall specify—

- (a) the commune and village in which the land is constituted and its survey No. and sub-division No., if any, or a description of the land adequate for its identification ;
- (b) the name of person from whom received and on whose behalf received ;
- (c) the date of payment ;
- (d) the amount paid ; and
- (e) the period to which the rent relates.

**FORM - I**

( See rule 12 )

In the Rent Court at

( Every application presented to the Rent Court shall be affixed with a court-fee label of the value of rupee one ).

**PETITIONER(S)**

*Versus*

**RESPONDENT(S)**

Application under section 10 of the Pondicherry Cultivating Tenants ( Payment of Fair Rent ) Act, 1970.

Dated

19

1. Name(s) and address(es) of the petitioner(s)
2. Name(s) and address(es) of the respondent(s).
3. Whether the petitioner(s) is/are tenant(s) or landowner(s).
4. (i) Name of the land, if any.  
(ii) Whether assessed or unassessed

(iii) Whether wet, garden or dry.

(iv) Survey number and subdivision number ( if unsurveyed, its description ).

(v) Extent.

(vi) Boundaries—

East

South

West

North

(vii) Assessment and other taxes.

(viii) Village and Commune in which the land is situated.

5. In the case of wet land—

(i) whether it is a single crop or double-crop land ;

(ii) the existing rent.

In the case of garden land—

(i) the garden crop or crops raised ;

(ii) the existing rent.

6. Additional facts and information which the applicant(s) may like to furnish.

7. Relief claimed

**PETITIONER(S)**

I/We, the above named petitioner(s), do hereby declare that the facts stated above are all true to the best of my/our knowledge and belief.

**PETITIONER(S)**

**FORM - II**

( See rule 17 )

*Register No. 1 — Register of applications received for fixation of fair rent.*

*Register No. 2 — Register of applications received for revision of fair rent.*

*Register No. 3 — Register of applications received for deciding any dispute arising under the Act other than fixation or revision of fair rent.*

Rent Court of

Year

|                                                                |                                                                          |                                                                              |                                           |
|----------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------|
| Serial number                                                  | Date of presentation<br>of application.                                  | Name with full<br>address of the<br>applicant whether<br>landlord or tenant. | Name and address<br>of the<br>respondent. |
| (1)                                                            | (2)                                                                      | (3)                                                                          | (4)                                       |
| Purport of the case<br>and section of law.<br>the<br>official. | Date of reference to<br>Revenue official<br>local enquiry, etc., if any. | Date of receipt of<br>the report of<br>Revenue                               |                                           |
| (5)                                                            | (6)                                                                      | (7)                                                                          |                                           |
| Date of commencement of enquiry.                               |                                                                          | Date of final order and result.                                              |                                           |
| (8)                                                            |                                                                          | (9)                                                                          |                                           |



**FORM - III**

( See rule 17 )

*Register No. 4 — Hearing Book.*

Rent Court of

Year

Date

Serial number of the case  
(or) application

(1)

Date to which  
adjourned

(2)

Remarks.

(3)

**FORM - IV**

( See rule 17 )

*Register No. 5 — Diary Register.*

Rent Court of

Year

Date.

(1)

Number of the case or application.

(2)

Purport of proceeding

(3)

**FORM - V**

( See rule 17 )

*Register No. 6 — Register of documents received and disposed of*

Rent Court of

Year

| Date.                                     | Serial number<br>in the register | Nature of<br>documents.                                                                               | Reference to connected<br>case or application. |
|-------------------------------------------|----------------------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (1)                                       | (2)                              | (3)                                                                                                   | (4)                                            |
| Name of party producing<br>the documents. |                                  | Initial of the Clerk or other<br>authorised person to whom<br>the document is consigned<br>with date. | Court's order for disposal<br>with date        |
| (5)                                       |                                  | (6)                                                                                                   | (7)                                            |

**FORM - VI**

( See rule 17 )

*Register No. 7 — Register of instruments impounded.*

Rent Court of

Year

| Number and year of<br>application.<br><br>produced. | Nature and date of<br>instrument impounded | Name and residence of<br>of person by whom |
|-----------------------------------------------------|--------------------------------------------|--------------------------------------------|
| (1)                                                 | (2)                                        | (3)                                        |

|                                                                                    |                                                                                               |          |    |
|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------|----|
| Date of sending the instrument<br>the Sub./Asst./Dy Collector<br>for adjudication. | Date of acknowledgment by<br>the Sub./Asst./Dy.Collector<br>of the receipt of the instrument. | Remarks. | to |
| (4)                                                                                | (5)                                                                                           | (6)      |    |

### FORM - VII

( See rule 17 )

*Register No. 8 — Register of applications for return of documents.*

Rent Court of

Year

|                                                                  |                                                                        |                                                |                                                                                                                              |
|------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Date of application.                                             | Number of application.                                                 | Connected serial<br>number in<br>Register No.6 | Name of the applicant<br>and his connection<br>with the application under<br>P. C. T. ( Payment of Fair<br>Rent ) Act, 1970. |
| (1)                                                              | (2)                                                                    | (3)                                            | (4)                                                                                                                          |
| Nature of documents<br>and whether produced<br>by the applicant. | Court's order returning<br>either document or<br>application with date | Signature of party<br>or agent<br>with date.   |                                                                                                                              |
| (5)                                                              | (6)                                                                    | (7)                                            |                                                                                                                              |

Note :— Application for return of documents should be entered in this register in the order of the date of receipt.

**FORM - VIII**

( See rule 17 )

*Register No. 9 — Detailed register of documents and Court-fees.*

Rent Court of

Year

| Date | Serial number<br>in this register. | Nature of<br>document and<br>reference to<br>connected case. | Name of party<br>presenting the<br>document. | Number of<br>enclosures |
|------|------------------------------------|--------------------------------------------------------------|----------------------------------------------|-------------------------|
| (1)  | (2)                                | (3)                                                          | (4)                                          | (5)                     |

Process fees

---

| Search<br>fees. | Peon's<br>fees. | Amin's fees |            | Total fees |
|-----------------|-----------------|-------------|------------|------------|
|                 |                 | Poundage    | Other fees |            |
| (6)             | (7)             | (8)         | (9)        | (10)       |
| Rs. P.          | Rs. P.          | Rs. P.      | Rs. P.     | Rs. P.     |

**THE PONDICHERRY  
OCCUPANTS OF KUDIYIRUPPU  
( CONFERMENT OF OWNERSHIP )  
RULES, 1974**

**THE PONDICHERRY OCCUPANTS OF KUDIYIRUPPU  
( CONFERMENT OF OWNERSHIP ) RULES, 1974**

1. Short title extent and commencement - (1) These rule may be called The Pondicherry Occupants of Kudiyruppu ( Conferment of Ownership ) Rules, 1974.

(2) It shall extend to the regions known as Pondicherry, Karaikal and Yanam in the Union territory of Pondicherry.

(3) It shall come into force at once.

2. Definitions - In these rules, unless the context otherwise requires

(a) "Act" means the Pondicherry Occupants of Kudiyruppu ( Conferment of Ownership ) Act, 1973 ( Act No. 8 of 1974 )

(b) "Form" means a form appended to these rules

(c) " section" means a section of the Act.

<sup>1</sup> 2A. Additional factors to be taken into account in determining the area adjacent to the dwelling house or hut under explanation - II to clause (7) of section 3. - For the purpose of determining whether any area adjacent to the dwelling house or hut is necessary for the convenient enjoyment of such dwelling house or hut, the authorised officer shall take into account the following additional factors, namely:-

(a) the number of cattle owned, the actual extent covered with garden and the economic status of the agriculturist or agricultural labourer, immediately before the 27th day of March, 1972;

(b) the number of members of the family ;

(c) the manner in which the land has been used; and

(d) the trees, if any, planted by the occupant.

2B. Form of application by owner for alternative site.- (1) Every application under section 4A shall be in Form I and shall be made to the authorised officer.

(2) (a) The distance between the existing kudiyruppu and the alternative site shall not exceed one kilometre.

(b) The alternative site shall in the opinion of the authorised officer be suitable for residential use with independent access from an existing public road.

(c) The Owner shall surrender possession of the alternative site to the agriculturist or agricultural labourer within thirty days from the date of service of the order of the authorised officer under clause (a) of

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1. Inserted vide Notification No. 10056/81/C dt 24-01-1984 Published in E. O. G. No.12, dt 10-02-1984.

sub - section (1) of section 4A on him or within such further period not exceeding fifteen days as the authorised officer may at his discretion, permit.

2C. Time limit for payment of costs by the owner to the agriculturist or agricultural labourer for shifting of the residence to the alternative site.- The owner shall pay to the agriculturist or agricultural labourer, the costs as decided by the authorised officer under sub - section (2) of section 4A within thirty days from the date on which the order of the authorised officer under clause (a) of sub - section (1) of section 4A was served on him or within such further period not exceeding fifteen days as the authorised officer may, at his discretion, permit.

2D. Time limit within which the agriculturist or agricultural labourer should shift to the alternative site.- The agriculturist or agricultural labourer, shall shift to the alternative site provided by the owner in pursuance of the permission granted under clause (a) of sub - section (2) of section 4A, within sixty days from the date receipt of notice from the authorised officer.

2E. Time limit and the manner for refund of costs to the owner in case the agriculturist or agricultural labourer falls to shift the kudiyruppu to the alternative site. - The authorised officer shall refund to the owner in lump sum the costs recovered from the agriculturist or agricultural labourer under clause (b) of sub - section (6) of section 4A within thirty days from the date of such recovery".<sup>1</sup>

3. Form of application for settlement of dispute.- Every application for the settlement of dispute under section 5 shall be in Form I and shall be made to the authorised officer within a period of two months from the date on which the dispute arose.

Provided that the application may be received by the authorised officer after the period of two months aforesaid if the authorised officer for reasons to be recorded in writing is satisfied that the applicant had sufficient cause for not applying within that period.

4. Procedure to be followed in deciding a dispute under section 5 (1) on receipt of an application under rule 3, the authorised officer shall issue a notice to the applicant and all other persons interested in the kudiyruppu mentioned in the application fixing a date for hearing and directing the persons interested appear on the date specified there in and make their representations. On the date fixed for hearing or on any other date which the enquiry may be adjourned, the authorised officer hear the parties and pass orders with regard to the dispute.

(2) Every order passed under sub - rule (1) shall be communicated to the parties concerned

5. Disposal of appeals under section 6(1) -- Every appeal under sub - section (1) of section 6 shall be in Form II and be accompanied by a certified copy of the order appealed against and shall be made to the appellate authority within a period of thirty days from the date of receipt of the order appealed against;

Provided that the appellate authority may admit an appeal filed after the prescribed period if the appellate authority for reasons to be recorded in writing , is satisfied that the appellant had sufficient cause for not filing the appeal within that period.

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1. Inserted vide Notification No. 10056/81/C dt 24-01-1984 Published in E. O. G. No.12, dt 10-02-1984.

(2) On receipt of an appeal the appellate authority shall issue a notice to the appellant, the respondent or respondents, as the case may be, fixing a date for Hearing and directing the parties to appear on the date specified therein and make their representations.

(3) On the date fixed for the hearing or on any date to which the hearing may be adjourned, the appellate authority shall hear the parties and pass orders modifying the order or allowing the appeal or dismissing or remanding it for fresh disposal in accordance with the direction issued by it.

(4) Every order passed by the appellate authority shall be communicated to the parties concerned.

6. Procedure for determination and payment of compensation under section 8. - Before determining the amount of compensation payable under section 8, the authorised officer shall first issue a notice to the occupant of the kudiyruppu, the owner of the kudiyruppu or superstructure and all other persons interested therein, fixing a date for hearing and directing the parties to appear on that date and make their representations. On the date fixed for hearing or any other date to which the enquiry, may be adjourned, the authorised officer shall hold the enquiry, hear the parties, peruse the documents produced by them, and determine by order, the compensation payable for the vested kudiyruppu or superstructure, if any, the persons to whom the amount is payable and the amount of compensation payable to them and publish the said order in the Official Gazette. A copy of the said order shall be communicated to the person who is the owner of the kudiyruppu or superstructure immediately before the date of the commencement of the Act and every person interested therein.

7. Disposal of appeal under section 9 :- An appeal under section 9 shall be made to the court within thirty days from the date of communication of the order under section 8;

Provided that the court may admit an appeal filed after the prescribed period, if it is satisfied that the appellant had sufficient cause for not filing the appeal within that period.

8. Reference to the court under section 10 (2) :- A reference to the court made by the authorised officer shall be in Form III.

9. Deposit of compensation in the court under section 11 where authorised officer deposit the amount of compensation in the court, he shall send a report in Form IV to the court explaining the facts of the case and the reasons for depositing the amount of compensation in the court.

10. Second appeal under section 12:- A second appeal under section 12 shall lie to the High court only if the amount of compensation as determined by the authorised officer exceeds Rs.10,000/- in each case.

11. Mode of payment of compensation under section 14:- The amount of compensation as determined under rule 6 shall be payable in cash to the persons interested, within a period of three months from the date of publication of the order under the said rule in the official Gazette.



12. Recovery of compensation payable under section 15.- In the case of kudiyruppu and/or the superstructure including trees thereon, if any, where the value is Rs.100 and less, it shall be payable within one month from the date of the publication of the order under rule 6 in the official Gazette in a lump sum in one instalment with interest at the rate of 6 percent per annum, and if the value exceeds Rs. 100 it shall be payable in three annual instalment with interest at the rate if 6 percent per annum. The first instalment shall be paid by the kudiyruppu within a period of one month from the date of publication of the order under rule 6 in the official Gazette.If the entire amount is paid in a lump sum within one month he will be entitled to a rebate of 5%.

13. Issue of title deed under section 16.- The title deemed to be issued by the authorised officer shall be in Form V.

13A. <sup>1</sup> A register showing the kudiyrupputars conferred with the homestead rights shall be maintained for each revenue village in the office of the Tahsildar or Deputy Tahsildar, as the case may be, and by the village karnams in Form V-A.<sup>1</sup>

14. <sup>2</sup> Time limit for refund of the amount to the original occupant or heir or legal representative and notice of transfer. (1) The authorised officer shall refund the amount mentioned in sub - section (3) of section 17 to the person entitled to the same in a lump sum within ninety days from the date of surrender of kudiyruppu.

(2) The notice of transfer under sub - section (5) of section 17 shall be sent to the authorised officer having jurisdiction over the area in Form VI.<sup>2</sup>

15. **Representation.-** (1) In any proceeding before the authorised officer or the appellate authority a person shall be entitled to be represented by a legal practitioner to act and plead on his behalf.

(2) The authorised officer or the appellate authority as the case may be, may permit any agent, duly authorised in writing by a party, to act and plead on his behalf.

Provided that the authorised officer or the appellate authority may, at any stage of the proceedings, cancel such permission.

Provided further that, in the case of such cancellation the party concerned shall be informed of it and shall be afforded sufficient opportunity for his being thereafter represented before the authorised officer or the appellate authority as the case may be, by another agent duly authorised in this behalf or by a legal practitioner.

16. **Court fees.-** The court fees payable in respect of applications and appeal, shall be as follows:-

|                                     |       |
|-------------------------------------|-------|
| (i) Application relating to dispute | Rs.P. |
| Under section 5                     | 1.50  |
| (ii) Appeal under section 6 (1)     | 2.00  |

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1. Inserted vide G.O.MS. No. 2 dt 17-02-1976.

2. Substituted vide Notification No. 10056/81/C dt 24-01-1984 Published in E. O. G. No.12, dt 10-02-1984

|                              |      |
|------------------------------|------|
| (iii) Appeal under section 9 | 2.00 |
| (iv) Any other application   | 1.50 |

Form prescribed under the Pondicherry Occupants of Kudiyiruppu ( Conferment of Ownership ) Rules, 1974, issued under the Pondicherry Occupants of Kudiyiruppu ( Conferment of Ownership ) Act, 1973 ( Act No.8 of 1974 ).

**<sup>1</sup>FORM - I**  
**( See Rules 2 A )**

**Application by owner for alternate site under section 4A**

- |                                              |     |
|----------------------------------------------|-----|
| 1. Name of the district                      | ... |
| 2. Name of the taluk                         | ... |
| 3. Name of the village                       | ... |
| 4. Name and address of the owner             | ... |
| 5. Particulars of the kudiyiruppu -          |     |
| (a) District                                 | ... |
| (b) Taluk                                    | ... |
| (c) Village                                  | ... |
| (d) Survey number                            | ... |
| (e) Local name                               | ... |
| (f) Classification ( Wet, dry, etc )         | ... |
| (g) Total extent                             | ... |
| (h) Extent of kudiyiruppu                    | ... |
| (i) Numbers of occupants                     | ... |
| 6. Reasons for the offer of alternative site | ... |

---

1. Inserted vide Notification No. 10056/81/C dt 24-01-1984 Published in E. O. G. No.12, dt 10-02-1984.

7. Particulars of the alternative site -
  - (a) District ...
  - (b) Taluk ...
  - (c) Village ...
  - (d) Survey number ...
  - (e) Local number ...
  - (f) Classification ( Wet, dry etc. ) ...
  - (g) Total extent ...
  - (h) Extent offered as alternative site ...
  - (i) Nature of access from public road ...
8. Distance between the existing kudiyruppu and the alternative site ( in kilometres ) ...
9. The period within which the owner is prepared to part with the alternative site ...
10. Is the alternative site fit for erection of a dwelling house or hut ? ...
11. Remarks ...

Signature of the Applicant .<sup>1</sup>

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1. Inserted vide Notification No. 10056/81/C dt 24-01-1984 Published in E. O. G. No.12, dt 10-02-1984.

**FORM - I A**

**( See Rule 3 )**

**APPLICATION FOR SETTLEMENT OF DISPUTE UNDER SECTION 4A**

- |    |                                                                |     |
|----|----------------------------------------------------------------|-----|
| 1. | Name of the Taluk / Sub - Taluk                                | ... |
| 2. | Name of the Village                                            | ... |
| 3. | Name and address of the applicant                              | ... |
| 4. | Nature of interest, whether Occupier of kudiyruppu or owner.   | ... |
| 5. | Name and address of interested persons with nature of interest | ... |
| 6. | Particulars of the kudiyruppu                                  | ... |
|    | (a) Village                                                    |     |
|    | (b) Survey number                                              |     |
|    | (c) Local name                                                 |     |
|    | (d) Wet or dry                                                 |     |
|    | (e) Total extent                                               |     |
|    | (f) Extent of the kudiyruppu                                   |     |
| 7. | Nature of dispute                                              | ... |
| 8. | Particulars of evidence relied upon in support of the case     | ... |
| 9. | Remarks                                                        | ... |

Signature of the applicant

Form prescribed under the Pondicherry occupants of kudiyruppu ( Conferment of ownership ) Rules 1974, issued under the Pondicherry occupants of kudiyruppu ( Conferment of Ownership ) Act, 1973 ( Act No.8 of 1974 ).

**FORM II**

**( See Rules 5 )  
Appeal under section 6 (1)**

1. Name of the Taluk/ Sub - Taluk . . .
2. Name of the Village . . .
3. Name and address of the applicant . . .
4. Nature of interest, whether occupier  
of kudiyruppu or owner . . .
5. Names and address of interested persons  
with nature of interest . . .
6. Particulars of the kudiyruppu -  
(a) Village  
(b) Survey Number  
(c) Local Name  
(d) Wet or dry  
(e) Total extent  
(f) Extent of the kudiyruppu
7. No. & date of the order appealed against :
8. Grounds of appeal in brief
9. Remarks

Signature of the applicant

Form prescribed under the Pondicherry Occupants of kudiyruppu ( Conferment of Ownership )  
Rules, 1974, issued under the Pondicherry Occupants of kudiyruppu ( Conferment of Ownership ) Act,  
1973 ( Act No.8 of 1974 ).

**FORM III**

**( See Rules 8 )**

**Reference of court under Section 10.**

1. Name of the Taluk/Sub - Taluk . . .
2. Name of the Village . . .
3. Name and address of the applicant . . .
4. Nature of interest, whether occupier  
of kudiyruppu or owner. . .
5. Names and address of interested persons  
with nature of interest . . .
6. Particulars of the kudiyruppu -  
(a) Village  
(b) Survey Number  
(c) Local name  
(d) Wet or dry  
(e) Total extent  
(f) Extent of the kudiyruppu
7. Amount of compensation determined . . .
8. Nature of the dispute relating to the  
apportionment of the compensation . . .
9. Remarks:

Signature of the authorised officer.

Form prescribed under the Pondicherry Occupants of kudiyruppu ( Conferment of Ownership ) Rules, 1974 issued under the Pondicherry Occupants of kudiyruppu ( Conferment of ownership ) Act, 1973 (Act No.8 of 1974 ).

**FORM IV**

**( See Rules 9 )**

**Reference to court under section 11**

1. Name of the Taluk / Sub - Taluk . . .
2. Name of the village . . .
3. Name and address of the Applicant . . .
4. Nature of interest, whether occupier  
of kudiyruppu or owner . . .
5. Name and address of interested persons  
with nature of interest. . .
6. Particulars of the kudiyruppu, -  
(a) Village  
(b) Survey Number  
(c) Local name  
(d) Wet or dry  
(e) Total extent  
(f) Extent of the kudiyruppu
7. Amount of compensation determined . . .
8. Nature of the dispute relating to the apportionment  
of the compensation . . .
9. Remarks :

Signature of the authorised officer

Form prescribed under the pondicherry occupants of kudiyruppu ( Conferment of Ownership ) Rules, 1974, issued under the Pondicherry occupants of kudiyruppu ( Conferment of Ownership ) Act, 1973 (Act No.8 of 1974 ).

<sup>1</sup>[ FORM V

( See Rules 15 )

**Title deed under section 16**

This title deed is executed on the \_\_\_\_\_ day of \_\_\_\_\_, One thousand nine hundred and eighty .....between the President of India ( hereinafter referred to as the transferor ) Which expression shall, where the context so permits includes his successors and assigns and Thiru/ Thirumati ..... ( here mention the name, age, address etc. ) ( hereinafter referred to as the transferee )

Whereas the transferee was in possession of the kudiyiruppu more fully described in the schedule hereto from \_\_\_\_\_ and thus in occupation on the 27th March, 1972 as required under section 4(1) of the Act;

And whereas the transferee has granted permission to transfer the same to the above transferee, under section 16, of the pondicherry Occupants of kudiyiruppu ( conferment of ownership ) Act, 1973;

Now, therefore the transferor hereby assigns all the lands mentioned in the schedule hereto to the transferee so that they may be retained by him/ her as his/ her possession in fixity for an infinite period.

2. This title deed shall be subject to the provision of the Act and rules and to the conditions referred to in the annexure hereto; and the conditions hereafter contained having agreed upon by the transferee.

**THE SCHEDULE**

1. Name of the region
2. Name of the taluk/sub-taluk
3. Name and number of the village
4. Survey No. and the sub - division numbers
5. Extent
6. Classification of the land
7. Boundaries

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1. Substituted vide Notification No. 10056/81/C dt 24-01-1984 Published in E. O. G. No.12, dt 10-02-1984



8. Particulars of the superstructure
9. Particulars of trees etc.
10. Remarks.

#### **ANNEXURE (Condition )**

1. If it has been found that this transfer had been effected by mistake or by false information or by deceit or if it has been noticed that there is an anomaly in the procedure followed, the transfer shall be liable to alteration or cancellation.
2. If the land or a part thereof is utilised for agricultural purposes, the Government shall have the right to levy land revenue in lieu of the ground rent. This assessment will be subject to changes from time to time according to the rules in force.
3. The cost towards the lay out of the lands and preparation of plans consequent on the assignment of kudiyiruppu shall be collected from the transferee.
4. The charges for the layout of the lands along with the preparation of plans including incidental and other charges shall be collected from the transferee.
5. The transferee, if his right has been transferred, to some other person shall inform the matter to the authorised officer within three months from the date of the effect of the transfer under section 17 (1) of the above Act. If the transferee of the kudiyiruppu dies the person possessing the right of transfer as his successor or otherwise shall intimate the fact to the authorised officer within one year from the death of the transferee.

In witness where Thiru Deputy collector ( Kudiyiruppu ) for and on behalf of the  
President of India and Thiru the transferee have here unto set their respective signature on  
the date, month and year first above mentioned.

This was issued under the signature and seal of Thiru

Deputy Collector (Kudiyiruppu)

For and on behalf of the president of India

Deputy Collector ( Kudiyiruppu )  
( the transferor )

Signed in the presence of the following witnesses.

1.

2.

The signature of Thiru  
( Transferee )

Signed in the presence of the following witnesses.

1.

2.<sup>1</sup>

**FORM V A**  
**( See Rule 13 - A )**

Register showing the kudiyruppadars conferred with homes rights:

Name of the commune Panchayat:

Name of the Village:

| S1.<br>No | Survey<br>extent<br>in the | No. &<br>comprised<br>title deed | No. and<br>date of<br>the<br>award | Name of the<br>Person to<br>whom Title<br>Deemed issued | Scheduled<br>Caste (SC)<br>or other<br>Caste (OC) | Condition<br>of<br>the<br>title<br>deed |
|-----------|----------------------------|----------------------------------|------------------------------------|---------------------------------------------------------|---------------------------------------------------|-----------------------------------------|
|           | R.S.No                     | Extent                           |                                    |                                                         |                                                   |                                         |
| (1)       | (2)                        | (3)                              | (4)                                | (5)                                                     | (6)                                               | (7)                                     |

| Total<br>amount<br>due | First<br>instal -<br>ment<br>paid | <u>Instalments Due</u>                |                                              | Third<br><u>Instalment</u><br>Amount | Date of<br>Collection<br>with receipt<br>No. | In case<br>default<br>payment<br>according<br>to colum<br>(10)&<br>action taken. |
|------------------------|-----------------------------------|---------------------------------------|----------------------------------------------|--------------------------------------|----------------------------------------------|----------------------------------------------------------------------------------|
|                        |                                   | Second<br><u>Instalment</u><br>Amount | Date of<br>collection<br>with receipt<br>No. |                                      |                                              |                                                                                  |
| (8)                    | (9)                               | (10)                                  | (11)                                         | (12)                                 | (13)                                         | (14)                                                                             |

Remarks as to (i) whether the conditions have been fulfilled, (ii) person in physical possession and his relationship with the person noted in col. (5), (iii) If the condition had been violated, action taken.

**FORM -VI**

**( See Rule 14 )**

**Notice of transfer under section 17**

1. Name of the Taluk/Sub-Taluk
2. Name of the village
3. Name and address of the applicant
4. Nature of interest, whether occupier of kudiyruppu or owner
5. Names and address of interested persons with nature of interest
6. Particulars of the kudiyruppu-
  - (a) Village
  - (b) Survey Number
  - (c) Local name
  - (d) Wet or dry
  - (e) Total extent
7. Amount of compensation determined
8. Nature of the dispute relating to the apportionment of the compensation
9. Remarks

Signature of the transferor or transferee.

**GOVERNMENT OF PONDICHERRY  
REVENUE DEPARTMENT**

No.9324/74-C

Pondicherry, the 20-2-07-1978.

**NOTIFICATION**

S.O.NO.20.-In exercise of the powers conferred by Sub-Section (4) of section 3 of the Pondicherry Occupants of Kudiyruppu (Conferment of Ownership) Act, 1973 (Act No.8 of 1974) and in Superssion of the Notification No. 4931/77-C dt. 15th April 1977 of the Revenue Department, Pondicherry publshied as S.O.No. 16 in the Extraodinaire No. 119 dt. 21st April 1977, the Lieutenant Governor, Pondicherry hereby appoints the officers mentioned in Colum (2) of the Table below to exercise the powers and discharge the duties and funtions of the Authorised Officer under the said Act in respect of the areas specified in column (3) thereof.

**TABLE**

| SL.NO. | Name of the officer                                                          | Area                          |
|--------|------------------------------------------------------------------------------|-------------------------------|
| 1.     | The Director of Survey and Land Records, Pondicherry                         | Pondicherry and Yanam Regions |
| 2.     | <sup>1</sup> Sub/Assistant/Deputy Collector (Revenue), Karaikal <sup>1</sup> | Karaikal Region               |

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1. Substituted vide Notification No.43/3-78/16439-C dt 21-12-1978.

**GOVERNMENT OF PONDICHERRY  
REVENUE DEPARTMENT**

No.43/3-78/6439-C

Pondicherry, dt. 21st Dec. 1978.

**NOTIFICATION**

S.O.NO.37.- In exercise of the powers conferred by sub-section (4) of section 3 of the Pondicherry occupants of kudiiruppu (Conferment of Ownership ) Act, 1973 (Act No. 8 of 1974) the Lieutenant Governor, Pondicherry hereby makes the following amendment to the Notification S.O.No. 20 dated 19th July 1978 of the Revenue Department published in Extraordinaire Gazette No. 117 dated 24th July 1978.

**AMENDMENT**

In the Table under the Notification for the words "The Revenue Officer, Karaikal " the words "Sub/Assistant/Deputy Collector (Revenue), Karaikal" Shall be substituted.

**THE PONDICHERRY  
VACANT LANDS IN URBAN AREAS  
( PROHIBITION OF ALIENATION )  
RULES, 1976.**

**THE PONDICHERRY VACANT LANDS IN URBAN AREAS ( PROHIBITION OF ALIENATION )  
RULES, 1976.**

**GOVERNMENT OF PONDICHERRY**

*Revenue Department.*

No. 13197/75/C

Pondicherry, the 28th February, 1976.

**NOTIFICATION**

G. S. R. No. 2.— In exercise of the power conferred by section 12 of the Pondicherry Vacant Lands in Urban Areas ( Prohibition of Alienation ) Regulation, 1976 ( No. 2 of 1976 ), the Lieutenant-Governor, Pondicherry hereby the following rules, namely : —

1. These Rules may be called the Pondicherry Vacant lands in Urban Areas ( Prohibition of Alienation ) Rules, 1976.

2. In these rules unless the context otherwise requires—

(a) " Regulation " means, the Pondicherry Vacant Lands in Urban Area ( Prohibition of Alienation ) Regulation, 1976;

(b) " Form " means a form included in the Schedule;

(c) " Schedule " means the Schedule appended to these rules;

(d) " Section " means a section of the Regulation.

3. (1) A declaration by the transferor which is required to be furnished by a person presenting a document referred to in clause (a) of section 4 be in Form 'A'.

(2) The plan to be attached to Form 'A' shall be certified by a person who prepared it by endorsing thereon as follows, namely:—

" Certified that the above plan is made by me after personally seeing the vacant land and its surroundings, I have got the land measured in my presence and the above plan indicates the true and correct position and area of the vacant land and its surroundings ".

(3) The registering officer shall verify the facts stated in the declaration made by the transferor and also the facts stated in the document presented for registration and if the facts stated in the declaration as well as the document are found to be in order, he may make an order of acceptance of the document for registration. Where the facts stated in the declaration to document are not found to be in order he shall make an order refusing to register the document specifying the reasons therefor in the order of refusal and shall forward a copy of such order to the Collector.

4. (1) An application for approval of a Co-operative house building society established for the purpose of providing housing accommodation to the weaker sections of the people under clause (d) of sub-section (1) of section 5 may be made in Form 'B' to the Collector within whose limits the place mentioned in the society's registered address is situate.

(2) (a) On receipt of an application made under sub-rule (1), the Collector may enquire himself or cause an enquiry to be made by an officer not below the rank of a Deputy Tahsildar as to whether the society is a house building society for weaker sections of the people, as to the income of its member and their social backwardness and as to existence of such other factors as may be specified by the Government from time to time and shall submit a report to the Government.

(b) In an enquiry under clause (a), the Secretary or the President, or an officerbearer of the Society empowered by the Society to act on its behalf may adduce such evidence in support of the application made under sub-rule (1) as he may consider necessary.

(c) On receipt of a report from the Collector, the Government, having regard to the income of members of such Society, or social backwardness of its members or such other considerations, stated in the report, shall by an order either approve or disapprove the society.

5. (1) The Collector shall not exempt under sub-section (3) of section 6 any alienation or other transfer of any vacant land from the provisions of the Regulation unless the land is to be used—

(a) for an educational purpose by an educational institution recognised by the Government and in case—

(i) such educational institution not being the one established and administered by a majority based on religion or language; or

(ii) such educational institution which being so established and administered is the maintained by the State

as defined in Article 12 of the Constitution or receives aid out of State funds, admission of students to or membership for which is not prohibited on grounds of religion, race or cast or any of them;

(b) for a scientific purpose by an institution doing scientific research work beneficial to the general public and recognised as such by the Government;

(c) for an industrial purpose by an industry established or to be established in the Union territory requiring land urgently for use for the purpose of expansion programme of an industry already established, or as the case may be, for the purpose of establishment of an industry to be established, where such expansion programme, or as the case may be, establishment has been approved by the Central or the Union territory Government, wherever necessary.

(d) for a commercial purpose by a person requiring land urgently for such purpose.

(e) for construction of a hospital by any institution requiring land urgently for such purpose;

(f) for an agricultural purpose including dairy farming, horticulture and poultry farming, by any agriculturist requiring land urgently for such purpose.

(2) Any person desirous of obtaining an exemption under sub-section (3) of section 6 shall make an application in Form 'C' to the Collector within whose limits the land is situate.

6. (1) An application under sub-section (2) of section 7 shall be made in Form 'D' within a period of sixty days from the date of publication of these rules in the Official Gazette.

(2) The notice under sub-section (3) of section 7 shall be served in the following manner, namely:—

(a) by delivering or tendering it to the person concerned, or



(b) by post in a letter addressed to the person named therein, at the last known residence or place of business and registered under Part III of the Indian Post Office Act, 1898.

7. An appeal under section 9 shall be made in Form 'E' within a period of thirty days from the date of the order of the Collector.

## **SCHEDULE**

### **FORM 'A'**

**[ See Rule 3 (1) ]**

#### **Declaration under clause (a) of section 4 of the Pondicherry Vacant Lands in Urban Areas ( Prohibition of Alienation ) Regulation, 1976.**

I ..... son/wife/widow of .....residing at .....do hereby declare that the plot of vacant land described in the appendix hereto owned by me and intended \* to be alienated/\* to be partitioned or in which a trust is intended to be created by me by writing signed by me and dated ..... and evidenced in the form of the document of .....( lease, sale, mortgage, partition, etc.) does not exceed five hundred square metres in extent. I further declare that the said vacant land does not form part of a compact block within the meaning of the term defined in clause (c) of section 2 of the Pondicherry Vacant Lands in Urban Areas ( Prohibition of Alienation ) Regulation, 1976 and that no other plot of the vacant land or no plot of vacant land other than a plot to which the provisions of the said Regulation do not apply under section 3, 5 or 6 and which is owned by me has been alienated or partitioned on or after the .....and that no trust has been created in respect of such plot on or after the .....

\* Strike off, if not applicable.

## **APPENDIX**

1. Name of the owner making the declaration
2. Manner of alienation whether, lease, sale, mortgage or otherwise partitioning or creation or trust.
3. Revenue Survey Number, Town Planning Scheme No. and Block No./Ward No.
4. Area of the vacant land (in words and figures)
5. \* Description .....  
East .....  
West .....

South .....

North .....

Note :— \* (1) A plan drawn to scale is appended showing the location of the vacant land together with its boundaries clearly marked, indicating further whether lands appurtenant to and surrounding the said vacant land were vacant or built upon on or after .....

(2) The said plan is certified by a person who has prepared the plan, as prescribed in sub-rule (2) of rule 3.

Dated ..... day .....

Signature of the transferor.

Solemnly affirmed before me by .....who is personally known, to me/who is identified before me, by .....whom I personally known.

Dated ..... day .....

Signature of the Magistrate.

Seal.

## FORM 'B'

[ See Rule 4 (1) ]

**Form of application for approval of a Co-operative House Building Society under sub-section (1) of section 5 of the Pondicherry Vacant Lands in Urban Areas ( Prohibition of Alienation ) Regulation, 1976.**

1. (a) Name of applicant Co-operative society
- (b) Registration Number and date of registration
- (c) Registered address
- (d) Name of the person authorised to apply on behalf of the society (Secretary/President)
2. (a) Whether it is a Co-operative House Building Society.

(b) Whether the house-building is exclusively for weaker sections of the people or socially backward people ( give details ).

(c) What is the average yearly income of each person for whom the house is to be built.

(d) Whether the society is promoted for providing housing accommodation to its members only.

3. Whether all members of the Society belong to weaker sections of the people. If not state the basis for admitting members.

4. Any other facts in support of the application.

I agree to furnish such other evidence as I may be called upon by the Collector or the State Government to furnish in support of this application for approval of the above Society under the first proviso to clause (d) sub-section (1) of section 5 of the Regulation.

Dated ..... day of ..... 197.....

Signature of the applicant.

I hereby declare that the particulars given above are true and correct to the best of my knowledge and information.

Dated ..... day of ..... 197.....

Signature of the applicant.

#### **FORM 'C'**

**[ See Rule 5 (2) ]**

#### **Form of application for exemption under sub-section (3) of section 6 of the Pondicherry Vacant Lands in Urban Areas ( Prohibition of Alienation ) Regulation, 1976.**

1. Name of the applicant

2. Grounds on which exemption applied for

3. (a) Whether the application is by or on behalf of \_\_\_\_\_ an educational institution/a scientific research institution; if so, annex a certified copy of such recognition.

(b) Whether the application is by/or on behalf of an industrial/commercial institution.

4. What is the purpose of obtaining the land ?
5. Is there any agreement, with the transfer ? If so, mention the date of agreement and annex a true copy of the agreement.
6. What are the rules for admission to the educational/scientific research institution?
7. (a) Area of the vacant land for which exemption is applied.  
(b) Survey/City Survey No.  
(c) Town Planning Plot No., Name of Village, Taluk and Region.  
(d) Name of the transferor.  
(e) A scale map of the vacant land showing its boundaries and surrounding built up/un-built areas.
8. (a) If the applicant is an Industrialist/Industrial Company, mention whether it is partnership, private or public limited company.  
(b) Annex a certified copy of the approval of expansion programme by Central/Union territory Government.

I hereby declare that the particulars given above are true and correct to the best of my knowledge and information.

Dated ..... day of .....197.....

Signature of the applicant.

#### **FORM 'D'**

**[ See Rule 6 (1) ]**

**Form of application for a declaration under sub-section (2) of section 7 of the Pondicherry Vacant Lands in Urban Areas ( Prohibition of Alienation ) Regulation, 1976.**

1. Name and address of the applicant
2. Nature of applicant's interest
3. Name of alienator/alienee or parties to partition, or, maker of trust and his address.

4. Names of other parties interested/beneficiaries and their present addresses.

5. Nature or transaction, sale, gift, exchange, usufructuary mortgage, lease or otherwise.

6. Survey No., City Survey Number, Town Planning No. and area of the Vacant Land ( in words ). Annex a scale map showing the vacant land, its boundaries and state whether it forms part of a compact block with other land.

(a) Date of making of document for which declaration is applied for ( Produce a true copy of the document ).

(d) Date of registration of the document.

7. State whether the alienator has transferred other vacant land or parties to the partition have effected other partitions or the settlor of trust has created other trusts in respect of any vacant lands between .....  
and .....  
If yes, give details.

8. State the grounds on which the applicant applies for a declaration under sub-section (2) of section 7 of the Regulation.

I hereby declare that the particulars given above are true and correct to the best of my knowledge and information.

Dated ..... day of ..... 197 .....

Signature of the applicant.

#### **FORM 'E'**

**[ See Rule 7 ]**

#### **Form of Appeal under section 9 of the Pondicherry Vacant Lands in Urban Areas ( Prohibition of Alienation ) Regulation, 1976.**

1. Name of the appellant and his present address.

2. Whether the appellant holds or held any vacant lands elsewhere in the State in a compact block or other-wise exceeding one thousand square metres and whether he had disposed of any such vacant lands. on or after .....

3. The person in whose favour the vacant lands are alienated ( give names and present address ). Details of vacant lands alienated, for which declaration is applied for.

4. The Survey Number, Municipal Number or Town Planning Block Number including its parts, if any. The place where it is situated ( i.e. Village/town ).

5. The manner in which the vacant lands have been alienated. Mention the names and address of parties to the alienation.

6. Whether there was any valid agreement to sell, made prior to ..... or as the case may be prior to the ..... and whether the documents of a agreement for alienation is registered. ( Attach a true copy of the registered document ).

7. The grounds of appeal. Certified copy of Collector's order rejecting the application with a true copy of the application made to the Collector shall be attached to the appeal.

8. Date of Collector's order under appeal mentioning how it is within the period prescribed for appeal.

9. Any other relevant facts which the appellant desires to be considered.

Signature of the applicant.

Enclosures :

(i)

(ii)

(iii)

**THE PONDICHERRY IRRIGATION  
(LEVY OF BETTERMENT CONTRIBUTION)  
RULES, 1976**

# THE PONDICHERRY IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION) RULES, 1976

## GOVERNMENT OF PONDICHERRY

### *Revenue Department*

No. 13225/75/C.

Pondicherry, the 19th May, 1976

### NOTIFICATION

G. S. R. No. 15.- In exercise of the powers conferred by section 21 of the Pondicherry Irrigation (Levy of Betterment Contribution) Regulation, 1976 (No. 4 of 1976), the Lieutenant-Governor, Pondicherry, hereby makes the following Rules, namely :-

1. **Short title.**- These rules may be called the Pondicherry Irrigation (Levy of Betterment Contribution) Rules, 1976.

2. **Definitions.**- In these rules, unless there is anything repugnant in the subject or context :

(i) "the regulation" means the Pondicherry Irrigation (Levy of Betterment Contribution) Regulation, 1976 ;

(ii) "section" means a section of the regulation ;

(iii) "year" means the fasli year ;

(iv) "form" means a form appended to these rules.

3. **Classification of dry lands.**- The dry lands shall be classified as follows :-

(a) Block A shall consist of class 1, class 2 and class 3.

(b) Block B shall consist of class 4, class 5 and class 6.

4. **Factors to be taken into consideration under Explanation II (a) to clause (6) of section 2.**- The lands shall be deemed to be significantly benefited by the execution of a notified work, if any of the following conditions is satisfied :-

(1) Conversion of part of ayacut from single to double crop and from double crop to third crop.

(2) Assured supply for the lands having higher levels than the average ground level.

(3) Required standing water depth above the field level to be ensured.

(4) Source of supply channel to be charged to effect better commandability.



**5. Factors to be taken into consideration under Explanation II (b) to clause (6) of section 2.-** The lands shall be deemed to be substantially relieved of the non-beneficial submersion or stagnation of water, if any of the following conditions is satisfied :

- (i) Additional drainage channel is provided ;
- (ii) Drainage channels are improved by way of increased bed width, proper free boards, standard flood banks to carry adequate drainage ;
- (iii) Flood banks and flood controlling structures are erected to protect irrigation lands from flooding and salt water intrusion.

**6. Calculation of the cost of notified work under section 5.-** (a) The cost of any notified work for purposes of section 5 and sub-section (1) of section 6 shall be the actual amount incurred by the Government in the execution of the work, including the direct and indirect charges and the cost of investigation of the work. The cost as mentioned above shall be determined by the Public Works Department or other Government agency entrusted with the execution of the work.

(b) The decision of the Public Works Department as to whether the cost of any notified work exceeds seventy-five thousand rupees shall be final.

(c) The net expenditure as ascertained under section 6 (2) shall be apportioned equally on all the lands comprised in the improved old ayacut.

(d) The annual increase in revenue in the case of lands, covered by the notified work shall be ascertained by deducting, from the total ryotwari assessment and water cess including the additional assessment or additional water cess, if any, levied after the execution of the notified work, the amount representing the total ryotwari assessment and water cess including the additional assessment of additional water cess, if any levied in the fasli prior to the execution of the notified work.

**7. Levy in respect of improved old ayacut.-** Mere repairs to existing irrigation or drainage work or its restoration to its original state after decay or injury shall not be regarded as having ensured significant benefit to the land under the work to be considered as improved old ayacut for the levy of betterment contribution. Only the works, the execution of which is of the nature of the new work or which is an improvement to the existing irrigation or drainage work ensuring benefit or significant benefit to the lands under the work shall be notified for the levy of betterment contribution. The decision of the Collector in consultation with the Public Works Department or other executive agencies concerned entrusted with the work, as to whether a work to be notified satisfies the above conditions, subject to revision by the Government shall be final.

**8. Postponement of levy of betterment contribution under section 7.-** (1) The authorised officer may postpone the inclusion of any land in the ayacut of a notified work, in consultation with the Public Works Department or other executive agencies entrusted with the work, on the ground specified in sub-section (1) of section 7, or on any of the following grounds namely :-

- (i) the land requires expensive raising of the level ;
- (ii) the land requires provision of drains to take off excess water ;
- (iii) the land requires provision of field channels across mounds, depressions, roads or rail tracks;

(iv) excess salinity or alkalinity has to be removed from the land, to make it fit for cultivation ;

(v) irrigation will not be beneficial for, or cannot be taken economically, to the land.

The authorised officer shall record full reasons for his orders of postponement under sub-section (1) of section 7.

(2) A land included in the ayacut of a notified work may be said to be not fit for irrigation on the date of such inclusion with reference to sub-section (3) of section 7 if any of the grounds specified in sub-section (1) of section 7 and sub-rule (1) applies to such land or if on the date of the inclusion of such land in the ayacut it is found -

(i) that the capacity of the sluices is not adequate ; or

(ii) that water has not been taken to the nearest point with reference to each 10 hectares block, or 20 hectares block, as the case may be

**9. Publication of the date of completion of the notified work under section 11.-** (1) The date of completion of the execution of a notified work, the cost of which exceeds seventy-five thousand rupees and in respect of which betterment contribution is leviable, referred to in clause (a) of sub-section (3) of section 11, shall be published by the Collector in the official Gazette.

(2) The collector shall consult the Public Works Department or other Government agency entrusted with the execution of the work and take its view into account before ordering the publication of the date of the completion of the execution of the notified work.

(3) The Collector shall publish in the official Gazette a brief description of the notified work, its cost, the date of the completion of its execution and a description of the new ayacut and improved old ayacut, with particulars of the survey number and extent of the lands benefited or significantly benefited by the notified work in each village.

**10. Publication of rates of betterment contribution.-** (1) The authorised officer shall publish a notice announcing the rates of betterment contribution proposed to be levied in respect of the lands under a notified work, in Form No. 1, in the village chavadi or other public place in each village in which the lands lie. The fact of such publication shall be announced by tom-tom in each such village. On a duplicate copy of the notice, the village officers shall furnish a certificate, attested by at least two witnesses, who are land holders affected by the levy.

(2) Suggestions regarding, or objections to the rates specified in the notice shall be preferred, in writing to the authorised officer within fifteen days from the date of the publication of the notice.

**11. Consideration of objections.-** The authorised officers shall consider all the suggestions and objections received and finally decide the rates of betterment contribution leviable under the Regulation. He shall briefly record, in a formal order, the purport of the suggestions and objections received by him and the basis on which the rates of betterment contribution were finally fixed by him. The details and the data taken into account for fixing the betterment contribution shall be appended to the order as annexures. The rates as finally decided shall be published in Form No. II in the official Gazette and in the villages concerned, in the manner specified in rule 10.

12. ***Appeal under section 9.***- An appeal against the order of the Authorised Officer under rule 11 shall lie to the Collector.

13. ***Rectification of rates of betterment contribution.***- Any modifications in the rates of betterment contribution made on an appeal or revision shall be notified in Form. No. III by the Collector in the villages concerned.

14. ***Notice of demand.***- The notice of demand prescribed under section 5 shall be in Form No. IV. It shall be served personally on the landholder or on any adult male member of his family or agent or by affixure at his last known residence or sent by registered post to his last known address.

15. ***Mode of payment of contribution.***- It shall be open to the landholder to pay, the contribution within a period of two years from the date on which he becomes liable to pay it and, if he pays the entire amount of the contribution within this period, he shall be entitled to a rebate calculated as six per cent on that amount.

16. ***Postponement of collection of contribution in certain cases.***- The annual instalment of betterment contribution shall be paid in cash on or before the 10th of the first kist months of each year.

The Collector may for sufficient reasons postpone the collections of any instalment and he may with the previous approval of the Government, grant any other concession or exemption under section 18.

17. ***Appeal to the collector in certain cases.***- An appeal shall lie to the Collector against any decision or order of the authorised officer in all cases not specifically provided for in the rules.

18. ***Appellate Authority.*** - The appellate authority may set aside or modify the orders of the lower authority or call for a further report or remand the matter for fresh disposal with such directions as it may think fit to give.

19. ***Procedure for filling appeals.***- Appeals shall be preferred within a month from the date of publication of the rates of betterment contribution as finally determined in Form No. II in the Official Gazette and from the date of receipt of the order appealed against, in all other cases, or within such further time as the appellate authority may for sufficient cause shown grant at his discretion.

20. ***Court fees*** - Appeals preferred under the rules shall bear Court-fee stamp as laid down in the Pondicherry Court-fees and Suits Valuation Act, 1972.

# Form. I

Notice announcing the levy of betterment contribution under the Pondicherry Irrigation (Levy of Betterment Contribution), Regulation, 1976,

| Name of notified work | village or villages in which the lands lie | Description of the ayacut (i.e) whether new ayacut or improved old ayacut | Description of the zone and the block if the lands are in the new ayacut. | Survey No or other particulars of the lands | Extent of the lands mentioned in column (4) | Rate of betterment contribution per acre | Remarks |
|-----------------------|--------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------|------------------------------------------|---------|
| (1)                   | (2)                                        | (3-a)                                                                     | (3-b)                                                                     | (4)                                         | (5)                                         | (6)                                      | (7)     |

*Note:* The rates of betterment contribution in respect of the new ayacut are those specified in the Schedule of the Regulation. The rates of betterment contribution in respect of the lands in the improved old ayacut are one-third of the net expenditure on the notified work, apportioned on all the lands in the improved old ayacut under section 6(2) of the Regulation subject to a maximum of fifty rupees per acre.

Notice is hereby given that the lands mentioned above have been benefited by the irrigational drainage work and that it is proposed to levy the betterment contribution in respect of those lands as mentioned in column (6) and that any person owning the lands mentioned above or otherwise interested in such lands, may send to the Authorised Officer his suggestions or objections within fifteen days from the date of the publication of this notice.

Authorised Officer,

Place :

Date :

Published on:

certified that the notice was published on the date specified above in the village chavadi or of ----- village and announced in the village by tom-tom.

Village Headman.

Karnam.

Two witnesses:

## FRM No. II

(See Rule 8)

Notice intimating the rate of betterment contribution as finally determined under the Pondicherry Irrigation (Levy of Betterment Contribution) Regulation, 1976.

Intimation is hereby given that the rate of betterment contribution specified below have been finally determined under section 5 and 6 of the Regulation.

| Name of notified work | village or villages in which the land lie. | Description of the ayacut (i.e) whether new ayacut or improved old ayacut. | Description of the zone and the block if the lands are in the new ayacut. | Survey number or other Particulars of the lands. | Extent of the lands mentioned in column (4) | Rate of betterment contribution Payable per acre. | Remarks |
|-----------------------|--------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------|---------------------------------------------|---------------------------------------------------|---------|
| (1)                   | (2)                                        | (3-a)                                                                      | (3-b)                                                                     | (4)                                              | (5)                                         | (6)                                               | (7)     |

Place :

Date :

Authorised Officer

### FORM No.III

Notice intimating the rate of betterment contribution if modified if under rule 10 of the Pondicherry Irrigation (Levy of Betterment Contribution) Rules, 1976.

Intimation is hereby given that the rate of betterment contribution determined by the authorised officer under section 8 of the Pondicherry Irrigation (Levy of Betterment Contribution) Regulation and published at pages of the Gazette dated \_\_\_\_\_ have been modified by the collector/Government as specified below:-

| Name of notified work | village in which the lands lie. | Description of the ayacut (i.e.) whether the new ayacut or improved old ayacut. | Description of the zone and the block if the lands are in the new ayacut. | Survey number or other particulars of the lands. | Extent of lands mentioned column (4) | Rate of betterment contribution per acre fixed by the authorised Officer. | Rate of betterment contribution per acre as modified. | Remarks |
|-----------------------|---------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------|---------|
| (1)                   | (2)                             | (3-a)                                                                           | (3-b)                                                                     | (4)                                              | (5)                                  | (6)                                                                       | (7)                                                   | (8)     |
|                       |                                 |                                                                                 |                                                                           |                                                  |                                      |                                                                           |                                                       |         |

Place :

Date :

District Collector

**FORM No.IV**

Notice of demand for betterment contribution under the pondicherry Irrigation (Levy of Betterment Contribution) Regulation, 1976.

To

Thiru

Patta No.

Village

Take notice that in respect of your land /lands particulars of which are given below a betterment contribution as specified therein has been determined and that you should pay the amount due in 10 equal annual instalments subject to minimum of Rs. 5 per acre commencing from fasli . The instalment shall be payable in the first kist month of each year. You have the option to pay the entire amount within two years from the date of service of this notice in which case you shall be entitled to a rebate calculated at 6 percent on the entire amount of contribution.



| Name of notified work | Survey number/ Survey Nos. or other particulars of the land | Extent | Description of the ayacut (i.e) whether new ayacut or improved old ayacut. | Description of the zone and the block if the lands are in the new ayacut | Amount of betterment contribution fixed. | Amount of contribution if any previously paid to Govt. | Balance of betterment contribution payable. | Amount of annual instalment | Remarks |
|-----------------------|-------------------------------------------------------------|--------|----------------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------|--------------------------------------------------------|---------------------------------------------|-----------------------------|---------|
| (1)                   | (2)                                                         | (3)    | (4-a)                                                                      | (4-b)                                                                    | (5)                                      | (6)                                                    | (7)                                         | (8)                         | (9)     |
|                       |                                                             |        |                                                                            |                                                                          |                                          |                                                        |                                             |                             |         |

Place :

Date :

Authorised Officer.

THE PONDICHERRY DEBT RELIEF  
RULES, 1976.

# THE PONDICHERRY DEBT RELIEF RULES, 1976.

## GOVERNMENT OF PONDICHERRY

### REVENUE DEPARTMENT

No. 22713/76/C.

Pondicherry , 27th January, 1977.

#### NOTIFICATION

G. S. R. No. 1.- In exercise of the powers conferred by section 14 of the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976 ) as extended to the Union territory of Pondicherry, the Lieutenant - Governor of Pondicherry hereby makes the following rules-

1. **Short title.** - These rules may be called the Pondicherry Debt Relief Rules, 1976.

2. **Definitions.** - In these rules, unless the context otherwise requires, -

(a) " Act " means the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976) as extended to the Union territory of Pondicherry ;

(b) " Form " means a form appended to these rules ; and

(c) " Section " means a section of the Act.

3. **Filing of statement under section 5 (1) of the Act.** - The statement referred to in sub-section (1) of section 5 shall be in Form I. It shall be presented in triplicate in person or by authorised agent or be sent by registered post with acknowledgement due to the Tahsildar within one hundred and twenty days from the date on which the Act has been extended to the Union territory of Pondicherry. The Tahsildar shall on receipt of such statement return one copy thereof to the creditor with an endorsement acknowledging the receipt of the same.

4. **Procedure to be followed by the Tahsildar in inquiries under sections 5(3) and 6(2).** - (1) The Tahsildar shall for inquiry under sub-section (3) of section 5 or under sub-section (2) of section 6 fix a date and give notice thereof to the creditor, the transferee of the creditor and the debtor.

(2) The notice referred to in sub-rule (1) shall be served on the creditor and the debtor by delivering or tendering it to them or if it cannot be so delivered or tendered, by delivering or tendering it to any adult male servant of such creditor or debtor, or to any adult male member of the family of such creditor or debtor or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which the creditor or debtor is known to have last resided or carried on business or personally worked for gain.

(3) On the date fixed for the inquiry the Tahsildar shall hold an open inquiry in a public place and in such inquiry reasonable opportunity shall be given to the parties concerned to make their representations either orally, or in writing. Where evidence is tendered orally, it shall be recorded in writing by the Tahsildar and got signed by the deponent.

(4) The Tahsildar shall, for the purpose of these rules, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), while 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 document.

**5. Communication of orders passed by the Tahsildar.-** Every order passed by the Tahsildar under any of the provisions of the Act shall,-

(a) be delivered or tendered to the person concerned ; or

(b) if it cannot be so delivered or tendered, by delivering or tendering it to any adult male servant of such person or to any adult male member of the family of such person, or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain.

**6. Form of certificate under section 5 (5).-** The certificate referred to in sub-clause (i) of clause (b) of sub-section (5) of section 5 shall be in Form II.

**7. Register of statements received, etc.-** The Tahsildar shall maintain,-

(i) a Register of the statements and applications received under section 5 and section 6 in Form III ; and

(ii) a Register of movable properties produced, recovered or deposited under the Act in Form IV.

**8. Issue of receipt for movable property by Tahsildar.-** The Tahsildar shall, on receipt of the movable property produced or deposited or on the recovery thereof, issue a receipt in Form V to the creditor or the transferee of the creditor, as the case may be, obtain the signature of the creditor, as the case may be, on the duplicate copy thereof.

**9. Form of certificate of redemption.-** The certificate of redemption granted under sub-section (2) of section 6 shall be in Form VI.

**10. Appeals.-** (1) Any person aggrieved by an order made by the Tahsildar under the Act may, within thirty days from the date on which the order was communicated to him, appeal against such order to the Sub/Assistant/Deputy Collector (Revenue) having jurisdiction over the place of business of the creditor (hereinafter in this rule referred to as the appellate authority).

(2). On receipt of an appeal, the appellate authority shall fix a date for the hearing and give notice to the appellant and the respondent, or respondents as the case may be.

(3) The notice referred to in sub-rule (2) shall be served on the appellant and respondent by delivering or tendering it to them or it cannot be so delivered or tendered, by delivering or tendering it to any adult male servant of such appellant or respondent or to any adult male member of the family of such appellant or respondent or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which the appellant or respondent is known to have last resided or carried on business or personally worked for gain.

(4) On the date fixed for the inquiry, the appellate authority shall hold an open inquiry in a public place and in such inquiry reasonable opportunity shall be given to the parties concerned to make their representations either orally or in writing. Where evidence is tendered orally, it shall be recorded in writing by the appellate authority and got signed by the deponent.

(5) The appellate authority shall, for the purpose of these rules, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908) while hearing an appeal.

FORM - I

( See rule 3 of the Pondicherry Debt Relief Rules, 1976 )

Statement to be filed by the creditor under section 5 (1) of the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory of Pondicherry.

1. Name of the creditor and his ordinary place of business.

2. Licence No. and date, if any.

| Serial No. | (1) | (2)                                                                             | (3)                             | (4)    | (5)                                                          | (6)              | (7)       | (8)      | (9)   | (10)                                                                              | (11)   | (12)  | (13)                                                   | (14)                                                                                                                                                   |
|------------|-----|---------------------------------------------------------------------------------|---------------------------------|--------|--------------------------------------------------------------|------------------|-----------|----------|-------|-----------------------------------------------------------------------------------|--------|-------|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |     | Name of the persons who have pledged moveable properties and their full address | Date of advance drawn on pledge | Amount | Pawn Ticket No.                                              | Rate of interest | Principal | Interest | Total | Description                                                                       | Weight | Value | Estimate of the annual house hold income of the holder | Whether the movable property is in the possession of any transferee of the creditor and if so, the name and address of the transferee of the creditor. |
|            |     | Amount of advance                                                               |                                 |        | Amount outstanding as on the date of commencement of the Act |                  |           |          |       | Full description of the movable property ( weight to be noted in case of jewels ) |        |       |                                                        |                                                                                                                                                        |

Date

Address of the creditor.

Signature of the creditor.

## FORM - II

( See rule 6 of the Pondicherry Debt Relief Rules, 1976 )

Certificate issued under section 5 (5) (b) (i) of the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory of Pondicherry

### CERTIFICATE

This is to certify that the amount due to the ( particulars of the institution ) in respect of (here enter description of the movable property and particulars relating to the credit) shall be recovered from (creditor particulars) as if it were an arrear of land revenue and paid to ( t h e particulars of the institution) on recovery in accordance with section 5 (5) (b) (i) of the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976 ) as extended to the Union territory of Pondicherry.

Signature :

Official seal.

Designation :

Address :

## FORM - III

[ See rule 7 (i) of the Pondicherry Debt Relief Rules, 1976 ]

Register of statements and applications received by the Tahsildar under the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory of Pondicherry.

### I. Statements furnished by the creditor -

- |                                                       |     |
|-------------------------------------------------------|-----|
| 1. Sl. No.                                            | --- |
| 2. Name of the creditor and his full address          | --- |
| 3. Date of the receipt of statement from the creditor | --- |
| 4. Names of the debtors                               | --- |
| 5. Description of the movable property involved.      | --- |

|                                                                                                 |     |
|-------------------------------------------------------------------------------------------------|-----|
| 6. Amount advanced                                                                              | --- |
| 7. Total amount including interest outstanding as on<br>the date of the commencement of the Act | --- |
| II. Application made by the debtor -                                                            |     |
| 1. Name of the debtor and his address                                                           | --- |
| 2. Date of receipt of the application                                                           | --- |
| 3. Name of the creditor and his address                                                         | --- |
| 4. Description of the movable property or the<br>mortgaged property                             | --- |
| 5. Amount received                                                                              | --- |
| 6. Total amount including interest outstanding as on<br>the date of commencement of the Act     | --- |
| III. Remarks                                                                                    | --- |



# FORM - IV

[ See rule 7 (ii) of the Pondicherry Debt Relief Rules, 1976. ]

Register of movable property produced, recovered or deposited under the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory Pondicherry

| Sl. No. | Name of the creditor & the transferee of the creditor | Description of movable property |                                             |              | Name of the debtor | Names of the persons to whom delivered | Date of delivery | Signature of the persons to whom delivered. | Signature & address of the witnesses | In whose presence the movable property was delivered. | Remarks if any |
|---------|-------------------------------------------------------|---------------------------------|---------------------------------------------|--------------|--------------------|----------------------------------------|------------------|---------------------------------------------|--------------------------------------|-------------------------------------------------------|----------------|
|         |                                                       | Nature of movable property      | If ornaments whether of silver or gold etc. | Weight Value |                    |                                        |                  |                                             |                                      |                                                       |                |
| (1)     | (2)                                                   |                                 | (3)                                         |              | (5)                | (6)                                    | (7)              | (8)                                         | (9)(i)                               | (9)(ii)                                               | (10)           |

### FORM - V

( See rule 8 of the Pondicherry Debt Relief Rules, 1976 )

Receipt acknowledging the receipt of the movable property from the creditors under the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory of Pondicherry.

I, \_\_\_\_\_ hereby acknowledge the receipt of the following movable property from.....  
.....

| Sl.<br>No | Description of the movable property   |                                                       |                  | Name of the debtor | Remarks |
|-----------|---------------------------------------|-------------------------------------------------------|------------------|--------------------|---------|
|           | Nature of<br>the movable<br>property. | If ornaments<br>whether of<br>silver or<br>gold, etc. | Weight<br>value. |                    |         |
| (1)       |                                       | (2)                                                   |                  | (3)                | (4)     |
|           |                                       |                                                       |                  |                    |         |
|           |                                       |                                                       |                  |                    |         |
|           |                                       |                                                       |                  |                    |         |

Signature of the creditor or the  
transferee of the creditor.

Signature of Tahsildar

### FORM - VI

( See rule 9 of the Pondicherry Debt Relief Rules, 1976 )

Certificate of redemption under section 6 (2) of the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory of Pondicherry.

Whereas ----- ( Debtor ) has applied under sub-section (1) of section 6 of the Tamil Nadu Debt Relief Act, 1976 ( President's Act 31 of 1976 ) as extended to the Union territory of Pondicherry for an order releasing the property specified in the schedule from mortgage and for the grant of certificate of redemption.

AND WHEREAS, I, -----, Tahsildar of -----, have passed an order under sub-section (2) of section 6 of the said Act releasing the said property from the mortgage.

NOW, THEREFORE, in exercise of the powers conferred on me under sub-section (2) of the said section 6, I hereby issue this Certificate of Redemption in respect of the said property with effect on and from the ----- 197

### SCHEDULE

| Description of property  |                                  | Name of the creditor | Details of deed or document evidencing mortgage. |
|--------------------------|----------------------------------|----------------------|--------------------------------------------------|
| (1)                      |                                  | (2)                  | (3)                                              |
| (a)<br>District          | (b)<br>Taluk                     |                      |                                                  |
| (c)<br>Village           | (d)<br>Survey No                 |                      |                                                  |
| (e)<br>Local name if any | (f)<br>Classification wet or dry |                      |                                                  |
|                          | (g)<br>Extent                    |                      |                                                  |

Seal

Signature :

Designation :

Address :

# **THE PONDICHERRY MINOR MINERALS (CONCESSION) RULES, 1977**

# THE PONDICHERY MINOR MINERALS (CONCESSION) RULES, <sup>1</sup> [1977]

## GOVERNMENT OF PONDICHERY

### *Development Department.*

**( G. O. Ms. No. 57, dated 20th April, 1977 )**

## ORDER

The Pondicherry Minor Minerals (Concession) Rules, 1977 is published in the local Gazette for information of public.

In exercise of the powers conferred by sub-section (1) or section 15 of the Mines and Minerals (Regulations and Development) Act, 1957 (Act No. 67 of 1957) the Lieutenant-Governor Union Territory of Pondicherry, is pleased to make the following rules, namely :—

## CHAPTER I

### Preliminary

**1. Short title, extent, commencement and application :—** (1) These Rules may be called the Pondicherry Minor Minerals (Concession) Rules, 1977.

(2) They shall extend to the whole of the Union territory of Pondicherry.

(3) They shall come into force with effect from the date of their publication in the Gazette.

(4) They shall apply to such minor minerals <sup>2</sup> [\*\*\*] as may be specified by the State Government from time to time by notification in these Gazette.

**2. Definitions :—** In these rules, unless the context otherwise require :

(1) " Act " means the Mines and Minerals (Regulation and Development) Act, 1957 (Act No. 67 of 1957);

(2) " Deputy Collector " means the Deputy Collector (Revenue), of the region concerned and also includes the Sub-Collector or Assistant Collector or any other Gazetted Officer specially conferred with the powers of the Deputy Collector under these Rules ;

(3) " Form " means a form appended to these rules ;

(4) " Local Authority " means a Municipal Council or Village Panchayat or Commune Panchayat Council, as the case may be constituted under the Pondicherry Municipalities Act, 1973 or the Pondicherry Villages and Commune Panchayats Act, 1973 ;

(5) " Mine " and " Owner " shall have the meanings respectively assigned to them in the Mines Act, 1952 (Act No. 35 of 1952) ;

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1. Substituted by vide G. O. Ms. No. 34 dt. 24-8-1999

2. Omission vide E.O.G. No. 32 dt. 21-11-2000

(6) " Mining Operations " means any operation undertaken for the purpose of mining any minor minerals ;

(7) " Mining Permit " means the permit granted under these rules to extract a specified quantity of minor minerals within the period stipulated in the permit ;

(8) " Minor Minerals " means Minerals such as gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes and any other minerals which the Central Government has declared from time to time or may declare, by notification in the official Gazette, to be a minor mineral under clause (e) of section 3 of the Mines and Minerals (Regulation and Development) Act, 1957 (Act No. 67 of 1957);

(9) " Railway " and " Railway Administration " shall have the meanings respectively assigned to them in the Indian Railways Act, 1890 (Act No. 9 of 1890) ;

(10) " Schedule " means Schedule appended to these rules ;

(11) " State " and " State Government " respectively means the Union territory of Pondicherry and the Lieutenant Governor (Pondicherry) Administration.

**3. Mining operations to be under a Mining Lease or Mining Permit :—** (1) No person shall undertake any mining operation in any area within the State of any minor mineral to which these rules are applicable except under and in accordance with the terms and conditions of a mining lease or mining permit granted under these Rules :

Provided that nothing shall affect any mining operations undertaken in accordance with the terms and conditions of a mining lease or permit duly granted before the commencement of these Rules.

(2) No mining lease or mining permit shall be granted otherwise than in accordance with the provisions of these rules.

## **CHAPTER II**

### **Grant of Mining Lease**

**4. Restriction on the grant of mining lease :—** No mining lease shall be granted to any person who is not an Indian national ;

**Explanation :—** For the purpose of this rule, a person shall be deemed to be an Indian national.

(a) in the case of public company as defined in the Companies Act, 1956, only if a majority of the Directors of the Company are citizens of India and not less than fifty-one percent of the share capital thereof is held by persons who are either citizens of India, or Companies as defined in the Companies Act, 1956 ;

(b) in the case of a private company as defined in the Companies Act, 1956, only if all the members of the company are citizens of India ;

(c) in the case of a firm or other association of individuals, only if all the partners of the firm or members of the association are citizens of India ; and

(d) in the case of an individual, only if he is a citizen of India.

**5. Application for grant of mining lease :—** (1) Application for grant of mining lease shall be addressed to the State Government and be in the Form MM. I.

(2) It shall be handed over in quadruplicate personally to the Deputy Collector, such officer shall endorse the receipt of the application on all four copies entering the place, time and state of the receipt. Once copy shall be returned immediately to the person presenting the application.

(3) The application shall be entered in a register of mining applications in Form MM. 2.

**6. Application fee and deposit :—** (1) Every application shall be accompanied by :

(a) a fee of one hundred rupees ;

(b) a deposit of two hundred rupees for meeting the preliminary expenses in connection with the grant of a mining lease ;

(c) three copies of the cadastral survey map on which the area applied for is clearly marked and in case of area not covered by cadastral survey, three copies of topographical survey map on a scale of at least 4" —1 mile on which the area applied for is accurately marked.

(2) If the application is not complete in any respect or is not accompanied by the fee, deposit and maps mentioned in sub-rule (1) the date of receipt of the application shall for the purpose of rule 9 be deemed to be the date on which the application is actually completed in all respects.

**7. Inquiry and report by the Deputy Collector :—** The receiving officers concerned shall cause an inquiry to be made into all relevant matter and, unless he is himself authorised to grant the mining lease, shall forward within two months of the date of receipt of the application, two copies of the application with his own recommendations to the State Government or to such other authority who may be authorised by the State Government to grant the lease.

**8. Disposal of application for mining lease :—** The State Government or the officer authorised by it in this behalf may, having regard to the provisions of these rules and after making such further inquiries as may be deemed necessary, refuse to grant the mining lease or grant it for the whole or a part of the area applied for.

**9. Preferential right of certain person :—** (i) Where two or more persons have applied for a mining lease in respect of the same land, the applicant whose application was received earlier shall have a preferential right for the grant of lease over an applicant whose application was received later :

Provided that where such applications are received on the same day, the State Government may after taking into consideration the matters specified below, grant the mining lease to such one of the applicants as it may deem fit :

(a) Past experience ;

(b) Financial resources ;

(c) Nature and quality of the technical staff employed or to be employed by the applicant ;

(d) The conduct of the applicant in carrying out mining operation on the basis of any previous lease or permit and in complying with the conditions of such lease or permit or the provisions of any law in connection therewith ; and

(e) Such other matters as may be considered necessary by the State Government.

(2) Notwithstanding anything contained in sub-rule (1) the State Government may for any special reasons to be recorded, grant a mining lease to an applicant whose application was received later in preference to an applicant whose application was received earlier.

10. **Maximum area for which a mining lease may be granted** :— No person shall acquire in respect of any minor mineral, one or more mining leases, covering a total area of more than eight hectares :

Provided that if the State Government is of opinion that in the interest of mineral development it is necessary so to do, it may for reason to be recorded permit any person to acquire one and more mining leases covering an area in excess of the aforesaid maximum of eight hectares.

**Explanation** : For the purposes of these rules a person acquiring by or in the name of another person a mining lease which is intended for himself shall be deemed to be acquiring it himself.

11. **Length and breadth of the area to be leased** :— The length of an area under a mining lease shall ordinarily not exceed four times its breadth.

12. **Period of mining lease** :— (1) Except as provided in sub-rule (2) ; the period for which a mining lease shall be granted shall not exceed ten years.

(2) If the State Government is of the opinion that in the interest of mineral development it is necessary so to do, it may for reason to be recorded, grant a mining lease for any period exceeding 10 years but not exceeding 15 years.

13. **Security deposit** :— An applicant for a mining lease shall before the deed referred to in rule 14 is executed deposit as security for the due observance of the terms and conditions of the lease, a sum calculated at Rs. 25 per hectare of the land to be leased. No interest shall be payable on such security deposit.

14. **Lease deed to be executed within three months** :— (1) Where an order has been made for the grant of a mining lease, a lease deed in Form MM. 3 or in a form as near thereto as the circumstances of each case may require, shall be executed within three months of the communication of the said order or within such further period as the State Government may allow, in this behalf. If no such deed is executed within the aforesaid period due to any default on the part of the applicant, the State Government may revoke the order granting the lease and in that event the application fee shall be forfeited to the State Government.



(2) The date of the commencement of mining lease shall be the date on which the deed is executed under sub-rule (1).

15. **Refund of fee** :— (1) Where an application or grant of a mining lease is refused the fee paid by the applicant under clause (a) of sub-rule (1) of rule 6 shall be refunded to him.

(2) Where the whole or part of the amount deposited under clause (b) of sub-rule (1) of rule 6 has not been expended for the purposes specified in the said clause, it shall be refunded to the applicant :

Provided that in case the amount to be expended for the purposes specified in the said clause (b) is more than the amount deposited under the clause, the applicant shall have to deposit the extra amount as may be determined by the State Government.

(3) Unless the State Government having regard to the facts of a particular case direct otherwise, the application fee shall not be refunded on an application being withdrawn.

16. **Restriction on determination of lease** :— No lease shall determine a mining lease except after a notice, in writing, of not less than twelve calendar months to the State Government.

17. **Survey of the area leased** :— When a mining lease is given arrangements shall be made by the State Government for the survey and demarcation of the area granted under the lease for which the lessee will be charged at Rs. 12.50 per hectare.

18. **Boundaries below the surface** :— The boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

19. **Transfer of lease prohibited** :— (1) The leasee shall not—

(a) assign, sublet, mortgage, or in any other manner transfer the mining lease or any right, title or interest therein or

(b) enter into or make any arrangements, contract or understanding whereby the lessee will or may be directly or indirectly financed to a substantial extent, or whereunder his mining operations or undertakings will or may be substantially controlled, by any person or body of persons other than himself.

(2) The State Government may, by an order in writing determine any lease at any time if the lessee has, in the opinion of the State Government committed a breach of any of the provisions of sub-rule (1).

Provided that no such order shall be made without giving the lessee a reasonable opportunity of stating his case.

20. **Registers** :— The following registers shall be maintained in the Office of the Deputy Collector :—

(a) A register of applications for mining leases in Form MM. 2 ; and

(b) a register of mining leases in Form MM. 4.

## CHAPTER III

### *Payment of royalty and dead rent.*

21. **Royalty** :— (1) The holder of a mining lease granted on or after the commencement of these rules shall pay both the royalty for all minor minerals are 12 $\frac{1}{2}$ % of the local market value of the minerals, subject to a minimum of <sup>1</sup> [ rupees ten ] per cart load and the ordinary assessment at the rates for the time being specified in the Second Schedule to these rules. The Deputy Collector shall fix the local market value of the mineral either for a region as a whole or different rates for each commune. The market value fixed shall be liable for revision.

(2) The State Government may, by notification in the Gazette, amend the Second Schedule so as to include therein or exclude therefrom or enhance or reduce the area assessment in respect of any mineral with effect from such date as may be specified in the notification.

(3) Where the royalty is to be charged on the pit's mouth value of the mineral the State Government may assess such value at the time of the grant of the lease and the rate of royalty will be mentioned in the lease deed. It shall be open to the State Government to re-assess not more than once in a year the pit's mouth value if it consider that an enhancement is necessary.

(4) The royalty realised by the Deputy Collector shall be transferred in full to the local authority after deducting 5% as service charges under necessary arrangements.

22. **Dead rent** :— The holder of a mining lease shall during the term of the lease pay, for every year, other than the first year of the lease such amount as dead rent as may within the limits specified in the Third Schedule to these rules, be specified in the lease by the State Government, and if the lease permits the working of more than one mineral in the same area, the said dead rent will be paid separately for each such mineral :

Provided that the lessee shall be liable to pay the dead rent or royalty in respect of each mineral whichever be higher in amount but not both.

## CHAPTER IV

### *Auction lease*

23. **Notification of area for auction lease** :— (1) The State Government may notify in the Gazette specified area which may be leased out by auction.

(2) No area shall be leased out by auction for more than five years at a time ;

(3) On the application of a notification under sub-rule (1) the provisions of Chapters II, III and VI of these rules shall not apply to the area or areas in respect of which the notification was issued. Such area or areas may be leased out according to the procedure described in this chapter.

24. **Withdrawal of area from auction lease** :— The State Government may by notification in the Gazette withdraw any area notified under sub-rule (1) of rule 23, or part thereof, from the system of lease by auction and from the date of withdrawal, specified in the notification which shall not be the date during the subsistence of an auction lease granted under this chapter, the provisions of Chapters II, III and VI of these rules shall become applicable to such area.

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1. Substitution vide EOG No. 32 dt. 21-11-2000

25. **Register of areas notified for auction lease** :— The Deputy Collector of the concerned region shall cause to be maintained a register of areas notified under sub-rule (1) of rule 23 in Form MM. 5.

26. **Restriction on grant of auction lease** :— No person who is not an Indian National shall be allowed to bid at the auction for lease.

27. **Procedure for auction** :— The following shall be the procedure for grant of auction leases.

(a) At least thirty days before the auction is to be held, the Deputy Collector shall notify in the manner given below the date, time and place of auction and the terms and conditions of the lease.

(i) Copies of a notice giving the above particulars shall be put up on the notice board at the Office of the Deputy Collector and at some convenient place close to the area.

(ii) A copy of the Notice shall be sent to the Municipal Office or any other local authority in whose jurisdiction the area is situated.

(iii) The notice shall be published by beat of drum in the locality where the area is situated ; and

(iv) In any other manner considered suitable by the Deputy Collector.

(b) The Deputy Collector will be the presiding Officer of the auction.

(c) The details of the area, and the terms and conditions of the lease shall be read out to the intending bidders at the time of auction.

(d) Any persons intending to bid shall deposit <sup>1</sup>["Rupees ten thousand"] with the Presiding Officer in advance as earnest money.

(e) On completion of the auction, the result shall be announced, the result shall be announced and the provisionally selected bidder shall immediately deposit 25% of the amount of bid for one year as security for execution of the lease and due observance of its terms and conditions, and an equal amount as first instalment of royalty. The bid shall not be treated as accepted unless confirmed by the State Government or such other authority who may be authorised by the State Government to grant the lease.

(f) The earnest money shall be refunded at the end of the auction except that which was deposited by the provisionally selected bidder, in whose case it will be adjusted towards security.

(g) The presiding officer shall submit the papers to the State Government or to the Officer authorised to it to grant the lease.

28. **Grant of lease** :— The lease shall be granted to the highest bidder, provided that the State Government may after taking into consideration the matter specified below, accept any other bid made at the auction ;

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1. Substituted vide G. O. Ms. No. 34 dt 24-8-1999

- (a) Past experience ;
- (b) Financial resources ;
- (c) Nature and quality of the technical staff employed or to be employed by the bidder ;
- (d) The conduct of the bidder in carrying out mining operations on the basis of any previous lease or permit and in complying with the condition of such lease or permit or the provisions of any law in connection therewith ; and
- (e) Such other matters as may be considered necessary by the State Government.

29. **Execution of lease deed** :— When a bid is finally accepted a lease deed in Form MM. 6 or in a form as near thereto as the circumstances of each case may require, shall be executed within one month of the receipt by the bidder of the order about the acceptance of the bid or within such further period as the authority competent to grant the lease may allow in this behalf. If no such deed is executed within the aforesaid period due to any default on the part of the bidder, the said authority may revoke the order accepting the bid and in that event the security deposited by the bidder shall be forfeited to the State Government.

30. **Register of Auction Leases** :— A register of mining leases granted by auction shall be maintained in the Office of the Deputy Collector in Form MM. 7.

## CHAPTER V

### ***Condition of a mining lease.***

31. **Conditions mentioned in this Chapter to apply to all lease** :— (1) Every mining lease shall be subject to the condition mentioned in this Chapter which shall be deemed to be incorporated in every mining lease granted under these rules :

Provided that the provisions of rules 34, 35, 37, 46 and 47 shall not apply to auction leases granted in accordance with the procedure described in Chapter IV of these rules.

32. **Discovery of other minerals** :— (1) The lease shall report to the State Government the discovery in the leased area of any mineral not specified in the lease, within thirty days of such discovery.

(2) If any mineral not specified in the lease is discovered in the leased area, the lessee shall not win and dispose of such mineral unless a separate lease is obtained therefor.

33. **Foreign national not to be employed** :— Except with the prior approval of the State Government the lessee shall not employ in connection with the mining operation any person who is not an Indian national.

34. **Mining operations to commence within six months** :— Except where the State Government, for sufficient reasons permits, otherwise the lessee shall commence mining operations within six months from the date of execution of the lease deed and shall thereafter conduct such operations without deliberate intermission in a proper skilful and workman-like manner.

**Explanation** :— For the purpose of this rule, mining operation shall include the erection of machinery, laying of tram way or construction of a road in connection with the working of the mine.

35. **Erection and maintenance of boundary marks** :— The lessee shall at his own expense erect and at all times maintain keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease.

36. **Maintenance of correct accounts of minerals** :— (1) The lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained and despatched from the mine, giving mode of transport, registration number of vehicle, person in charge of vehicle or animal and nature and quantity of minerals carried, the prices and all other particulars of all sales of minerals, the number and nationality of persons employed therein, and complete plans of the mine, and shall allow any Officer authorised by the Central or the State Government in this behalf to examine at any time any accounts, plans and records, maintained by him shall furnish to the Central or the State Government or any Officer authorised by either in this behalf to such particulars as they may require.

37. **Maintenance of record of trenches, pits etc.** :— The lessee shall keep accurate records of all trenches, pits and drillings made by him in the course of mining operations carried on by him under the lease and shall allow any Officer authorised by the Central or the State Government to inspect the same. Such records shall contain the following particulars namely :

- (a) The sub-soil and strata through which such trenches, pits, or drillings pass ;
- (b) Any minerals encountered ;
- (c) Such other particulars as the Central or the State Government may from time to time, require.

38. **Lessee to strengthen support etc.** :— The lessee shall strengthen and support to the satisfaction of the Railway administration concerned or the State Government as the case may be any part of the mine which in the opinion of such administration or Government requires such strengthening or support for the safety of any railway, reservoir, canal, road or any other Public Works or building.

39. **Right of pre-emption** :— (1) The State Government shall at all times have the right of pre-emption of the minerals or products of minerals won from the land in respect of which the lease has been granted, the price to be paid being the fair market price prevailing at the time of pre-emption.

(2) In order to assist in arriving at the said price the lessee shall, if so required, furnish to the State Government for its confidential information, the description and prices of such minerals or products thereof sold to other customers and of charteries entered into of freight for carriage of the same.

**40. *Liberties, power and privileges of the lessee* :—** Subject to the restrictions and conditions mentioned in rule 41 a person holding a mining lease under these rules may have the liberty, power and privilege :

(a) to enter upon the lands mentioned in the lease and to search for mine, bore, dig, drill or win, work, dress, process, convert, carry away and dispose of the minerals for which lease is held ;

(b) to make in the said lands any pits, shafts, inclines drafts, levels waterways, or other works ;

(c) to erect and construct on the lands any machinery plant dressing floors, furnaces, brick kilns workshops, store houses and other buildings of the like nature ;

(d) to make any roads and other ways over the said lands and to use and pass over the same ;

(e) to quarry and get stone gravel other buildings and road materials and clay and to use the same and to manufacture such clay into bricks or tiles and to use such bricks or tiles and to use such bricks or tiles but not to sell any such material, bricks or tiles ;

(f) to use a sufficient part of the surface of the said lands for the purpose of storing or depositing any produce of the mines or works carried on and any tools, equipment, earth and materials, and substances dug or raised ; and

(g) subject to the existing rights of other and save as provided in clause (d) of rule 41, to clear undergrowth and brush wood and to fell and utilise any tress or timber standing or found on the said lands, provided that the lessee may be asked by the Deputy Collector to pay for any tress or timber felled and utilised, by him at the rates to be determined, having regard to their market value, by the Deputy Collector.

**41. *Restriction and conditions as to exercise of the liberties, powers and privileges of lessee* :—** The holder of lease shall exercise the liberties, powers and privileges mentioned in rule 40 subject to the following restriction and conditions :

(a) Nothing shall be erected, or set up and no surface operations shall be carried on—

(i) in or upon any public pleasure ground building or ground, or any place held (sacred) by any class of persons, or any house or village site, public road or other place which may be declared by the Deputy Collector as public place ; and

(ii) in such manner as to injure or prejudicially affect any buildings, works, property or rights of other persons ;

(b) No land shall be used for surface operations which is already occupied by persons other than the State Government for works or purpose not included in the lease ;

(c) No right of way, well or tank shall be interfered with ;

(d) No entry shall be made on any reserved, protected or vested forest without the previous sanction in writing of the Deputy Collector nor shall any tress or timber be felled out or used without obtaining the sanction in writing of that officer nor otherwise than in accordance with such conditions as the State Government may impose in this behalf ;

(e) No mining operations shall be carried on at or to any point within a distance of 50 metres from any railway line except with the previous written permission of the Railway Administration concerned or from any reservoir, canal or other Public Works such as public roads and buildings or inhabited site, except with the previous written permission of the Deputy Collector or any other Officer authorised by the State Government in this behalf and otherwise than in accordance with such instructions and conditions either general or special, which may be attached to such permission. The said distance of 50 metres shall be measured in the case of railway, reservoir, canal or road horizontally from the outer toe of the bank or the outer edge of the cutting, as the case may be and in case of a building horizontally from the plinth thereof ; provided that the distance in the case of a village road shall be 10 metres from the outer edge of the cutting ; and

**Explanation** :— For the purposes of this sub-rule, the expression " Public Road " shall mean a road which has been constructed after being artificially surfaced as distinct from a track resulting from repeated use and " village road " will include any track shown in the revenue record as village road

(f) The existing and future holders of Government lease as permit in respect of any land which is comprised in or adjoins or is reached by the land held by the lessee shall be allowed reasonable facilities of access thereto. In case any loss or damage is caused by such lease or permit holders by exercise of this liberty a fair compensation ( as may be mutually agreed upon or in the event of disagreement as may be decided by the State Government ) shall be payable therefor by such lease or permit holders to the lessee.

42. **Lessee to indemnify Government against all claims** :— The lessee shall guarantee the payment and pay such reasonable compensation as may be assessed by the State Government of all damage, injury or disturbance which may be done by him in exercise of the powers granted by the lease and shall indemnify and keep indemnified fully and completely the State Government from and against all claims, suits and demands which may be made or brought by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.

43. **Lessee to secure and keep in good condition pits, shafts etc.** :— The lessee shall during the subsistence of the lease sufficiently secure and keep open with timber or other durable means all pits, shafts and workings that may be made or used in the land and make and maintain sufficient fences to the satisfaction of the State Government round every such pit, shaft, or working whether the same is abandoned or not and shall during the same period, keep all workings in the land, except such as may be abandoned accessible and free from water and foul air, as far as possible.

44. **Lessee to allow inspection of workings** :— The lessee shall allow any Officer authorised by the Central Government or the State Government in that behalf to enter upon the premises including any building, excavation or land comprised in the lease for the purpose of inspecting, examining, surveying and making, plans thereof, sampling and collecting any data and the lessee shall with suitable person in his employ and acquainted with the services and work properly assist such officer and his agents, servants and workmen in conducting every such inspection and shall afford and furnish to them all facilities, information, etc., connected with the working of the mines, which they may reasonably require and shall also conform to and observe all orders and regulations which the Central Government or the State Government as a result of such inspection or otherwise may from time to time see fit to make.

45. **Lessee to report accident** :— The lessee shall without delay send to the Deputy Collector a report of any accident causing death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property, which may occur in the course of any operations under the lease.



46. ***Lessee to provide weighing machine*** :— Unless specially exempted by the State Government, the lessee shall provide and at all times keep near the pit head or each of the pit heads at which the minerals shall be brought to bank or at any point specified by the State Government, a properly constructed and efficient weighing machine and shall weigh or cause to be weighed thereon all the said mineral from time to time brought to bank, sold, exported and converted and also the converted products and shall, at the close of each day, cause the total weights of the said minerals, ores, products raised, sold, exported and converted during the previous twenty-four hours, to be entered in the accounts maintained under rule 36. The lessee shall at all times during the said term permit any person employed by the State Government to be present at the weighing of the minerals and to keep accounts thereof and to check the accounts kept by the lessee. The lessee shall give fifteen day's previous notice in writing to the Deputy Collector of every such measuring or weighing in order that he or some officer on his behalf may be present.

47. ***Lessee to allow test of weighing machine*** :— (1) The lessee shall allow any person or persons appointed in that behalf by the State Government to examine and test every weighing machine and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order ; and if upon any such examination or testing any such weighing machine or weight is found incorrect or out of order or repair the State Government may require that the same be adjusted, repaired and put in order by the lessee, and if such requisition is not complied with within fourteen days of its receipt by the lessee, the State Government may cause such weighing machine or weights to be adjusted, repaired and put in order at the cost of the lessee and the cost shall on demand be paid by the lessee to the State Government.

(2) If upon any examination or testing any error is discovered in any weighing machine or weights to the prejudice of the State Government, such error shall be regarded as having existed for three calendar months previous to the discovery or from the date, within such period of three months, on which the weighing machine and weights might have been examined and tested and dead rent and royalty shall be paid and accounted for accordingly.

48. ***Lessee shall deposit any additional amount necessary*** :— Whenever the security deposit or any part thereof or any further sum deposited with the State Government in replenishment thereof is forfeited or applied by the State Government pursuant to the power given by these rules, the lessee shall deposit with the State Government such further sums as may be necessary to make good, the deficiency caused by such forfeiture or application.

49. ***Recovery of expenses incurred by the Government*** :— If any of the works or matters which in accordance with these rules are to be carried out or performed by the lessee be not so carried out or performed within the time specified in that behalf, the State Government may cause the same to be carried out or performed and the lessee shall pay to the State Government on demand all expenses incurred by the State Government in connection therewith. The decision of the State Government as to such expenses shall be final.

50. ***Refund of security deposits*** :— After the determination of a mining lease the amount of the security lying in deposit with the State Government and not required to be applied to any of the purpose mentioned in these rules, shall be refunded to the lessee ordinarily within a period of six months from the date of the determination of the lease.



## CHAPTER VI

### *Mining permit*

51. **Restrictions on grant of mining permit** :— No mining permit shall be granted to a person who is not an Indian national or for a period of more than six months.

52. **Application for grant of mining permit** :— An application for the grant of a mining permit shall be submitted in Form MM. 8 in triplicate, to the Deputy Collector or to such other authority who may be authorised by the State Government to grant such permit. It shall be accompanied by :—

(i) a fee of Rs. 25 ; and

(ii) two copies of a cadastral survey map or in case of area not covered by such survey, two copies of topographical survey, map on a scale of at least 4 " =1 mile on which the area applied for is clearly marked.

53. **Disposal of application** :— The officer authorised to grant the permit, may after making such enquiries as may be deemed necessary, refuse to grant the permit or by an order grant it for the whole or a part of the area applied for a subject to such term and conditions as the said officer may consider necessary.

54. **Deposit of royalty** :— (1) Where an order has been made under rule 53, the applicant shall, within fifteen days of the communication of the order, deposit the royalty for the total quantity of the mineral permitted in the said order at the rate for the time specified in the First Schedule to these rules.

(2) If the applicant fails to deposit the royalty within the period mentioned in sub-rule (1) or within such further period as may be allowed by the said authority, the order granting the permit shall stand revoked and the fee mentioned in clause (i) of rule 52 shall be forfeited to the State Government.

55. **Issue of mining permit** :— A mining permit in Form MM. 10 with such additional terms and conditions subject to which the order is made under rule 53 shall be issued to the applicant within fifteen days of the deposit of the royalty in accordance with sub-rule (1) of the rule 54.

56. **Register of mining permits** :— A register of all applications for mining permits, with details of permit, issued, shall be maintained in Form MM. 9 in the Office of the Deputy Collector to grant mining permits.

## CHAPTER VII

57. **Quarrying for domestic or agricultural or other purposes** :— (1) In case of unreserved lands at the disposal of the Government including poramboke other than village or town sites and bunds and of drinking water ponds or tanks :

(a) the public may be allowed to quarry free for *bona fide* domestic or agricultural purposes without obtaining permits for quarrying ;

(b) any individual person engaged in the making of pots and any registered societies as defined in the Pondicherry Co-operative Societies Act, 1972 which has as its principal objects the making of pots with the help of or through its members may if permitted to do so by the Deputy Collector be allowed to quarry free for *bona fide* pot making purpose, if such purpose is certified by the Co-operative Sub-Register :

Provided that if the minerals proposed to be removed by any such individual person exceeds 300 cart loads of sand or 500 cart loads of clay per annum royalty fee at the rates specified in Schedule I to these rules shall be levied.

Provided , further that if the minerals quarried are either from Villianur Commune or Neravy Commune of this territory, royalty fee for each of the cart loads of any mineral will be collected at the rates specified in the Schedule I to these rules.

(2) Quarrying for other than *bona fide* domestic or agricultural purposes shall be subject to the previous permission of the Tahsildar/Deputy Collector as the case may be vide rule 5 of being obtained and to the payment of royalty fee at the rates specified in the Schedule I to these rules.

(3) These provisions shall also apply to the removal of the sand from river beds.

**58. Authorities empowered to sanction quarrying in Government Lands :—** Application for quarrying in Government lands shall be disposed by the Deputy Tahsildar concerned in the cases in which the value of the minerals sought to be removed does not exceed Rs. 25 in cases in which such value exceeds Rs. 25 but does not exceed Rs. 100 by the Tahsildar and by the Deputy Tahsildar in case there is no Tahsildar in a particulars region. In cases in which such value exceeds Rs. 100 by the Deputy Collector.

No application fee shall be levied if the value of the minerals sought to be removed does not exceed Rs. 100.

**59. Minor minerals required by the Public Works Department :—** Extraction of minor minerals required by the Public Works Department for use for departmental purpose such as construction of roads, bridges, buildings etc., within acquired land on either side of the Public Works Department roads shall be controlled by the said Department. Opening of new quarries by other interested parties within Public Works Departments acquired land and controlled strips will however be permitted by the Revenue Department, after consulting the Public Works Department.

## CHAPTER VIII

### *Contraventions, offences and penalties.*

**60. Penalty for unauthorised mining :—** Whoever contravenes the provisions of rule 3 shall on conviction be punishable with imprisonment of either description for a term which may extend upto six months or with fine which may extend to one thousand rupees or with both.

**61. Consequences of non-payment of royalty, rent or other dues :—** The State Government may determine the mining or auction lease after serving a notice on the lessee to pay within

thirty days of the receipt of the notice any amount due under the lease including the royalty due to the State Government, if it was not paid within fifteen days next after the date fixed for such payment. This right shall be in addition to and without prejudice to the right of the State Government to realise such dues from the lessee as arrears of land revenue.

62. **Consequences of contravention of certain conditions** :— Any lessee holding a mining or auction lease, who commits a breach of any of the conditions provided in rules 44 and 46 ( relating to inspection of working and weighing machines ) shall on conviction be punishable with imprisonment of either description for a term which may extend upto six months or with fine which may extend to one thousand rupees or with both.

63. **Consequences of contravention of rules and conditions of lease generally** :— In case of any breach or contravention on the part of a lessee holding a mining or auction lease, of any of these rules or conditions contained or deemed to be contained in the lease except those relating to payment of royalty, rent or other sums due to the State Government, the State Government may after giving the lessee a reasonable opportunity to state his case, determine the lease. This right shall be in addition to and without prejudice to the provisions of rule 59.

64. **Power to rectify apparent mistakes** :— Any clerical or arithmetical mistakes in any order passed under these rules by the State Government or any other competent authority or officer may be corrected by the State Government, authority or officer, as the case may be :

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

65. **Registers to be open to inspection** :— All registers prescribed to be maintained by these rules shall be open to inspection on payment of such fees as may be prescribed by the State Government.

66. **Change of name, nationality etc., to be intimated** :— An applicant for or the holder of a mining lease shall intimate to the State Government within sixty days any change that may take place in his name, nationality or other particulars mentioned in the application of the lease deed, as the case may be.

67. **Mode of payment of fees and deposit** :— Any amount payable under these rules shall be paid in the Government Treasury/State Bank of India by means of a chalan.

<sup>1</sup> [67-A.] **Facilities for training of students** :— (1) Every owner, agent or manager of a mine shall permit students of mining and geological institutions approved by the State Government to acquire practical training of the mines and plants operated by them and provide all necessary facilities required for the training of such students.

(2) Applications for training from students of institutions teaching mining or geology should

be forwarded to the owner, agent or manager, of a mine through the Principal or head of the Institution. Cases of refusal to provide facilities for practical training to any owner, agent or manager of a mine should be referred to the State Government of Pondicherry, Pondicherry.

**68. Power of entry and inspections :—** (1) For the purpose of ascertaining the position of the working, actual or prospective, of any mine or abandoned mine or for any purpose connected with these rules, any person, authorised in this behalf by the State Government by general or special order, may ;

(a) enter and inspect any mine ;

(b) survey and take measurement in any such mine ;

(c) weigh, measure or take measurements of the stock of minerals lying at any mines ;

(d) examine any documents, book, register or record in possession or power of any person having the control of, or connected with any mine and place marks of identification thereon, and take extracts from or make copies of such document, book, register or record ;

(e) order the production of any such document, book, register or record as is referred in clause (d) ; and

(f) examine any person having the control of or connected with, any mine ;

(2) Every person authorised by the State Government under sub-rule (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and every person to whom an order or summons is issued by virtue of powers conferred by clause (e) or clause (d) of the said sub-rule shall be legally bound to comply with such order or summons, as the case may be.

**69. No restriction, etc., to be imposed by owner of land on mining operations :—** No person having a right in any capacity in the land covered by a mining lease or mining permit, shall be entitled to impose any prohibition or any restriction on the mining operation by the holder of lease or mining permit of such land or to demand any sum by way of premium or royalty for the removal of the minor mineral ; provided that such person shall be entitled to get compensation from the said holders for the use of the surface which may be agreed upon between them. In the case of any dispute the amount of compensation shall be determined by the Deputy Collector in the concerned region and his order shall be final.

**70. Relegation of rules in special cases :—** The State Government may, if it is opinion that in the interest of mineral development, it is necessary to do so, by order in writing and for reasons to be recorded, authorise in any case the grant of any mining lease or the working of any mine for the purpose of mining any mineral on terms and conditions different from those laid down in these rules.

**71. Royalty may be collected through a contract :—** (1) The Government may arrange to collect the royalty from the holders of mining leases through a contractor and such holders when directed by the State Government to do so, shall pay the royalty to such contractors at the rates specified in their lease during such period as may be directed.

(2) The consequences of non-payment to the contractor of royalty by the holder of a mining lease shall be the same as on default of payment to the State Government, and the State Govern-

ment shall in that case, have all the powers for the recovery of the arrears from the lessee and in respect of determination of the lease as provided in these rules.

(3) The State Government may enter into agreement with any person who is considered suitable, whether by holding an auction or by inviting tenders or in any other manner, to collect the royalty of the holders of mining leases in a specified area during a period not exceeding three years on such terms and conditions as are considered suitable.

**72. Restriction on the transport of the mineral :—** (1) The holder of a mining lease or mining permit or a person authorised by him in this behalf shall issue a pass in Form MM. 11 to every person carrying a consignment of minor mineral by a vehicle animal or any other mode of transport.

(2) No person shall carry within the Pondicherry territory a minor mineral by a vehicle, animal or any other mode of transport, excepting railway, without carrying a pass in Form MM. 11 issued under sub-rule (1).

(3) Every person carrying any minor mineral shall on demand by any officer of the State Government authorised in this behalf, show the said pass to such officer and allow him to verify the correctness of the particulars of the pass with reference to the quantity of the minor mineral.

(4) The State Government may establish a check post for any area included in any mining lease or permit, and when a check post is established public notice shall be given of this fact by publication in the Gazette and in such other manner as may be considered suitable by the State Government.

(5) No person shall transport a minor mineral to which these rules apply from such area without first presenting the mineral at the check post fixed for that area for the purposes of verification of the weightment (or) measurement of the quantity of the mineral .

<sup>1</sup> 5-A No person shall transport any minor mineral in a vehicle without covering the same with a carpet

(6) Any person found to have contravened any provision of sub-rule (2), (3) (5) or (5-A) above shall on conviction, be punishable with imprisonment of either description for a term which may extend upto six months or with fine which may extend to one thousand rupees or both.

**73. Delegation :—** The State Government may by notification in the Gazette direct that any power exercisable by it under these rules, may in relation to such matters and subject to such conditions, if any, as may be specified in the notification be exercisable also by such Officer or authority subordinate to the State Government as may be specified in the notification.

**FORM MM.— 1**

***Application for mining lease.***

( To be submitted in Quadruplicate )

( Rule 5 )

Dated                                      day of                                      19

Received

at                                      ( time )

on                                      ( date )

at                                      ( Place )

Complete in all respects.

Incomplete

( Signature of Receiving Officer )

Application completed in all respects on

( Signature of Receiving Officer )

To

Sir,

I/We request a mining lease under the Pondicherry Minor Minerals ( Concession ) Rules, 1975 may be granted to me/us.

2. A sum of Rs.                                      and Rs.                                      respectively being the fees in respect of this application and the preliminary expenses payable under sub-rule (1) of the rule 6 of the said Rules have been deposited.

3. The required particulars are given below :

(i) Name of the applicant with complete address :

(ii) Is the applicant a private individual/private company public company/firm or association

(iii) In case the applicant is :

(a) an individual, his nationality :

(b) A private company, the nationality of all members of the company along with place of registration :

(c) a public company, the nationality of directors the percentage of share capital held by an Indian nationals along with place of incorporation :

(d) a firm or association, the nationality of all the partners of the firm or members of the association :

(iv) Profession or nature of business of applicant.

(v) Mineral or minerals which the applicant intends to mine.

(vi) Period for which mining lease is required.

(vii) Details of the area in respect of which mining lease is required

---

| Region | Commune | Village | Survey<br>No. | Area | Whether vacant<br>or held by any<br>one and, if so,<br>its details |
|--------|---------|---------|---------------|------|--------------------------------------------------------------------|
|--------|---------|---------|---------------|------|--------------------------------------------------------------------|

---

(viii) Brief description of the area with particulars reference to following :—

(a) the situation of the area with reference to natural features, such as streams. etc,

(b) in the case of forest areas the name of working circle, the range and falling series, if any, a description of the area in relation to the known and demarcated areas in the forest, as well as extent in acres ( approximately ) ;

(c) in case of an area not covered by cadastral survey, a description of the starting point of the area with reference to fixed points on the topo map and the linear distances or boundary line and their bearings as accurately as possible corresponding to the area shown on topo map ( 4" =1 mile scale ).

(ix) Particulars of the areas mineral-wise within the jurisdiction of the State Government which the applicant or any person joint in interest with him :

(a) already held under mining lease ;

(b) has already applied for but not granted ;

(c) is being applied for simultaneously ;

(x) Nature of joint interest, if any :

(xi) Manner in which the mineral raised is to be utilised :

(xii) Financial resources of the applicant.

(xiii) Particulars of receipted treasury chalan, etc., attached for amount referred to at 2 above.

(xiv) Any other particulars or sketch map which the applicant wishes to furnish :

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plans and security deposit, etc., as may be required by you.

Place :

Yours faithfully,

Date :

*Signature of the applicant(s)*

If the application is signed by an authorised agent of the applicant power of attorney should be attached.



**FORM MM. 2**

**Register of application for mining leases**

( Rule 5 )

1. Serial No.
2. Date of application for mining leases :
3. Date on which application was received by the Receiving Officer :
4. If the application was not complete in all respects when first received, the date on which it was so completed.
5. Name of the applicant with full address :
6. Particulars of the land applied for :
  - (a) Region :
  - (b) Commune :
  - (c) Village :
  - (d) Survey No.
  - (e) Area.
7. Total area of the land :
8. Particulars of minerals which the applicant desires to mine :
9. Application fee paid and preliminary expenses deposited with chalan number and date :
10. Signature of officer-in-charge :
11. Number and date of the final order disposing of the application :
12. Brief summary of order passed :
13. Signature of officer-in-charge :
14. Remarks.

**FORM MM. 3**

**Model form of mining lease**

( Rule 14\* )

THE INDENTURE MADE THIS ..... day  
of .....19..... between  
the President of India ( hereinafter referred to as " State Government " which expression shall where  
the context so admit be deemed to include the successors and assigns ) of the one part, and

When the lessee/is an individual

..... ( Name of person with address and occupation ) ( herein-  
after referred to as " the lessee " which expression shall where the context so admits be deemed to  
include his heirs, executors, administrators and representatives ) of the other part.

When the lessee are more than one individual

..... ( Name of person with address and occupation ) .....  
and ..... ( Name of person with address and occupation ) ( here-in-after referred  
to as " the lessees " which expression shall where the context so admits be deemed to include their  
respective heirs, executors, administrators, and representatives ) of the other part

When the lessee is a registered firm

..... ( Name and address of partners ) son of .....  
..... of..... all carrying on business in partnership  
under the firm name and style of ..... ( Name of the firm ) registered  
under the Indian Partnership Act, 1932 ( 9 of 1932 ) and having their registered office at .....  
..... in the town of ..... ( hereinafter referred  
to as " the lessees " which expression shall where the context so admits be deemed to include all the  
said partners, their respective heirs, executors and legal representatives ), of the other part.

When the lessee is a registered company

..... ( Name of Company ) a company registered under.....  
..... ( Act under which incorporated ) and having its registered office  
at ..... ( address ) ( hereinafter referred to as " the lessee " which expression  
shall where the context so admits be deemed to include its successors ) of the other part.

WHEREAS THE lessee/lessees has/have applied to the State Government in accordance with the Pondicherry Minor Minerals ( Concession ) Rules, 1975 ( hereinafter referred to as ' the said rules ' ) for a mining lease for ..... acres in respect of the lands described in Part-I of the Schedule hereunder written and has/have deposited with the State Government, the sum of Rs..... as security and the sum of Rs..... for meeting the preliminary expenses for a mining lease.

WITNESSETH that in consideration of the rents and royalties, covenants and agreements by and in these presents and the Schedule hereunder written reserved and contained and on the part of the lessee/lessees to be paid, observed and performed the State Government hereby grants and demises into the lessee/lessees.

All those mines, beds/veins, seams of ..... ( here state the mineral or minerals ) ( hereinafter and in the scheduled referred to as ' the said minerals ' ) situated lying and being in or under the lands which are referred to in Part-I of the said Schedule, together with the liberties, powers and privileges to be exercised or enjoyed in connection herewith and subject to the restrictions and conditions as the exercise and enjoyment of such liberties, powers and privileges .....

Except and reserving out of this demised unto the State Government the liberties powers and privileges mentioned in the said rules.

TO HOLD the premises hereby granted and demised unto the Lessee/Lessees from the ..... day of ..... 19 for the term of ..... years thence next ensuing.

TIMING AND PAYING therefore unto the State Government the several rents and royalties mentioned in Part-II of the said schedule at the respective times therein specified subject to the provisions contained in the same part.

And the lessee/lessees hereby covenants/convenant with the State Government and the State Government hereby covenants with the lessee/lessees as its expressed in the said rules.

And it is hereby mutually agreed between the parties hereto as in Part-III of the said schedule is expressed.

( The schedule above referred to )

## PART—I

### The areas of this lease

#### *Location and area of the lease*

All that tract of lands situated at ..... ( Description of area or areas ) ..... Commune ..... in the region of ..... bearing cadastral survey Nos ..... containing an area of ..... delineated on the plan hereto annexed and thereon coloured ..... and bounded as follows :

On the North by

On the South by

On the East by

On the West by

hereinafter referred to as " the said lands ".

## PART—II

*Rents and royalties reserved by this lease. To pay dead rent or royalty whichever is greater.*

(1) The lessee shall pay for every year except the first year the lessee yearly dead rent as specified in clause (2) of this part in respect of each mineral

Provided that the lessee shall be liable to pay the dead rent or royalty as respect of each mineral, whichever is higher in amount but not both.

#### *Rate and mode of payment of dead rent*

(2) Subject to the provision of clause (1) of this part, during the subsistence of the lease, the lessee/lessees shall pay to the State Government annual dead rent at the following rate/rates or at such revised rate/rates which may be communicated in writing to the lessee/lessees by the State Government per mineral per acre of the land demised and described in Part-I of the Schedule.

| Name of mineral | Dead rent fixed per acre | Area of demised land | Dead rent payable | Total dead rent payable in a year |
|-----------------|--------------------------|----------------------|-------------------|-----------------------------------|
| 1.              |                          |                      |                   |                                   |
| 2.              |                          |                      |                   |                                   |

### *Rate and mode of payment or royalty*

(3) Subject to the provision of clause (1) of this part, the lessee/lessees shall during the subsistence lease pay to the State Government as such times and in such manner as the State Government may prescribe, royalty in respect of any mineral/minerals removed by him/them from the leased area at the rate for the time being specified in the First Schedule to the said rules.

### *Dead rent and royalties to be free from deduction, etc.*

(4) The dead rent and royalties mentioned in this part shall be paid free from any deductions to the State Government at ..... and in such manner as the State Government may prescribe.

### *Mode of computation of royalties*

(5) For the purpose of computing the said royalties, the lessee/lessees shall keep a correct account of the mineral/minerals raised and the manner in which despatched from the mine mentioning the mode of transport, the registration number of vehicle, the person in charge of vehicle, the description and quantity of mineral/minerals transported by the vehicle and such other particulars which the State Government may by general or special order specify. The accounts as well as the weight of the mineral/minerals in stock or in the process of export may be checked by an officer authorised by the State Government.

### *Course of auction, if rent, royalties, etc., are not paid in time*

(6) Should any rent, royalty or other sums due to the State Government under the terms and conditions of these present be not paid in the lessee/lessees within the prescribed time, the same may be recovered on a certificate of such officer as may be specified by the State Government by a general or special order in the same manner as arrears of land revenue.

## **PART—III**

### **GENERAL PROVISIONS**

### *Lease may be determined on breach of rules, covenants & conditions*

(1) If the lessee/lessees commits a breach of any of the Pondicherry Minor Minerals (Concession) Rules, 1975 or any of the covenants and conditions of this lease, the State Government may determine the lease and forfeit the whole or part of the security deposit provided that the lessee/lessees shall be given the opportunity to explain the breach before the lease is determined.

*Lease to remove his properties on the expiry of lease*

(2) The lessee/lessees having first paid and discharged rent and royalties payable by virtue of the presents, may, at the expiration or sooner determination of the said term or within three calendar months thereafter (unless the lease has been determined under clause (1) of this part, and in that case at any time not less than one calendar month not more than three calendar months after such determination ) take down and remove for his/their own benefit all or any engines, machinery, plant buildings, structures and other works, erections and conveniences which may have been created, set up or placed by the lessee/lessees in or upon the said lands and which the lessee/lessees is/are not bound to deliver to the State Government and which the State Government does not desire to purchase.

*Forfeiture of property left more than three months after determination of lease*

(3) If at the end of three calendar months after the expiration or sooner determination of the said term there shall remain in or upon the said lands any engines, machinery, plant, buildings, structures and other works, erections and conveniences or other property the same shall if not removed by the lessee/lessees within one calendar month after notice in writing requiring their removal has been given to the lessee/lessees by the Deputy Collector be deemed to become the property of the Government and may be sold or disposed of in such manner as the State Government shall deem fit without liability to pay any compensation or to account the lessee/lessees in respect thereof.

*Collection of royalties and dead rent through a contractor*

(4) If the State Government so directs the lessee shall pay the royalties and dead rent reserved by these presents to a royalty collections contractor in the manner prescribed by the State Government during such periods as may be specified.

*Notices*

(5) Every notice by these presents required to be given to the lessee/lessees shall be given in writing to such person resident on the said lands as the lessee/lessees may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the lessee/lessees by registered post addressed to the lessee/lessees at the address recorded in this lease or at such other address in India as the lessee/lessees may from time to time in writing to the State Government designate for the receipt on notice and every such service shall be deemed to be proper and valid service upon the lessee/lessees and shall not be questioned or challenged by him/them.

*Stamp duty*

(6) For the purpose of stamp duty anticipated royalty from the demised lands is Rs.....  
..... per year.

IN WITNESS WHEREOF these presents have been executed in the manner hereunder  
appearing the day and year first above written.

Signed by

for and on behalf of the President of India  
in the presence of

1.

2.

( Signed by )

Lessee/Lesseees in the presence of

1.

2.

**FORM M.M. 4**

**Register of mining lease**

( Rule 20 )

1. Serial number.
2. Name of the lessee :
3. Residence with complete address of lessee :
4. (a) Number and date of order granting the lease :  
(b) Date of execution of mining lease deed.

5 Particulars of land :

(a) Region :

(b) Commune :

(c) Village :

(d) Survey No.

(e) Area.

6. Total area for which lease granted.

7. Mineral or minerals for which lease granted.

8. Dead rent fixed.

(a) Mineral :

(b) Dead rent per acre :

(c) Total dead rent :

9. Date of commencement of the lease :

10. Period for which granted :

11. Signature of Officer-in-charge :

12. Date of change together with details of change that take place in name, nationality or other particulars of the holder of mining lease :

13. Date of relinquishment or determination of lease :

14. Signature of Officer-in-charge :

15. Remarks :



**FORM M.M. 5**

**Register of areas notified for auction leases.**

( Rule 25 )

1. Serial number :
2. Number of Government notification :
3. Date of notification :
4. Date of Gazette in which published :
5. Region :
6. Commune :
7. Village :
8. Survey No.
9. Area
10. Signature of Officer-in-charge :
11. Withdrawal from leasing by auction :
  - (a) Number of notification :
  - (b) Date of notification :
  - (c) Date of Gazette in which published :
  - (d) Signature of Officer-in-charge :

**FORM M.M. 6**

**Model form of auction lease for mining**

( Rule 29 )

This INDENTURE made this ..... day of .....  
..... between the President of India as Pondicherry Government ( hereinafter referred to as " The State Government " which expression shall where the context so admits be deemed to include the successors and assigns ) of the one part, and

When the lessee is an individual/more than one individual .....  
..... ( Name of person with address and occupation ) and ..... ( name of person with address and occupation ) ( hereinafter referred to as the lessees which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators and representatives ).

When the lessee is registered firm

..... ( Name and address of partner ) son of  
..... all carrying on business in partnership under the firm  
and style of ..... ( Name of the firm ) registered under the  
Indian ..... Partnership Act, 1958 ( 9 of 1952 ) and having their registered  
office at ..... in the town of ..... ( hereinafter referred to as the lessees which expression shall where the context so admits be deemed to include all the said partners, their respective heirs, executors and legal representatives ) of the other part.

When the lessee is a registered company

..... ( Name of company ) a company registered under  
..... ( Act under which incorporated ) and having its registered office  
..... ( addresses ) ( hereinafter referred to as the lessees which expression shall where the context so admits be deemed to include its successor ), of the other part.

WHEREAS the bid of Rs..... of the lessee/lessees made at the auction held in accordance with the Pondicherry Minor Minerals ( Concession ) Rules, 1975 ( hereinafter referred to as the " said rules " ) has been accepted by the State Government for mining lease for ..... year/years for ..... acres in respect of the lands described in Part—I of the Schedule hereunder written and has/have deposited with the State Government that a sum of Rs. .... as security.

WITNESSETH that in consideration of the royalties, covenants and agreements by and in these presents and the schedule hereunder written reserved and contained and on the part of the

lessee/lessees to be paid, observed and performed, the State Government hereby grants and demises unto the lessee/lessees.

All those the mines, beds/veins, seams of ..... ( here state the mineral or minerals ) ( hereinafter and in the Schedule referred to as " the said minerals " ) situated, lying and being in or under the lands which are referred to in Part—I of the said Schedule, together with the liberties, powers and privileges to be exercised or enjoyed in connection herewith subject to the restriction and conditions as to the exercise and enjoyment of such liberties, powers and privileges EXCEPT and reserving out of this demise unto the State Government the liberties, powers and privileges mentioned in the said rules.

To hold the premises hereby granted and demised unto the lessee/lessees from the ..... day of..... 19 for the term of ..... years thence next ensuring YIELDING AND PAYING THEREFOR UNTO THE STATE GOVERNMENT.

AND THE lessee/lessees hereby covenants/covenant with the State Government and the State Government hereby covenants with the lessee/lessees as is expressed in the said rules.

AND it is hereby mutually agreed between the parties hereto as in Part-III of the said Schedule is expressed.

( The schedule above referred to )

#### **PART—I**

( The area of this lease. )

#### **Location and area of the lease**

All that tract or land situated at ..... ( Description or area of areas ) ..... in ( commune ) ..... in the Region of ..... commune ..... bearing cadastral Survey Nos ..... containing and area of ..... delineated on the plan hereto annexed and thereon coloured ..... and bounded as follows :

On the North by

On the South by

On the East by

On the West by

hereinafter referred to as " the said lands ".

## **PART—II**

### **Royalties reserved by this lease, Amount and mode payment of royalty**

(1) The lessee/lessees shall during the subsistence of this lease pay to the STATE GOVERNMENT royalties mentioned below in respect of all ..... removed by him/them from the area leased.

---

| No. of instalments | Amount | Date on which instalment to be paid |
|--------------------|--------|-------------------------------------|
|--------------------|--------|-------------------------------------|

---

Royalty to be free from deduction, etc.

(2) The instalments of the royalty mentioned in this part shall be paid free from any deductions to the State Government at ..... by deposit in Government Treasury a copy of the chalan being supplied to the District Officer.

Course of auction if royalties are not paid in time

(3) Should any instalment of royalties due to the State Government under the terms and conditions of these presents be not paid by the lessee/lessees within the prescribed time the same may be recovered on certificate of such officer as may be specified by the State Government by general or special order in the same manner as arrears of land revenue.

## **PART—III**

### **General provisions**

*Lease may be determined on breach of rules, covenants and conditions*

(1) If the lessee/lessees commits a breach of any of the Pondicherry Minor Minerals( Concession ) Rules, 1975 or any of the covenants conditions of this lease, the State Government may determine the lease and forfeit the whole or part of the security deposit, provided that the lessee/lessees shall be given be opportunity to explain the breach the lease in determined.

*Lessee to remove his properties on the expiry of lease*

(2) The lessee/lessees having first paid and discharged royalties payable by virtue of these presents may at the expiration or sooner determination of the said term of within the three calendar

months there after ( unless the lease shall be determined under clause (1) of this part and in that case at any time not less than one calendar month nor more than three calendar months after such determination ) take down and remove for his/their own benefit all or any machinery, plant buildings, structures and other works, erections and conveniences which may have been erected, set up or place by the lessee/lessees in or upon the said lands.

*Forfeiture of property left more than three months after determination of lease*

(3) If at the end of three calendar months after the expiration of sooner determination of the said term there shall remain in or upon the said lands any engines, machinery, plants, buildings, structures and other works, erections and conveniences or other properly, the same shall, if not removed by the lessee/lessees within one calendar month after notice in writing requiring their removal has been given to the lessee/lessees by the Deputy Collector, be deemed to become the property of the State Government and may be sold or disposed of in such manner as the State Government shall deem fit without liability to pay any compensation or to account to the lessee/lessees in respect thereon.

*Notices*

(4) Every notice by these presents required to be given to the lessee/lessees shall be given in writing to such person resident on the said lands as the lessee/lessees may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the lessee/lessees by the registered post addressed to the lessee/lessees at the address recorded in this lease or at such other address in India, as the lessee/lessees may from time to time in writing to the State Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the lessee/lessees and shall not be questioned or challenged by him/them.

*Stamp duty*

(5) For the purpose of stamp duty the anticipated royalty from the demised lands is .....  
..... per year.

IN WITNESS WHEREOF these presents have been executed in the manner hereunder appearing the day and year first above written.

( Signed by )

Lessee/Lessees in the presence  
of

1.

2.

( Signed by )

for and on behalf of the President of  
India in the presence of

1.

2.

**FORM M.M. 7**

**Register of auction leases**

( Rule 30 )

1. Serial Number :
2. Particulars of land ;
  - (a) Region :
  - (b) Commune :
  - (c) Village :
  - (d) Survey No :
  - (e) Area :
3. Total area of land :
4. Mineral or minerals :
5. Name of lessee :
6. Full address of lessee :
7. Date of commencement of lease :
8. Date of expiry of lease :
9. Total amount of royalty :
10. Signature of Officer-in-charge :
11. Remarks :

**FORM M.M. 8**

**Application for mining permit**

( Rule 52 )

( To be submitted in triplicate. )

Dated ..... day of .....19  
Received ..... at ..... ( time  
) on ..... ( date )..... at  
..... ( place ).

Signature of Receiving Officer.

To

.....  
.....  
.....

Sir,

I/We request that a mining permit under the Pondicherry Minor Minerals ( Concession ) Rules, 1975 may be granted to me/us.

2. A sum of Rs..... being the fee in respect of this application has been deposited.

3. The required particulars are given below.

(i) Name of the applicant with complete address :

(ii) Is the applicant a private individual/private company/public company/firm or association :

(iii) In case the applicant is

(a) an individual, his nationality :

(b) a private company the nationality of all members of the company along with place of registration :





I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details as may be required by you.

Yours faithfully,

*Signature of the applicant(s)*

Place :

Date :

N. B. : If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached.

## **FORM M.M. 9**

### **Register of applications for mining permits**

( Rule 56 )

1. Serial No.
2. Date of application for mining permit :
3. Name of minerals :
4. Area applied for :
  - (a) Region :
  - (b) Commune :
  - (c) Village :
  - (d) Survey No.
  - (e) Area :
5. Signature of Officer-in-charge :
6. Date of order refusing or granting a permit with initials of the Office-in-charge :

7. Details of permit, if granted :

- (a) Total area granted :
- (b) Total quantity of mineral permitted :
- (c) Period for which granted :
- (d) Amount of total royalty :
- (e) Date of deposit of royalty :
- (f) Date of issue of permit :
- (g) Date of expiry of permit :
- (h) Signature of Officer-in-charge :

**FORM M.M. 10**

**Model form of mining permit**

( Rule 55 )

Whereas Shri/Sarvashri ..... has/have applied for a permit to mine ..... ( mineral ) in Village ..... under Rule 52 of the Pondicherry Minor Minerals ( Concession ) Rules, 1975 and has/have paid an application fee of Rs. 25 ( has been exempted from the payment of fee ) and also paid royalty in advance amounting to Rs..... at ..... per ton/cft.

Permission is hereby granted for removal of ..... ton/cft of mineral from the land mentioned below within a period of ..... months from today subject to the conditions mentioned below :

DETAILS OF LAND

| Region | Commune | Village | Plot No. | Area in acres |
|--------|---------|---------|----------|---------------|
|        |         |         |          |               |
|        |         |         |          |               |

*Signature and designation of Officer  
granting the permit*

## CONDITIONS

1. The holder of the permit shall keep the State Government indemnified from any third party claim and shall settle such claim on his own as soon as it arises.
2. The holder of the permit shall extract the mineral in such manner as not to disturb or damage any road, public ways, buildings premises, public grounds or public property.
3. The holder of the permit shall keep an account of all minerals raised and shall allow such account to be inspected by an Officer deputed in this behalf.

*Signature and designation of  
Officer granting the permit.*

## FORM M.M. 11

( in Triplicate )

### Form of pass

[ Rule 72 (1) ]

Date ..... Time .....

1. Name of lessee or permit holders :
2. Location of mine :
3. Name of mineral :
4. Quantity of mineral :
5. Destination :
6. Particulars of means or transport : ( if motor vehicle, mention registration No. )
7. Full name and address of the person-in-charge of consignment :
8. Full signature of the person-in-charge of the consignment :
9. Full signature of the person issuing the pass :

Notes :

(1) Counterfoil will be retained at the Mine.

(2) Two counterfoils will be given to the person-in-charge of consignment, one of which will be removed by the Government servant checking the pass.

<sup>1</sup> [ SCHEDULE—I

**Royalty**

|                                                                      | <i>Per Cart<br/>Load Rs</i> |
|----------------------------------------------------------------------|-----------------------------|
| 1. Tyre - cart load of ordinary sand / ordinary clay / red earth     | 10.00                       |
| 2. Tyre - cart load of ordinary limestone                            | 20.00                       |
| 3. Lorry / Tractor load of ordinary sand / ordinary clay / red earth | 50.00                       |
| 4. Lorry / Tractor load of limestone                                 | 100.00                      |
| 5. All other minor minerals ( per cu. mt. )                          | 100.00                      |

<sup>1</sup> [ SCHEDULE—II

**Area assessment**

| <i>Sl. No.</i> | <i>Region</i> | <i>Assessment</i>                                                                                                                   |
|----------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------|
| 1.             | Pondicherry   | Rupees twenty per 4,045 sq. mtrs for stone metal gravel, lime stone, clay ( used for bricks and tiles) and all other minor minerals |
| 2.             | Karaikal      | Do                                                                                                                                  |
| 3.             | Mahe          | Do.                                                                                                                                 |
| 4.             | Yanam         | Do.                                                                                                                                 |

### SCHEDULE—III

#### Dead rent

( See Rule 22 )

| Area                                        | Dead rent per acre per annum |         |
|---------------------------------------------|------------------------------|---------|
|                                             | Minimum                      | Maximum |
|                                             | Rs.                          | Rs.     |
| 1. Upto 10 acres                            | 50.00                        | 100.00  |
| 2. More than 10 acres but not more 30 acres | 35.00                        | 70.00   |
| 3. More than 30 acres                       | 20.00                        | 40.00   |

**THE PONDICHERRY BUILDINGS  
(Lease and Rent Control)  
Rules, 1980**

**GOVERNMENT OF PONDICHERRY**

**Revenue Department**

No. 4006/76-D.

Pondicherry, the August 1980.

**NOTIFICATION \***

In exercise of the powers conferred by section 33 of the Pondicherry Buildings (Lease and Rent Control) Act, 1969 (Act, No. 5 of 1969), the Lieutenant-Governor of Pondicherry hereby makes the following rules, namely :—

**1. Short title and commencement.**— (1) These rules may be called the Pondicherry Buildings (Lease and Rent Control) Rules, 1980.

(2) They shall come into force from the date of their publication in the official gazette.

**2. Definition.**— In these rules, unless there is anything repugnant in the subject or context—

(a) "Act" means the Pondicherry Buildings (Lease and Rent Control) Act 1969;

(b) "recognized agent" means—

(i) a person holding a power-of-attorney authorizing him to act on behalf of his principal ;  
or

(ii) an agent empowered by written authority under the hand of his principal;

(c) "section" means a section of the Act.

**3. Particulars to be furnished to the Controller and the authorised officer.**— Every landlord and tenant of a building shall furnish the following particulars to the Controller or any person authorised by him in that behalf or the authorised officer, namely :—

(i) door number of the building and name, if any;

(ii) street and municipal ward or division of the town or village in which the building is situated;

(iii) date on which the construction of the building was completed;

(iv) name of the tenant, if the building is occupied and particulars are furnished by the landlord and the name and address of the landlord, if the particulars are furnished by the tenant;

(v) (a) whether the building is residential or non-residential;

(b) whether it is self-contained and separate unit; and

(c) whether it has—

(i) internal water-supply,

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\* Published in the E.O.G. No: 107 dated 09-9-1980.

(ii) sanitary fittings,

(iii) electrical installation.

(iv) the rent paid per month and whether fair rent has been fixed or re-fixed and also what rental value, if any has been entered in the property tax register of the Municipality or Commune Panchayat, as the case may be; and

(v) the address at which the key of the building is available for inspection, if necessary.

**4. Particulars to be furnished while giving notice of vacancy.**—Every notice under sub-section (1) or sub-section (2) of section 4 of the Act shall contain the following particulars, namely:—

(i) door number of the building and name, if any;

(ii) street and municipal ward or division of the town or village in which the building is situated;

(iii) date on which the construction of the building was completed;

(iv) date on which the building fell vacant;

(v) name and address of the tenant who vacated the building, if the notice is given by the landlord and name and address of the landlord, if the notice is given by the tenant who vacated;

(vi) details of accommodation in the building such as number of rooms, their area, fittings and fixtures and the like;

(vii) amenities available in the building including common amenities to be shared by occupants of other parts of the building, such as electricity and water-supply, vacant space and the like;

(viii) whether the building is residential or non-residential;

(ix) whether fair rent has been fixed to the buildings and if so, the rate of fair rent;

(x) rent paid by the tenant who vacated;

(xi) the rental value of the buildings, if any, as entered in the property tax register of the Municipality or Commune Panchayat, as the case may be;

(xii) the address at which the key of the building is available in case it is required for the purpose of inspection of the building; and

(xiii) if the landlord is the full owner and he is in occupation of a part of the building, -

(a) whether the portions occupied by the full owner and the tenant are self-contained and separate units;

(b) whether the full owner actually occupies the building for residential purpose, or

(c) whether the full owner is in actual occupation of any other residential building, and if so particulars of accommodation available in that building, rent paid, etc.

**Explanation.**— The notice under section 4 (1) shall be a notice of actual vacancy and not a notice of anticipated vacancy. Even if a landlord or a tenant gives a notice in anticipation of the



building becoming vacant, it is obligatory on him to give within seven days of the building actually becoming vacant, a notice of such actual vacancy containing the particulars specified in rule 3.

**5. Serving of notices of orders of the authorised officer under the Act.**– The intimation under section 4 (3), 4 (5) or 10 (5) (b), the notice under the proviso to section 4 (9) (a) or section 13 and any order passed under section 4 (8) (c), 4 (8) (d), 4-A or 12 of the Act, shall be served on the person concerned-

(a) by delivering or tendering it to that person, personally or to any adult member of the family of that person and in the case of a company, association or firm, whether incorporated or not to the Secretary or Director or other principal officer of that company, association or firm, as the case may be ; or

(b) if that person cannot be found or if he refuses to receive it, by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided; or at the registered office, or if there is no registered office, then at the place where the company, association or firm carries on its business, as the case may be; or

(c) by registered post with acknowledgment due.

**6. Particulars to be furnished by landlord under section 4 (8) (b).**– The particulars to be furnished by the landlord under section 4 (8) (b) shall be the following, namely:-

(1) door number of building and accommodation available in the buildings;

(2) number of buildings owned by the landlord;

(3) name and address of the landlord;

(4) whether the building is actually occupied by the landlord or is required for his own occupation;

(5) if the building is not occupied by the landlord or is not required for his own occupation whether it is required for the occupation of any member of his family or any dependent of his; if so, the name of the person;

(6) number of buildings owned by the member of the family or dependent and particulars about such buildings;

(7) where such member or dependent is now living ;

(8) need for that member or dependent to change his residence;

(9) rent of the building.

**7. Particulars to be furnished by the landlord applying for release of the building.**– The following particulars shall be furnished by the landlord under section 4-A of the Act, namely:–

(i) door number of the building and accommodation available in the building;

(ii) name and address of the landlord;

(iii) particulars of other buildings owned by the landlord;

(iv) particulars of accommodation of and rent paid for the building in which the landlord for the time being resides;

(v) whether the building is required for his own occupation and if so, the reasons therefor; if the building is not required for his own occupation, whether it is required for the occupation of any member of his family and if so, the name of such person;

(vi) number of building owned by such member of the family and particulars of such buildings;

(vii) where such member is now living;

(viii) need for that member to change his residence

(ix) rent of the building; and

(x) income of the landlord and whether he can afford to forego the rental income;

**8. Inspection of vacant buildings by prospective allottees.**—Every landlord, who has given notice of a vacancy under section 4 (1) of the Act, shall afford all reasonable facilities for inspection of the buildings by prospective allottees at such time or times as may be specified by the authorised officer during the period of ten days specified in section 4 (3) of the Act and the landlord shall also take all necessary steps for keeping watch over the buildings, its fixtures, fittings and other materials during such inspection.

**9. Fixation of reasonable rent by the authorised officer.**—The authorised officer shall determine the reasonable rent for the purpose of the third proviso to section 4 (5) of the Act after personally inspecting the premises, or after considering the report of any officer of the rank not lower than a Revenue Inspector subordinate to him whom he may authorise to inspect the premises on his behalf, and after giving a reasonable opportunity to the landlord for such fixation of reasonable rent. In determining the rent, the authorised officer shall have due regard to the principles set out in section 5 of the Act for fixation of fair rent.

**10. Form of receipt for rent or advance.**—The receipt given under section 8 (1) may be in any form but shall contain the following particulars, namely:—

(i) name of the tenant from whom or on whose behalf the rent or advance is received by the landlord;

(ii) amount of rent or advance received;

(iii) in the case of rent, the rate at which and the period for which the rent is received;

(iv) the particulars of the building (door number, street name and the like) in respect of which the rent or advance is paid;

(v) the name and address of the landlord by whom or on whose behalf the receipt is given.

**11. Procedure for deposit and withdrawal of rent.**— (1) A tenant desirous of depositing rent under section 8 (5), <sup>1</sup> [ 9 (1), 9 (2)] or 11 shall deposit the same in accordance with the procedure laid down in the Civil Rules of Practice and Circular Orders in regard to the payment of money into Court.

<sup>1</sup> [ (1A) A tenant desirous of depositing rent under section 9 (3) shall deposit the rent to the authorised officer by making an application to the said officer setting out the circumstances under which the deposit is made.

(1B) The authorised officer shall remit the rent deposited in revenue deposit and hold the rent in such deposit until the orders of the Controller or the Competent Civil Court as the case may be is received under section 9 (4) (b) or section 9 (5) ]

(2) Any person who is entitled and who desires to receive the rent deposited under section 8 (5), 9 or 11 shall present an application for the purpose to the Controller or the appellate authority, as the case may be, supported by an affidavit showing how he is entitled to receive the rent deposited:

Provided that no affidavit in support of the application shall be required in the case of any order passed by the Controller under section 9 (4) or by a competent Court under section 9 (5) and a copy thereof is attached to the application.

(3) On receipt of the application under sub-rule (2), the Controller or the appellate authority, as the case may be, shall if he or it is satisfied, pass an order directing the payment to the applicant of the rent specified in the application. The procedure laid down in the Civil Rules of Practice and Circular Orders in regard to the payment of money out of Court shall, as far as may be, apply to the payment of money under this sub-rule.

**12. Application under the Act.**– (1) Every application under the Act shall, in addition to the particulars necessary for its support contain also the particulars specified in rule 3 or 4 so far as they may be applicable. Every application for release under section 4-A or for eviction under section 10 or for recovery of possession under section 12 or 14 shall also state the grounds on which the application is made.

(2) Every application under the Act shall be accompanied by a spare copy or sufficient number spare copies thereof for service on the respondent or respondents mentioned therein.

(3) Every application shall be signed by the applicant and his counsel, if any, and be presented to the Controller or the authorised officer or an officer authorised by him, as the case may be, by the applicant himself personally or by his recognised agent or by his counsel, at any time during hours on a working day.

(4) No document or proceeding which is sent by post or telegraph shall be received or filed by the Controller, or the authorised officer, or an officer authorised by him, as the case may be.

**13. Procedure for the disposal of applications.**– (1) When an application is presented under rule, 12 the Controller or the authorised officer, or an officer authorised by him, as the case may be, shall fix the date on which and the place at which the inquiry in respect of the application will be held and send notice thereof to the applicant or applicants and the respondent or respondents mentioned in the application and shall also send a copy of the application along with the notice to the respondent or respondents.

(2) The Controller or the authorised officer or an officer, authorised by him, as the case may be, shall give to the parties a reasonable opportunity to state their case. He shall also record a brief note of the evidence of the parties and of the witnesses, if any, examined on either side; and upon the evidence so recorded and after consideration of any documentary evidence which may be produced by the parties, pass orders on the application.

(3) In any case in which an order is passed ex-parte against a tenant of a landlord, or any order of dismissal for default is passed by the Controller, then the party aggrieved may, within thirty days from the date of the order, or if he satisfies the Controller that he knew of the order, only on a date subsequent to the date on which it was passed, within thirty days from the date of such knowledge, apply to the Controller by whom the ex-parte order or the order of dismissal was passed, for an order to set it aside; and if he satisfies the Controller that the summons was not duly served, or that he was prevented by any sufficient cause from appearing when the application was called on for hearing, or that such default was occasioned due to circumstances beyond his control, the Controller shall make an order setting aside the ex-parte order or the order of dismissal passed, as the case may be, upon such terms as to costs as the Controller thinks fit and shall appoint a day for proceeding with the application:

Provided that no order shall be set aside on any such application as aforesaid unless notice thereof has been served on the opposite party:

Provided further that in computing the period of thirty days for the purpose of this sub-rule, the time requisite for obtaining a certified copy of the order shall be excluded.

(4) Where an application for setting aside an ex-parte order or an order of dismissal for default has been received under sub-rule (3) for the first time, all execution proceedings in pursuance of the ex-parte order or the order of dismissal for default shall be stayed until the disposal of the application:

Provided that in respect of a second or subsequent application to set aside an ex-parte order or an order of dismissal for default, the Controller shall have discretion to grant or refuse stay.

**14. Taking possession of buildings by authorised officers, etc.**— The officer empowered by the Government under section 4 (9) or any of his subordinates acting on his behalf, who takes possession of a building, shall make an inventory of all the articles found in the building. Such officer shall have the right to store all such articles in any of the rooms of the building and have them properly locked up. In the case of perishable goods, such officer may auction them, keep the sale proceeds and shall, after conducting a summary enquiry, hand over the articles or the sale proceeds, as the case may be, to the person entitled to receive them. Similarly with regard to non-perishable articles, such officer shall cause a notice in writing to be served on the person entitled to receive them requiring him to remove the articles within a period of three months from the date of recovery of possession of the premises or within a month from the date of receipt of the notice, whichever is later, and if the said person refuses or fails to remove the articles within the time specified, such officer may sell the articles by public auction, keep the sale proceeds and shall after conducting a summary enquiry, hand over the articles or pay the sale proceeds or both, as the case may be, to the person entitled to receive them. Subject to the decision of a competent Court, the order of the said officer shall be final.

**15. Transfer of proceedings from one Controller to another.**— The appellate authority, may transfer a case from the file of one Controller to that of another Controller within its jurisdiction-

(i) for administrative grounds; or

(ii) if the Controller on whose file the case is pending is personally interested and reports the matter; or

(iii) if on an application for transfer by any party in the case, the appellate authority is satisfied that there are sufficient grounds for the transfer.

**16. Procedure for filing of appeals.**– (1) Every appeal against an order of the Controller shall, in addition to the grounds of appeal, specify the date on which the order was received by the appellant. The appeal shall be signed by the appellant and his counsel, if any, and presented to the appellate authority or to such officer as he appoints in this behalf, by the appellant himself personally or by his recognized agent or by counsel at any time during office hours on a working day. The appeal shall be accompanied by a copy of the order of the Controller appealed from.

(2) Every appeal under the Act shall be accompanied by a spare copy or sufficient number of spare copies thereof for service on the respondent or respondents mentioned therein.

**17. Procedure for the disposal of appeals under section 23.**– (1) When an appeal under section 23 of the Act is preferred the appellate authority shall fix a day for hearing the appeal and send notice thereof to the appellant or appellants and the respondent or respondents mentioned in the appeal and shall also send a copy of the appeal along with the notice to the respondent or respondents.

(2) If the appellate authority decides to make further inquiry he may take additional evidence or requires such evidence to be taken by the Controller.

(3) In any case in which an order is passed ex-parte against a tenant or a landlord or an order of dismissal for default is passed, then the party aggrieved may, within thirty days from the date of the order or if he satisfies the appellate authority that he knew of the order only on a date subsequent to the date on which the order was passed, within thirty days from the date on which the order as provided in rule 24, apply to the appellate authority by whom the ex-parte order or the order of dismissal was passed for an order to set it aside; and if he satisfies the appellate authority that the summons was not duly served or that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing or that such default was occasioned due to circumstances beyond his control, the appellate authority shall make an order setting aside the ex-parte order of the order of dismissal, passed, as the case may be, upon such terms as to costs, as the appellate authority thinks fit and shall appoint a day for proceeding with the appeal:

Provided that no order shall be set aside on any such application as aforesaid unless notice thereof has been served on the opposite party:

Provided further that in computing the period of thirty days for the purpose of this sub-rule, the time requisite for obtaining a certified copy of the order shall be excluded.

(4) Where an application for setting aside an ex-parte order or an order of dismissal for default has been received under sub-rule (3) for the first time, all execution proceedings in pursuance of the ex-parte order or the order of dismissal for default shall be stayed until the disposal of the application:

Provided that in respect of a second or subsequent application to set-aside an ex-parte order or an order of dismissal for default, the appellate authority shall have discretion to grant or refuse stay.

**18. Transfer of appeals from one appellate authority to another.**– The Principal District Judge, Pondicherry may transfer an appeal from the file of the appellate authority before whom the appeal is pending to that of any other appellate authority,-

(i) if the appellate authority before whom the appeal is pending is personally interested in the appeal and reports the matter to the Principal District Judge, or

(ii) if, on an application for the transfer by any party in the appeal or otherwise, the Principal District Judge is satisfied that there are sufficient grounds for such transfer.

**19. Procedure for filing appeals to accommodation appellate authority.**—Every appeal under section 4 (8) (d) against the order of the authorised officer shall, in addition to the grounds of appeal specify the date on which the order was received by the appellant. The appeal shall be signed by the appellant or his agent or his counsel and presented to the accommodation appellate authority by the appellant himself or by his recognised agent or his counsel personally at any time during office hours on a working day or sent by registered post, acknowledgment due. The appeal shall be accompanied by a copy of the order of the authorised officer appealed from. The appeal shall be also be accompanied by sufficient number of spare copies thereof for service on the respondent or respondents mentioned therein.

**20. Procedure for filing appeals to Government.**—Every appeal under section 4-A (3) or section 12 (3A) of the Act preferred against the order of the authorised officer shall, in addition to the grounds of appeal, specify the date on which the order was received by the appellant. The appeal shall be signed by the appellant and his counsel if any and presented to the Government in the department concerned by the appellant himself or by his recognised agent or his counsel personally at any time during office hours on a working day or sent by registered post, acknowledgment due. The appeal shall be accompanied by a copy of the order or the authorised officer appealed from. The appeal shall be accompanied by sufficient number of spare copies thereof for service on the respondent or respondents mentioned therein.

**21. Inspection of buildings by the Controllers and appellate authorities.**—In cases falling under section 6 of the Act or in any other cases contemplated in the Act. the Controller or the appellate authority may, if he thinks fit to do so, personally inspect the building concerned. After inspection, the Controller or the appellate authority shall record a note of inspection in brief and such note shall form part of the case record.

**22. Inspection of buildings by authorised officers in certain cases.**—In cases falling under section 4, 4A and 12 of the Act, the authorised officer or any person authorised by him in that behalf may, if he thinks fit to do so, personally inspect the building concerned and may call for any particulars in respect of the said building from the landlord or tenant or occupant or any previous tenant of occupant thereof, and such landlord, tenant or occupant shall thereupon furnish such particulars.

**23. Appearance, etc., of parties before Controllers or authorised officers or appellate authorities.**—Any appearance, application or act in any proceeding before the Controller or authorised officer or the appellate authority may be made or done by the party in person or by his recognised agent or by counsel:

Provided that in any such proceeding where the Central or State Government or any officer of the Central or State Government in his official capacity is party, no Government Pleader or other pleader appearing on their behalf shall be required to present any document empowering him to act, but such pleader shall file a memorandum of appearance signed by himself, and such memorandum of appearance need not be stamped.

**24. Service of notice.**—A notice under the Act issued by the Controller or the appellate authority, if not pronounced in open court, shall be served on the person concerned-

(a) by giving or tendering it to such person; or

(b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family; or



(c) if the address of such person is known to the Controller or the appellate authority by sending it to him by registered post with acknowledgment due ; or

(d) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of abode or business.

**25. Scale of process fee for service of notices and orders.**—In respect of every application filed under the Act, the applicant or applicants as the case may be, and in respect of every appeal, preferred under section 23 of the Act, the appellant or appellants, as the case may be, shall pay for the service of all notices and orders issued whether in the first instance or subsequently, fees in the form of court fee stamps of the value specified below :—

For each notice or order—

Rs.

(a) to a single applicant respondent or appellant

2-25

(b) to every additional applicant respondent or appellant residing within the same town or village, if the notice or orders is to be served at the same time

1-15

**26. Procedure for furnishing certified copies.**—(1) Any person aggrieved by any order passed by the Controller or the appellate authority under section 23 of the Act shall be entitled on application, to be furnished with a copy thereof and any other connected document, duly certified by the Controller or the appellate authority, as the case may be.

(2) The procedure laid down in the Civil Rules of Practice and Circular Orders in regard to making of application for, and grant of, certified copies shall, as far as may be, apply to the applications and grant of copies under sub-rule (1).

**27. Time-limit for bringing the legal representatives on record in proceedings.**—Every application for making the legal representatives, or representatives of a deceased person, party to a proceeding under the Act shall be preferred within one month from the date of the death of the person concerned or the date of having knowledge of the death of the person concerned.

**28. Service of summons.**—Every summons issued under the Act on any person shall be served in any of the following ways, namely :-

(a) by giving or tendering it to such person ; or

(b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family ; or

(c) if the address of such person is known to the Controller, the appellate authority or other authorised person, by sending it to him by registered post with acknowledgment due ; or

(d) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of abode or business.

(2) In respect of every summon issued under section 28 of the Act, the person at whose instance the summon is issued shall pay into the office of the Controller a fee of two rupees and twenty-five paise in the form of Court fee stamps for the service of the summons and shall also deposit in the said office the amount of the allowances to which the witness is entitled for travelling and attendance at the Court according to the scale for the time being in force with respect to witness in Civil Courts in the Union territory of Pondicherry.

**29. Penalty for contravention of certain rules.**—Any person who contravenes any of the provisions of rules 4, 7, 8, 10 or 22 shall be punishable with fine which may extend to one thousand rupees.

**30. Procedure in regard to summons, etc.**—(1) Every summons issued under the Act shall be in writing, shall be authenticated by the seal, if any, of the officer by whom it is issued and shall be signed by such officer or by any person authorised by him in writing in that behalf.

(2) The summons shall require the person summoned to appear before the said officer at a stated time and place and shall specify whether his attendance is required for the purpose of giving evidence or to produce a document or for both purposes ; and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy.

(3) Any person may be summoned to produce a document without being summoned to give evidence and any person summoned merely produce a document shall deemed to have complied with the summons if he causes such document to be produced, instead of attending personally to produce the same.

(4) Where the serving officer delivers or tenders a copy of the summons to the respondent personally or to an agent or other person on his behalf, he shall require the signature or the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons

(5) The serving officer shall, in all cases in which the summons has been served under sub-rule (4) endorse or annex or cause to be endorsed on or annexed to the original summons as return stating the time when and the manner in which, the summon was served, the name and address of the person, if any, identifying the person served and witnessing the delivery of tender of the summons.

(6) The controller or the appellate authority as the case may be shall have power to administer oaths, to require the attendance of all parties concerned and of witnesses and require the production of all books and documents relating to the matter in the dispute.

(7) The controller or the appellate authority deciding the dispute shall record a brief note of the evidence of the parties and witness who attend, and upon the evidence so recorded and after consideration of any documentary evidence produced by the parties a decision shall be given in accordance with justice, equity and good conscience by the Controller or appellate authority. The decision given shall be reduced to writing. In the absence of any party duly summoned to attend, the dispute may be decided ex-parte.

**31. Fees.**—The fee leviable in respect of applications and appeals under the Act shall be at the rates specified in the schedule hereto. The fee shall be paid in the form of court fee stamps.

**32. Repeal and saving**—The Pondicherry Buildings (Lease and Rent Control) Rules, 1969 are hereby repealed :

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.



## SCHEDULE

(See rule 31 ) <sup>1</sup>

### Fee leviable in respect of application and appeals under the Act.

| Section<br>(1)                           | Particulars<br>(2)                                                                                                                         | Proper fee<br>(3) |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>I. APPLICATIONS TO THE CONTROLLER</b> |                                                                                                                                            |                   |
| 5.                                       | Application for fixation of fair rent of a building                                                                                        | Fifteen rupees    |
| 6(1)<br>second<br>proviso                | Application to decide a dispute between the landlord and the tenant in regard to any increase in fair rent claimed under section 6(1)      | Do.               |
| 6(2)<br>proviso                          | Application to decide a dispute between the landlord and the tenant in regard to any reduction in fair rent claimed under section 6(2)     | Do.               |
| 8(5)                                     | Application for depositing the rent before the Controller in cases where the landlord refuses to receive the rent.                         | Do.               |
| 9(1)                                     | Application for depositing the rent before the Controller in cases where the address of the landlord or his authorised agent is not known. | Five rupees       |
| 9(2)                                     | Application for withdrawal of the rent deposited under section 8(3) or 8(5) or 9(1).                                                       | Do.               |
| 9(3)                                     | Report to the Controller by the tenant explaining the circumstances under which he deposited the rent.                                     | Do.               |
| 10(2)                                    | Application for eviction of tenant.                                                                                                        | Fifteen rupees    |
| 10(3)                                    | Application for possession of the building.                                                                                                | Five rupees.      |
| 10(5)(a)                                 | Application for restoring possession of the building to the tenant.                                                                        | Do.               |
| 11(3)                                    | Application to decide any dispute as to the amount of rent to be paid or deposited under section 11(1)                                     | Do.               |
| 11(5)                                    | Application for withdrawal of the amount deposited under section 11(1)                                                                     | Do.               |
| 14(1)                                    | Application for an order for delivery possession for carrying out repairs or for demolishing and reconstructing the building.              | Do.               |
| 15(2)                                    | Application for an order directing the landlord to put the tenant in possession of the building                                            | Do.               |

1. Substituted by Notification No.7818/81/D dt 22.02.1984. E.G.No. 3 dt 29.02.1984

| Section<br>(1) | Particulars<br>(2)                                                                                                                  | Proper fee<br>(3) |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 16(1)          | Application for an order directing the landlord to put the tenant in possession of the building (if the building is not demolished) | Do.               |
| 17(2)          | Application for restoration of amenities.                                                                                           | Do.               |
| 21             | Application for permission for conversion of a residential building into non-residential one                                        | Do.               |
| 22(b)          | Application for a direction that repairs to the building may be made by the tenant.                                                 | Five rupees       |
|                | Interlocutory application in respect of proceedings before the Controller.                                                          | Do.               |
| Rule 26        | An application for a copy of document.                                                                                              | One rupee         |

*Explanation:*—In case where the application for a copy relates to an order passed one year prior to the date of such application a search fee of one rupee shall be paid in the form of court-fee stamps.

## II. APPLICATIONS TO THE APPELLATE AUTHORITY

|         |                                                                                                        |             |
|---------|--------------------------------------------------------------------------------------------------------|-------------|
| 11(3)   | Application to decide any dispute as to the amount of rent to be paid or deposited under section 11(1) | Five rupees |
| 11(5)   | Application for withdrawal of the amount deposited under section 11(1)                                 | Do.         |
|         | Interlocutory application in respect of proceedings before the appellate authority                     | Do.         |
| Rule 26 | An application for a copy of document                                                                  | One rupee.  |

*Explanation :*— In case where the application for a copy relates to an order passed one year prior to the date of such application a search fee of one rupee shall be paid in the form of court-fee stamps.

## III. APPLICATION TO THE AUTHORISED OFFICER

|       |                                                                                                                       |             |
|-------|-----------------------------------------------------------------------------------------------------------------------|-------------|
| 4(2)  | Application by tenant for permission to Proviso re-occupy a building.                                                 | Five rupees |
| 4 A   | Application for release of a building under Government tenancy                                                        | Do.         |
| 12(1) | Application for delivery of possession of building for carrying out repairs or for demolishing and reconstructing it. | Do.         |
| 12(6) | Application for re-allotment of the building.                                                                         | Do.         |

**THE PONDICHERRY  
RURAL HOUSE CONSTRUCTION  
RULES, 1981**

## THE PONDICHERY RURAL HOUSE CONSTRUCTION RULES, 1981

**1. Short title, application and commencement.**— (i) These rules may be called the Pondicherry Rural House Construction Rules, 1981.\*

(ii) They shall apply to the whole of the Union territory of Pondicherry.

(iii) They shall come into force from the date of their publication in the official gazette.

**2. Definitions.**— In these rules unless the context otherwise requires,-

(a) "Advisory Committee" means the Committee constituted by Government for the purpose of selection of eligible beneficiaries for the allotment of free housesites to the landless labourers in rural areas under the Pondicherry Land Grant Rules, 1975 ;

(b) "Deputy Collector" and "Sub-Collector" means the Deputy collectors and Sub-Collector of outlying regions viz., Karaikal, Yanam and Mahe;

(c) "Director" means the Director of Survey and Land Records;

(d) "Family" means a family consisting of the houseless person, his wife, his unmarried son and daughter and dependant parent;

(e) "Form" means a form appended to these rules;

(f) "Government" means the Administrator of the Union territory of Pondicherry appointed by the President under Article 239 of the Constitution;

(g) "Houseless person" means a landless labourer of rural area who has been allotted with a housesite free of cost by the Government of Pondicherry;

(h) "Rural house/hut" means a rural house/hut constructed based on low cost with locally available building materials covering a plinth area not below 20 square metre (210 Sq.Ft.))£;

(i) "Secretary" means the Revenue Secretary to Government.

(j) "Tahsildar" includes Deputy Tahsildar, Settlement Tahsildar and Settlement Deputy Tahsildar;

(k) "Union territory" means the Union territory of Pondicherry.

(l)

(i) The region of Pondicherry, Karaikal and yanam means a latrine having Indian Water Closet with septic tank having a minimum plinth area of 1.2 square metres and a minimum width of 1 metre, side wall constructed with burnt brick in cement mortar with plastering on both sides of the wall in cement mortar and ceiling / roofing in reinforced cement concrete;

(ii) the region of Mahe means a latrine having Indian Water Closet provided with septic tank having a minimum plinth area of 1.2 square metre and a minimum width of 1 meter, side wall constructed with burnt brick / latrine stone in cement mortar with plastering on both sides of the wall in cement mortar and ceiling / roofing in reinforced cement concrete or Mangalore tiles on wooden rafters as the case may be.'

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1. Substituted by G. O. Ms. No.1 dated 24-11-2005

\* Amended vide G.O. Ms. No.6, dated 4-8-2003 in EOG No.26, dt.14-8-2003

£ Amended vide G.O. Ms. No.3, dated 4-9-2002 in EOG No.36, dt.6-9-2002

**3. Object.**— The object of the scheme is to provide financial assistance of <sup>1</sup>[Rs. 50,000 (Rupees Fifty thousand only)] the landless labourers of rural area who could not build house from his own resources on the free of cost house plot allotted by the Government of Pondicherry to enable him to construct a modest house/hut in on low cost basis with locally available building materials.

**4. Eligibility for subsidy.**— For eligibility of subsidy under these rules, a landless labourer shall be a houseless person as defined in rule 2 and in absolute possession of the site assigned by the Government of Pondicherry.

**5. Pre-requisite condition to avail subsidy.**— (i) The houseless person shall construct house/hut in the allotted site covering plinth area of a plot not below <sup>1</sup>[20 square metres (210 square feet)]<sup>1</sup>.

<sup>2</sup> [(ii) \* \* \*]<sup>2</sup>

[<sup>3</sup>(iii) (a) If a houseless person opts for a house by availing the facilities extended by the co-operative Housing Federation/Society (or) any other agency authorised by the Government the subsidy amount payable to the houseless person will be deposited in one lump sum to the co-operative Housing Federation/Society or such other agency.

(b) The specification as prescribed by the co-operative Housing Federation/Society (or) such other agency authorised by the Government to the economically weaker section, for the construction of a house by them will be applicable to the above grant of subsidy.] <sup>3</sup>

**6. Execution of undertaking and bond.**—(i) <sup>1</sup>[ The houseless person shall execute an undertaking in Form 1 to the effect that after the receipt of the subsidy amount he/she/they shall procure housing materials and complete the items of work mentioned in item Nos. (i), (ii), (iii) and (iv) of the schedule appended to these rules with the first instalment of subsidy of Rs. 20,000 and he/she/they shall procure and complete the remaining items of work as mentioned in item Nos. (v), (vi) and (vii) of the schedule appended to these rules with the second instalment of subsidy of Rs. 15,000 and put the roofing/ceiling, install RCC jelly, window, doors and complete the house in all respects. After the construction of the house in all respects, the third and final instalment of Rs. 15,000 shall be paid. As such the subsidy amount be paid in three instalments at Rs. 20,000, Rs. 15,000 and Rs.15,000 to the beneficiary.

(ii) The houseless person shall execute a bond in Form No. 2 in favour of the Director of Survey and Land Records in respect of Pondicherry region and in favour of the Deputy Collector/Sub-Collector in respect of the outlying regions to the effect that he/she shall not either utilise the subsidy amount for any other purpose other than the purpose intended for in sub-rule (1) of rule 6 or dispose of by sale the roofing materials purchased with the subsidy amount or the house/hut constructed with those housing materials and in the event of failure to construct house/hut as specified in rule 4 and 5 within the scheduled time the whole subsidy amount of <sup>1</sup>[Rs. 50,000 (Rupees Fifty thousand only)]

(iii) The houseless person shall be aware that in the event of his failure to refund the entire amount under the circumstances stated in condition (ii) of this rule, the Government reserves the right to recover the subsidy amount with interest thereof under the Revenue Recovery Act.

**7. Deposit of assignment order.**- The houseless person shall deposit the free housesite "assignment order" granted by the Government of Pondicherry with the Director of Survey and Land Records in respect of Pondicherry region and with the Deputy Collector (Revenue)/Sub-Collector in respect of outlying regions, before the receipt of the subsidy amount and get it back after completion of the construction of house/hut with the subsidy amount.

1.Substituted by G. O. Ms. No.3 dated 04-09-2002 in EOG No:36 dt. 06/09/2002

2.Omission by G. O. Ms. No.3 dated 04-09-2002 in EOG No:36 dt. 06/09/2002

3.Inserted by G.O.Ms No.11 dated 20th March 2000

**8. Inheritance.**- The house/hut constructed with the subsidy by a houseless person could only be inherited but not alienated as in the case of housesite allotted under the Pondicherry Land Grant

**9. Making of application.-** (i) Application for rural house/hut construction shall be submitted in Form No. 3 by intending houseless persons to the Director of Survey and Land Records, Pondicherry in respect of Pondicherry region and to the Deputy Collector/Sub-Collector as the case may be, in respect of other outlying regions. The requisite application form may be obtained free of charge from Taluk Office, Sub-Taluk Office, Directorate of Survey and Land Records, Pondicherry and Deputy Collector and Sub-Collector Offices in outlying regions.

(ii) Application shall be submitted in Form No. 3 accompanied by an income certificate obtained from an Officer of the Revenue Department not below the rank of Tahsildar.

**10. Maintenance of register and applications.-** Applications for the construction of house/hut received under rule 9 shall be entered by the Tahsildar in a register maintained in Form No. 4.

**11. Mode of verification by Tahsildar-** (i) Before enquiring into the case of houseless person for subsidy to construct house/hut, the Tahsildar shall verify the records available with him to ascertain whether the houseless person has been already issued with a housesite patta by the Government of Pondicherry.

(ii) He shall verify whether the applications received are appended with necessary certificates duly signed by the respective officers.

(iii) He shall conduct enquires either personally or by his subordinates as to whether the site allotted to him is under his enjoyment or under the enjoyment of anybody else and satisfy himself about the genuiness and eligibility of the case. After satisfying himself, he shall obtain a declaration from the respective houseless person in Form No. 1 and forward with his due recommendation to the Director of Survey and Land Records in respect of Pondicherry region and to the Deputy Collector (Revenue) / Sub-Collector in respect of outlying regions.

**12. Selection of houseless person.-** (i) The Director in respect of Pondicherry region and the Deputy Collector (Revenue) / Sub-Collector in respect of outlying regions shall convene the meeting of the Advisory Committee and place the applications recommended by the Tahsildar before them for their approval.

(ii) The Director in respect of Pondicherry region and the Deputy Collector (Revenue) / Sub-Collector in respect of outlying regions shall submit a list of houseless persons duly approved by the Advisory Committee to the Government for approval.

(iii) The Tahsildar shall communicate the fact of selection for availing subsidy to the houseless person concerned.

(iv) The Tahsildar shall satisfy himself either by personal inspection or by the inspection of his subordinates that the houseless persons have raised the walls in accordance with specifications and plan appended to these rules.

516

(v) He shall list out ~~such persons as he considers fit to be included in the list of houseless persons~~ ~~in the outlying regions~~ ~~and forward the same to the Director of Survey and Land Records (Revenue) / Sub-Collector in the outlying regions with his recommendation that the subsidy may be given to them.~~

**13. Award of subsidy.**- (i) The Director in respect of Pondicherry region and the Deputy Collector (Revenue)/Sub-Collector in respect of outlying regions after satisfying himself with the report submitted by the Tahsildar shall submit a report to the Government for approval and obtain expenditure sanction with the approved list.

(ii) The Director in respect of Pondicherry region and the Deputy Collector (Revenue)/Sub-Collector in respect of outlying regions shall disburse the subsidy amount of <sup>1</sup> [Rs. 50,000 (Rupees Fifty thousand only)] in two instalments as indicated in rule 6 after obtaining stamped receipts therefor, for the purpose as indicated in rule No. 5.

**14. Mode of inspection by the Tahsildar.**- (i) <sup>1</sup>[ The Tahsildar or his subordinates shall make inspection after 15 days from the date of release of first instalment(Rs. 20,000) at the site of the houseless person and satisfy himself that the items of works mentioned in item Nos. (i), (ii), (iii) and (iv) of the schedule are completed from the date of release of first instalment. Similarly he shall make another visit to ensure whether the remaining items of works mentioned in item Nos. (v), (vi) and (vii) are completed by the houseless person after the receipt of second instalment of Rs. 15,000 (Rupees Fifteen thousand only) and finally after the completion of the house in all respects, the third and final instalment of Rs. 15,000 shall be released]<sup>1</sup>.

(ii) The Tahsildar shall submit a report to the Director in respect of Pondicherry region and to the Deputy Collector (Revenue)/Sub-Collector in respect of outlying regions that the houseless persons to whom the subsidy has been sanctioned have completed the construction of house/hut in accordance with the specifications <sup>2</sup>[\*\*\*]<sup>2</sup> .

(iii) The Tahsildar shall make periodical inspection either by himself or by his subordinates to the sites where the houses/huts are constructed by the houseless persons once in six months to ensure that the houses/huts are under the enjoyment of the houseless persons concerned.

**15. Power of Director/Deputy Collector/Sub-Collector.**- The Director in respect of Pondicherry region and the Deputy Collector (Revenue)/Sub-Collector in respect of outlying regions shall be in overall charge of implementing these rules and necessary instructions with regard to their proper enforcement and accounting procedure shall be issued by him from time to time.

<sup>1</sup> [15 A. Notwithstanding anything Contained in these rules, in cases where the first instalment of subsidy @ Rs.6,000/Rs.10,000 each has already been disbursed/claimed, the applicant shall be entitled to the release of the second instalment @ Rs.4,000/10,000/20,000 and third instalment @ Rs.4000/1000 only] <sup>1</sup>

**16. Interpretations.**- If any doubt arises as to interpretation of these rules, the matter shall be referred to the Government and the decision of the Government thereon shall be final.

## FORM No.1

### UNDERTAKING

I, .....S/o., D/o., W/o., .....  
residing at No..... Street ..... Taluk/Sub-taluk of .....  
in the Union territory of Pondicherry, do hereby solemnly and sincerely affirm and undertake to: 517

(i) raise walls as specified in rule No. 5 (ii) (a) and (b) before the receipt of the subsidy amount

under the Pondicherry Rural House/Hut Construction Rules, 1981; and

(ii) procure and collect all the housing/roofing materials specified in the "Schedule of materials" appended to the rules to a value not below the subsidy amount of <sup>1</sup> [Rs 50,000 (Rupees Fifty thousand only)]<sup>1</sup> and construct and complete the house/hut in accordance with the specification referred to in the rules.

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1. Amended by G. O. Ms. No.1 dated 24-11-2005

2. Omission by G. O. Ms. No.3 dated 04-09-2002 in EOG No:36 dt. 06/09/2002

(iii) I am fully aware that in the event of my failure to procure and construct the house as specified in the rules or dispose of the housing materials purchased with the subsidy amount or the house/hut constructed thereof, I am bound to refund to Government the entire amount of <sup>1</sup> [Rs 20,000 (Rupees Twenty thousand only)]<sup>1</sup> in one lumpsum.

(iv) I am also fully aware that in the event of my failure to refund the entire amount as aforesaid the Government reserves the right to recover the said amount with interest thereof under the Revenue Recovery Act.

**Signature of the applicant.**

## **FORM No. 2**

### **BOND**

Whereas the Government of Pondicherry represented by the Director of Survey and Land Records in respect of Pondicherry region, the Deputy Collector (Revenue)/Sub-Collector in respect of outlying regions, have agreed to grant a sum of <sup>1</sup> [Rs 50,000 (Rupees Fifty thousand only)]<sup>1</sup> as subsidy in <sup>1</sup> [Three instalments i.e. at Rs 20,000, Rs. 15,000 and at Rs 15000]<sup>1</sup> for construction of house/hut as specified in rule 3 and 4 of the Pondicherry Rural House/Hut Construction Rules, 1981;

I, ..... S/o., D/o., W/o., .....  
residing at No. .... Street ..... in the Taluk/Sub-taluk of  
..... in the Union territory of Pondicherry hereby undertake not to dispose of either the housing materials that are purchased out of the amount of <sup>1</sup> [Rs 50,000 (Rupees Fifty thousand only)]<sup>1</sup> granted as subsidy or the house/hut constructed with that of the said housing materials, by sale or otherwise and bind myself and my heirs, executors, administrators, legal representatives and assigns to pay to the Director of Survey and Land Records in respect of Pondicherry region, the Deputy Collector (Revenue) / Sub-Collector in respect of outlying regions, who represents the Government of Pondicherry, the whole sum of <sup>1</sup> [Rs 50,000 (Rupees Fifty thousand only)]<sup>1</sup> in lumpsum in the event of violation of any of the rules and regulations stipulated in the Pondicherry Rural House/Hut Construction Rules, 1981.

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1. Substituted by G. O. Ms. No.1 dated 24-11-2005



In witness whereof I have signed this bond this ..... day of  
..... one thousand nine hundred and eighty .....

In the presence of :

- 1.
- 2.

Signature.

### FORM No. 3

**Application form for the grant of subsidy for construction of house under the Pondicherry Rural House Construction Rules, 1981.**

No.

Commune:

Village

Name:

Taluk:

1. Applicant's- :

(i) Name :

(ii) Address :

(iii) Age :

(iv) Occupation :

(v) Father's Husband's name :

2. Annual income of the applicant :

3. (i) Whether the applicant is a scheduled caste :

(ii) If so, whether a caste certificate has been attached :

4. Details of housesite patta granted under the Pondicherry Land Grant Rules, 1975.

(i) Name of village/hamlet :

(ii) Name of Commune :

(iii) Patta No. and date :

(iv) Name of Pattadar and his/her father's/

- husband's name :
- (v) Re-survey No. :
- (vi) Extent of the housesite :
5. (i) Whether the housesite is vacant ? :
- (ii) Is it under enjoyment of the allottee of the housesite? :
6. (i) Whether any house/hut has been constructed thereon? :
- (ii) If so, who is the actual owner of the house? :

### DECLARATION

1. I hereby declare that the above informations furnished by me are true to the best of my knowledge and belief.

2. I also declare that I am prepared to deposit the order of assignment of free housesite issued under the Pondicherry Land Grant Rules, 1975 to the Director of Survey and Land Records/Deputy Collector (Revenue) / Sub-Collector.....and get it back after completion of the house/hut with the subsidy amount of <sup>1</sup>[Rs 50,000 (Rupees Fifty thousand only)]<sup>1</sup>.

Applicant's signature.

Place:

Date:

### <sup>1</sup> [SCHEDULE OF MINIMUM SPECIFICATIN OF THE HOUSE TO BE BUILT WITH THE SUBSIDY

- (i) The minimum plinth area shall be 20 sq. mtrs. (210 sq. ft.).
- (ii) The foundation shall be of 60cms. x 45 cms. rammed earth foundation (red earth mixed with 5% cement) for good soil condition. If the soil condition is not good, the foundation shall be spread footing of minimum 75 cms. X 45 cms. size with brick jelly lime concrete below the lowest ground level.
- (iii) 23 cms. thick, burnt bricks in lime/mud mortar shall be used for wall (or) 14 cms. thick stabilised soil blocks in cement mortar 1:6 shall be used for construction of walls. A height of 2.2 mtrs. in case of cement sheet roofing and 2.8 mtrs. in case of flat roofing.
- (iv) A partition wall with stabilised soil blocks with bricks shall be constructed at suitable place to have two rooms, i.e. one for living and another for kitchen.
- (v) Both internal and external wall surfaces and flooring shall be plastered with cement. If the walls are constructed with 14 cms. thick stabilised soil blocks in cement mortar 1:6 then external plastering is not necessary and is optional. Internal wall and flooring shall be plastered with cement. Door shall be of 0.9m x 1.8 m. and made of ferro cement. Window/Ventilation shall be provided by means of RCC jelly or with any other wood.
- (vi) Flooring shall be provided with fire materials like Madra/Mangalore tiles or cement sheets roofing over Palmyra rafters with countrywood reapers or ferro cement roof channels or RCC filler slab roof.

# FORM NO. 4

## Register for applications seeking financial assistance by houseless person under the Pondicherry rural house/hut construction.

Commune: Village No. and name:  
Taluk/Sub-taluk :

| Sl. No.                                                          | Name of the applicant and his/her father's/ husband's name        | Full address of the applicant                                 | Details of housesite assigned under Land Grant Rules by Survey and Land Records Department |                                                                |                                                      |                                                                                                               | Date of receipt of application | Central Registry No. and section No. |     |      |      |      |      |
|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------|-----|------|------|------|------|
|                                                                  |                                                                   |                                                               | Patta No. and date                                                                         | R.S. No. of the site                                           | Name of the village/ hamlet or any local name        | Extent assigned                                                                                               |                                |                                      |     |      |      |      |      |
| (1)                                                              | (2)                                                               | (3)                                                           | (4a)                                                                                       | (4b)                                                           | (4c)                                                 | (4d)                                                                                                          | (5)                            | (6)                                  |     |      |      |      |      |
|                                                                  |                                                                   |                                                               |                                                                                            |                                                                |                                                      |                                                                                                               |                                |                                      |     |      |      |      |      |
| Whether the application is duly attached with income certificate | Whether the applicant and the Pattadar is one and the same person | Whether the applicant is eligible for grant of subsidy or not | Initials of Deputy Tahsildar/ Tahsildar                                                    | Date of selection of the beneficiary by the Advisory Committee | Date of intimation to the beneficiary to raise walls | Date of verification by Revebue Inspector/Deputy Tahsildar as to the construction of walls and report thereof | (7)                            | (8)                                  | (9) | (10) | (11) | (12) | (13) |

| Date of release of the first instalment of      | Whether the structure of the house/hut is built up with the | Date of release of the 2nd and final instalment | Whether the house/hut constructed as | Date of completion of report furnished by the Tahsildar | Date of release of third and final instalment of | Remarks |
|-------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------|--------------------------------------|---------------------------------------------------------|--------------------------------------------------|---------|
| <sup>1</sup> [Rs.20,000] of the subsidy a mount | first instalment of subsidy                                 | <sup>2</sup> [of Rs. 15,000]                    | required in the rules                |                                                         | Rs. 15,000                                       |         |
| (14)                                            | (15)                                                        | (16)                                            | (17)                                 | (18)                                                    | (19)                                             | (20)    |

1. Substitution vide EOG No. 8 date 07-04-2000
2. Substitution vide EOG No. 36 dated 06-09-2002

# **CABLE TELEVISION NETWORKS RULES, 1994**

## **CABLE TELEVISION NETWORKS RULES, 1994**

### **GOVERNMENT OF INDIA MINISTRY OF INFORMATION AND BROADCASTING**

New Delhi, the 29th September, 1994

#### **NOTIFICATION**

G.S.R. 729 (E) In exercise of the powers conferred by sub-section (1) of section 22 of the Cable Television Networks (Regulation) Ordinance, 1994 (Ordinance No.9 of 1994) the Central Government makes the following Rules namely:

1. **Short title and commencement.**- (1) These rules may be called the Cable Television Networks Rules, 1994.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions** - In these rules unless the context otherwise requires:-

(a) "cable operator" means any person who provides cable service through a cable television network or otherwise control or is responsible for the management and operation of a cable television network;

(b) "cable service" means the transmission by cables of programmes including re-transmission by cables of any broadcast television signals;

(c) "cable television network" means any system consisting of a set of closed transmission paths and associated signals generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;

(d) "company" means a company defined in section 3 of the Companies Act, 1956;

(e) "form" means form appended to these rules;

(f) "person" means -

(i) an individual who is a citizen of India;

(ii) an association of individuals or body of individuals, whether incorporated or not, whose members are citizens of India;

(iii) a company in which not less fifty-one percent of the paid up capital is held by the citizens of India;

(g) "programme" means any television broadcast and includes;

(i) exhibition of films, features, dramas, advertisements and serials through video cassette recorders or video cassette players;

(ii) any audio or visual or audio-visual live performance or presentation and the expression programming service shall be construed accordingly;

(h) "registering authority" means the registering authority notified under clause (h) of section 2 of the Cable Television Networks (Regulation) Ordinance, 1994;

(i) "subscriber" means a person who receives the signal of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other person.

**3. Application for registration as a cable television network in India.-** (1) Every application for registration as a cable television network in India shall be made in writing in Form I and shall be renewable after every twelve months.

(2) The application shall be addressed to the Registering Authority and delivered to his office in Form 1.

<sup>1</sup> (3) (a) Every application for registration or renewal of registration shall be accompanied by -

(i) a fee of rupees five hundred only; and

(ii) the requisite documents mentioned in Form 1 and Form

(b) Every application for issue of duplicate certificate of registration shall be accompanied by -

(i) a fee of rupees two hundred and fifty only; and

(ii) the requisite documents mentioned in Form 1.

<sup>2</sup> (4) The amount of fee shall be deposited in the Head Post Office where the application for registration or renewal of registration or issue of duplicate certificate of Registration is being made.

<sup>3</sup> (5) The amount of the fees shall be deposited under the Head 'Un-Classified Receipts (U.C.R)'.  
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**4. Examination of Applications:** (1) On receipt of an application under rule 3, the registering authority shall examine the application having regard to the provisions of section 4 of the Ordinance.

**5. Registration:-** (1) On being satisfied that the applicant fulfills the provisions of the Ordinance, the registering authority shall issue a registration certificate in Form 3.

Provided that where the registering authority is satisfied that the registration cannot be granted to the applicant, he shall inform the applicant in Form 4.

<sup>4</sup> (2) On receipt of an application under clause (b) of sub-rule (3) of rule 3 for issue of duplicate certificate, the Registering Authority shall examine the application having regard to the provisions of rule 3 and shall issue a duplicate Registration Certificate in Form 3 A.

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<sup>1</sup> Inserted by G.S.R. 459(E) dated 8-10-96.

<sup>2</sup> Inserted by G.S.R. 459(E) dated 8-10-96.

<sup>3</sup> Inserted by G.S.R. 459(E) dated 8-10-96.

<sup>4</sup> Inserted by G.S.R. 459(E) dated 8-10-96.

**6. Programme Code.-** (1) No programme should be carried in the cable service which:-

- (a) Offends against good taste or decency;
- (b) Contains criticism of friendly countries;
- (c) Contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;
- (d) Contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths;
- (e) Is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote anti-national attitudes;
- (f) Contains anything amounting to contempt of court;
- (g) Contains aspersions against the integrity of the President and Judiciary;
- (h) Contains anything affecting the integrity of the Nation;
- (i) Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country;
- (j) Encourages superstition or blind belief;
- (k) Denigrates women through the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals;
- (l) Denigrates children;
- (m) Contains visuals or words which reflect a slandering, ironical and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups.
- (n) Contravene the provisions of the Cinematograph Act, 1952.
- <sup>1</sup> (o) is not suitable for unrestricted public exhibition.

Explanation - For the purpose of this clause, the expression "unrestricted public exhibition" shall have the same meaning as assigned to it in the Cinematograph Act, 1952 (37 of 1952);

(2) The cable operator should strive to carry programmes in his cable which project women in a positive, leadership role of sobriety, moral and character building qualities.

<sup>2</sup> (3) No cable operator shall carry or include in his cable service any programme in respect of which copyright subsists under the Copyright Act 1957 (14 of 1957) unless he has been granted a licence by owners of copyright under Act in respect of such programme.

(4) Care should be taken to ensure that programmes meant for children do not contain any bad language or explicit scenes of violence.

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1. inserted vide GSR 710(E) dated 8-9-2000

2. substituted vide GSR 710(E) dated 8-9-2000



(5) Programmes unsuitable for children must not be carried in the cable service at times when the largest numbers of children are viewing.

**7. Advertising Code.** - (1) Advertising carried in the cable service shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.

(2) No advertisement shall be permitted which-

(i) derides any race, caste, colour, creed and nationality;

(ii) is against any provision of the Constitution of India.

(iii) tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way;

(iv) presents criminality as desirable;

(v) exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary;

(vi) in its depiction of women violates the constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service, is tasteful and aesthetic, and is within the well established norms of good taste and decency;

(vii) exploits social evils like dowry, child marriage.

<sup>1</sup> (viii) promotes directly or indirectly production, sale or consumption of-

(A) cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants;

(B) infant milk substitutes, feeding bottle or infant food.

(3) No advertisement shall be permitted, the objects whereof, are wholly or mainly of a religious or political nature; advertisements must not be directed towards any religious or political end.

<sup>2</sup> (3 A) No advertisement shall contain references which hurt religious sentiments.

(4) The goods or services advertised shall not suffer from any defect or deficiency as mentioned in Consumer Protection Act, 1986.

(5) No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved.

(6) The picture and the audible matter of the advertisement shall not be excessively loud;

(7) No advertisement which endangers the safety of children or creates in them any interest in unhealthy practices or shows them begging or in an undignified or indecent manner shall not be carried in the cable service.

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1.Inserted by GSR 710(E) dated 8-9-2000.

2.Inserted by GSR 710(E) dated 8-9-2000.

(8) Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all advertisements.

(9) No advertisement which violates the standards of practice for advertising agencies as approved by the Advertising Agencies Association of India Bombay, from time to time shall be carried in the cable service.

(10) All advertisement should be clearly distinguishable from the programme and should not in any manner interfere with the programme viz., use of lower part of screen to carry captions, static or moving alongside the programme

8. **Register.**- Each cable operator shall maintain a register in Form 5 for each month of the year for which the registration is granted.

<sup>1</sup> **FORM 1**

(See rule 3 (1) )

(To be submitted in duplicate)

Form of application for \*registration/renewal of registration/issue of duplicate certificate of registration as a cable operator.

To

The Head Postmaster  
Head Post Office

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Application for \*registration/renewal of registration/issue of duplicate certificate of registration as a cable operator.

1. (a) Name of Applicant (individual/firm/company/association of person/body of individuals)\*  
(b) \*Age/Date of establishment/Date of incorporation.
2. (a) Address (office)  
(b) Telephone number (if any)
3. (a) Nationality (for individual applicants/body of individuals)  
(b) By birth/domicile.
4. (a) Amount of fee paid for \*registration/renewal/issue of duplicate certificate  
Rs.....  
(b) Name of Head Post Office.....  
(Attach copy of challan vide which the fees have been deposited)
5. Area in which cable television Networks is working/proposed to be set up.....
6. Date from which the cable television networks is operating/proposed to be set up.....
7. Number of channels being provided/proposed to be provided (with names).....
8. (a) Whether using Television Receive Only (TVRO) Yes/No  
(b) If yes, number and size of TVRO.....  
(c) Location.....
9. Names of Doordarshan satellite channels included in cable service.....
10. Copy of earlier registration certificate enclosed. Yes/No

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1. substituted by GSR 459(E) dated 8-10-96.

(To be filled in only for renewal of registration)

11. (a) State reasons for issue of duplicate certificate of registration (attach mutilated or defaced original certificate of registration copy of report made to the police in case of theft or loss of the original certificate)

(b) Period of validity of the original Registration Certificate for which the duplicate Registration Certificate is being sought.....

(To be filled in only for issue of duplicate Registration Certificate)

12. Declaration in Form 2 enclosed.

No

Yes/No

(To be filled in for \*registration/renewal of registration only)

I/We \_\_\_\_\_ the

\*(Individual/firm/company/association of persons/body of individuals) applicant(s) declare that the above facts are correct in all aspects.

Signature of Applicant

\*(Individual/firm/company/association  
of persons/body of individuals)

Place:

Name \_\_\_\_\_

Date:

Address \_\_\_\_\_

\* Score out the word or words which are not applicable.

## FORM 2

(See rule 3(1-3))

I/We \_\_\_\_\_ the applicants(s) \*(individual/firm/company/association of person/body of individuals) for registration as a cable operator/renewal of registration as a cable operator do hereby declare that:-

(i) I/We shall ensure that my / our television network shall be run in accordance with the provisions of the Cable Television Networks (Regulation) Ordinance 1994 at all times.

(ii) I/We shall not permit/associate any person who is not eligible to run a cable television network under the Cable Television Networks (Regulation) Ordinance 1994 to run/with the running of my/our cable television network.

(iii) I/We shall strive to the best of my / our ability to provide cable service to the satisfaction of the subscriber (s) of my/our cable television network.

(iv) I/We shall strive to the best of my / our ability to ensure that my / our cable television network is not used for any unlawful purpose.

(v) I/We shall obtain the necessary approval/clearance from the relevant authority for the running of my / our cable television network.

(vi) I/We shall abide by any direction issued by the Central Government in respect of the running of a cable television network within India.

Signature of Applicant  
\*(Individual/firm/company/association  
of persons/ body of individuals

Place:

Name \_\_\_\_\_

Date:

Address \_\_\_\_\_

\*Score out the word or words which are not applicable.

**FORM 3**

**(See rule 5)**

Government of India  
Head Post Office

**REGISTRATION CERTIFICATE NUMBER**

Shri/Shrimatis/M/s \_\_\_\_\_ resident of \_\_\_\_\_ is registered as a cable operator (individual, firm., \*Company, association of persons or body of individuals) for running a cable television network at the following address \_\_\_\_\_ in the city/town of \_\_\_\_\_ for a period of twelve months with effect from \_\_\_\_\_

His Registration Number is \_\_\_\_\_

2. This Certificate is only valid for the premises stated above.
3. This Registration Certificate is not transferable.
4. The Certificate shall remain valid for the period indicated the above or till holder carries on the cable service or where the surrender of the certificate accepted by the competent authority.

Head Post Master  
Head Post Office

Place:

\_\_\_\_\_  
(Town/City)

Date:

**TO BE DISPLAYED PROMINENTLY ON THE PREMISES OF THE CABLE OPERATOR.**

\* Tick whichever is appropriate.

**<sup>1</sup> FORM 3 A**

(See Rule 5(2))

**GOVERNMENT OF INDIA**  
Head Post Office

**DUPLICATE REGISTRATION CERTIFICATE**

Shri/Shrimati/M/s..... resident of ..... is registered as a cable operator \*(individual/firm/company/association of persons or body of individuals) for running a cable television network at the following address..... in the city/town of..... for a period of twelve months with effect from..... (date from which the original Registration Certificate was valid).

His Registration number is.....

2. This Certificate is valid only for the premises stated above.
3. This Registration Certificate is not transferable.
4. The Certificate shall remain valid for the period indicated above or till the holder carries on the cable service or where the surrender of the certificate is acceptance by the competent authority.

Head Post Master  
Head Post Office  
.....(town/city)

Place:  
Date:

**TO BE DISPLAYED PROMINENTLY ON THE PREMISES OF THE CABLE OPERATOR.**

\* Tick whichever is appropriate.

### FORM 4

(See proviso to rule 5 (3))

To

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Sir,

Reference your application dated \_\_\_\_\_ for registration as cable operator. The necessary registration cannot be granted to you for the following reason (s):-

(i) Application is incomplete.

(ii) Registration fee has not been tendered.

(iii) Applicant is not a citizen of India.

(iv) Less than fifty one percent of the paid-up share capital of the applicant company is held by citizens of India.

Head Post Master  
Head Post Office

Place:

Date:

### FORM 5

(See rule 8)

Form of register to be maintained by each cable operator

| Sl. No | Encrypted<br>Channel/<br>Programme | Duration |    | Date | Month | Year |
|--------|------------------------------------|----------|----|------|-------|------|
|        |                                    | From     | To |      |       |      |
| 1.     | 2.                                 | 3.       | 4. | 5.   | 6.    | 7    |

Signature of cable operator



**GOVERNMENT OF INDIA**  
**MINISTRY OF INFORMATION AND BROADCASTING**

...

New Delhi the 29th September, 94

**NOTIFICATION**

S.O. 718(E): In exercise of the powers conferred by clause (h) of section 2 of the Cable Television Networks (Regulation) Ordinance, 94, the Central Government hereby notifies the Head Post Master of a Head Post Office, of the area within whose territorial jurisdiction of office of the cable operator is situated, as the Registering Authority for registering cable television networks in the said area for the purposes of the said ordinance.

Note: (for info only)

|             |                   |
|-------------|-------------------|
| Pondicherry | HPO, Pondicherry  |
| Karaikal    | HPO, Nagapattinam |
| Mahe        | HPO, Badagara     |
| Yanam       | HPO, Kakinada     |

**GOVERNMENT OF PONDICHERRY**

**REVENUE DEPARTMENT**

**( G. O. Ms. No. 2, dated 17th January, 2001 )**

**NOTIFICATION**

In pursuance of the provisions under clause (a) of sections of the Cable Television Networks (Regulation) Act, 1995 (Central Act of 1995), and in suppression of the Notifications issued in G.O.Ms No. 41 dated the 14th October 1999 and G.O.Ms.No.7, dated the 19th January, 2000 of the Revenue Department, Pondicherry and published in the Extraordinary Part-I Gazettes No. 93, dated the 1st November 1999 and No.16, dated 25th January 2000, respectively, save as respects things done before such suppression, the Lieutenant Governor, Pondicherry hereby appoints the officers mentioned under column (2) of the Table below, as the authorised officers, in respect the region mentioned against each under column (3) of the Table for the Union territory of Pondicherry, for the purposes of the said Act, namely:—

**TABLE**

| Sl.No. | Name of the officer                    | Region                                 |
|--------|----------------------------------------|----------------------------------------|
| (1)    | (2)                                    | (3)                                    |
| 1      | District Magistrate, Pondicherry       | Entire Union territory of Pondicherry. |
| 2      | Sub-Divisional Magistrate, Pondicherry | Pondicherry region                     |
| 3      | Sub-Divisional Magistrate, Karaikal    | Karaikal region                        |
| 4      | Sub-Divisional Magistrate, Mahe        | Mahe region                            |
| 5      | Sub-Divisional Magistrate, Yanam       | Yanam region                           |