

# **The Talwara Township (Periphery) Control Rules, 1962**

PUNJAB

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### **Rule**

### **THE-TALWARA-TOWNSHIP-PERIPHERY-CONTROL-RULES-1962 of 1962**

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The Talwara Township (Periphery) Control Rules, 1962Published vide Punjab Government notification No. G.S.R. 128 P-P A- 36/61/Section 16/62, dated the 26th/28th June, 1962

#### **1. Short title.**

- These Rules may be called the Talwara Township (Peripher) Control Rules 1962.

#### **2. Definitions.**

- In these rules unless the context otherwise requires, -(a)"Act" means the Talwara Township (Periphery) Control Act, 1961;(b)"Applicant" means a person who makes an application to the Deputy Commissioner under sub-section (1) of section 6 of the Act; and(c)"Form" means a form appended to these rules.

#### **3. Manner of publication of controlled area.**

- [Sections 3(2), 16(1)] - The notification under sub-section (2) of section 3 of the Act shall be displayed on the notice board outside the office of the Deputy Commissioner and all the Panchayat Houses and Patwar Khanas in the controlled area. A general proclamation shall be made by beat of drum in all the villages situated in the controlled area and affected by the notification.

#### **4. Form of application.**

- [Sections 6(1) and 16(2)(b)]. - Every application referred to in sub-section (1) of section (6) of the Act shall be in Form A. It shall be submitted in duplicate, duly signed by the applicant or his legally authorised agent or attorney and shall be accompanied by a site plan showing, according to the revenue record, the situation of the land on which the proposed erection or re-erection of any building or excavation or extension of any excavation, or laying out of any means of access to land, is desired. When permission is sought for the erection or re-erection of any building the application shall also be accompanied by a building plan of the proposed erection or re-erection.(2)The Deputy Commissioner may decline to accept an application which is not made in accordance with the provisions of sub-rule (1).

#### **5. Fresh application to be made if previous permission lapses and form of plan.**

- [Sections 6(1), 16(1) and 16(2)(b)]. (1) If the building is not erected re-erected or an excavation is not made or extended or an access to a road is not laid out within six months of the date of the permission shall be deemed to have lapsed in respect of such portion of the building or excavation or lay out which has not been completed and for that portion a fresh application shall have to be made under rule 4.(2)The plan deposited under sub-section (1) of section 4 of the Act shall indicate clearly the name of each village situated in the controlled area and specify the nature of restriction applicable to such area.

#### **6. Procedure to be observed before passing order under Section 6(2).**

- Before passing final orders under sub-section (2) of Section 6 of the Act, the Deputy Commissioner shall forward the application along with the plan submitted under rule 4 to the General Manager, Beas, Project, for comments, if any.

#### **7. Principles for grant and refusal of permission.**

- [Sections 6(2) and 16(1)]. - (1) The Deputy Commissioner may take into consideration the following principle and conditions under which applications for permission to erect or re-erect any building or make or extend any excavation or lay out any means of access may be granted or refused, namely :-(i)the proposal shall not produce any unhygienic conditions;(ii)there exist adequate arrangements for disposal of sullage water and rain run off;(iii)the proposal will not interfere with any natural drainage;(iv)the proposal will not interfere with any new development work proposed to be undertaken by the Government;(v)proposal will not mar the general landscape;(vi)the proposed erection or re-erection of any building shall conform to the building bye-laws in force at that time : and(vii)the proposal is not prejudicial to general interest.(2)The Deputy Commissioner shall refuse to grant permission to the laying out to the means of access to a road, if :-(a)the width of the means of access proposed to be laid out exceeds twenty feet; or(b)its construction prejudicially affects any grave-yard, cremation ground, place of workshop cenotaph or samadhi.

## **8. Form of communication of order.**

- [Sections 6(3) and 16 2(h)]. - The order passed by the Deputy Commissioner under sub-section (2) of section 6 of the Act shall be communicated to the applicant in Form B.

## **9. Form of register.**

- [Sections 6(7) and 16(1)]. - The register required to be maintained under sub-sections (7) of section 6 of the Act shall be in Form C.

## **10. Grant and refusal of licenses.**

- [Sections 11(1) and 16 2(h)].- Every person desiring to use any land for the purpose of a charcoal kiln, pettery kiln, lime, kilm, brick kiln or a brick field shall make an application to the Deputy Commissioner in Form D and shall furnish the following particulars : (a) a complete description of the land in which the kiln is proposed to be established with the name of the revenue estate in which the land is situated and the field number according to latest revenue records and maps; (b) the number and nature of kilns which are proposed to be set up on the land and the location of each; (c) the total period for which the land is expected to be in use; (d) the total number of labourers likely to be employed at the kiln and the sanitary and house arrangements proposed to be made for them; and (e) any other information which the Deputy Commissioner may require to be furnished. (2) Before passing an order on any application the Deputy Commissioner may make or cause to be made such enquiry as he considers necessary. (3) The Deputy Commissioner shall refuse to grant a licence - (a) for the establishment of any kiln within a distance of one hundred yards from the outer boundary of any public road; or (b) if the land in which it is proposed to establish the brick field is, in his opinion, is under proximity to any inhabited site or any site which is likely to become inhabited; or (c) for any other reasons which seem to him just and sufficient. (4) Every licence granted under section 11 of the Act shall be in Form E.

## **11. Renewal and revocation of Licences.**

- [Section 11 and 16(2)(d)]. - Every licence granted under section 11 shall be valid for a period of one year from the date of issue subject to renewal by the Deputy Commissioner from time to time for a further period of one year; Provided that the Deputy Commissioner may, at any time, revoke the licence if the licence violates any of its conditions

## **12. Fees for licences.**

- [Sections 11 and 16(2)(d)]. - (1) The following fees shall be charged for licences issued under section 11 of the Act :-

(a) for the initial grant of a licence for :-

(i) a brick field including not more than one brick kiln of standard size	Rs. 40 per year.
(ii) a charcoal kiln	Rs. 10 per year.
(iii) a pottery kiln	Rs. 50 per year.
(iv) a lime kiln	Rs. 25 per year.
(b) Additional fee payable for every additional kiln after the first. Half the fees as at (a) above.	
(c) Additional fee payable in respect of any brick kiln which exceeds standard size.	Rs. 20 per year.
(d) For the renewal of the same for each year of renewal	Half the above fees.

Explanation - I or the purpose of this rule a "brick kiln of standard size" means a brick kiln containing not more than thirty two chambers each capable of burning twenty-five thousand bricks at one loading.(2)The fees prescribed in sub-rule (1) shall be deposited in the Treasury and the application for licence shall be accompanied by Treasury Challan as a proof of such deposit.Provided that if the renewal of the licence is refused, half the fee paid by the applicant shall be refunded.(3)If the additional kiln is installed or an existing kiln is made to exceed the standard size during the period of validity of licence of an existing kiln, the additional fee shall cover the unexpired period of validity and fresh additional fee will be payable after the expiry of that period.(4)Application for the renewal of licence shall be made to the Deputy Commissioner not less than one month before the date of expiry of the licence. If the renewal of licence shall be the same as for a new licence. Form 'A'(See rule 4)(Application under sub-section (1) of section 6 of Talwara Township (Periphery) Control Act, 1961ToThe Deputy Commissioner/Sir,\*I/We request for permission to -(i)erect or re-erect a building :(ii)make or extend any excavation :(iii)lay-out means of access to a road in the controlled area.

## 2. The required particulars are given below :-

(i)Name of the applicant (in block letters).(ii)Father's name,(iii)Village.(iv)Hadbast No.(v)Tehsil.(vi)Khasra No.(vii)Area.Bounded by -East.West.North.South.(viii)Purpose for which the building/wall/road/excavation is to be used.

## 3. I enclose the following documents in duplicate :

(a)Site-plan showing therein the existing structure, if any also the situation of the land on which the proposed erection or re-erection or excavation or extension of any excavation or laying out of any means of access to a road, is desired.(b)The building plan, elevation and Sections.Signature of applicant.I solemnly affirm that the above particulars are correct to the best of my knowledge and belief.Signature of applicant.Attested :Oath Commissioner or Magistrate, 1st class.Form 'B'[See rule

6(1)]Form for the grant of refusal of permission under Section 6(2) of Talwara Township (Periphery) Control Act, 1961No.FormDeputy Commissioner,ToShri/Sarvshri-----Dated\_\_\_\_\_,theMemorandum -Reference your application dated\_\_\_\_\_for permission to :(a)erect or re-erect a building;(b)make or extend any excavation;(c)lay-out means of access to a road; in the controlled area of village\_\_\_\_\_ Had Bast No.\_\_\_\_\_, tehsil\_\_\_\_\_, district\_\_\_\_\_, as indicated in the site plan submitted therewith.

## 2. Permission is hereby,

(a)granted subject to the following conditions :-(i) (ii) (iii) (b)refused for the reasons :-(i) (ii)3. A copy of site plan/building is returned duly approved/reject.Deputy Commissioner,Form 'C'(See rule 7)Form of register to be maintained under sub-section (7) of section 6 of the Talwara Township (Periphery) Control Act, 1961(1)Serial No.(2)Date of receipt.(3)Name of particular of the applicant.(4)Description of the land or site or building.(5)Village.(6)Tehsil and District.(7)Condition of property and its use on the date of notice under section 3(2).(8)Purpose for which permission is required.(9)Number and date of order.(10)Permission granted/refused with conditions/grounds of grant/refusal :(11)Orders in appeal, if any.(12)Remarks.Form 'D'[See rule 8(1)]Application for licence to establish and operate a charcoal- kiln/pottery-kiln brick-kiln/lime-kiln/or brick-fieldToThe Deputy Commissioner, \_\_\_\_\_.Sir,In pursuance of the provision of sub-section (1) of section 11 of the Talwara Township (Periphery) Control Act, 1961, I/We hereby apply for licence, under the said Act the rules framed thereunder, to establish and operate a charcoal-kiln/brick-kiln/lime-kiln/brick-filed, in the locality specified below.

**2. A sum of Rs\_\_\_\_\_ being fee for the licence desired, has been deposited by me in Treasury under the head\_\_\_\_\_ and a receipted copy of the treasury challan is enclosed.**

Your faithfully,(Signature of applicant).Particulars (full name, parentage, etc.) and full address of applicant.

If the applicant is a company o firm or if the applicantproposes to operate the kiln/brick-field through an agent givethe name (with full particulars and address) of the ManagingDirector agent or other person who will be directly in-charge ofthe kiln/brick-field.

Kiln/brick-field is proposed to be established.

Revenue Estate -

Total

(Khasra Nos. indicate whether the whole of each field will beincluded or part only)

Number of kinds proposed to be set up in the said area with the location and capacity of each.

Depth of the excavation in case of brick field.

Period for which it is expected that the land will be in use for the kilns.

Number of labourers likely to be employed and the arrangements proposed for their housing and sanction.

(Signature of applicant) Form 'E' [See rule 8(4)] Licence to establish and operate a charcoal-kiln/pottery-kiln/brick-kiln/lime-kiln/brick-field In pursuance of the provisions of sub-section (1) of section 11 of the Talwara Township (Periphery) Control Act, 1961, the licence is granted to \_\_\_\_\_ under the Talwara Township (Periphery) Control Act, 1961, to establish and operate a charcoal-kiln/pottery-kiln/lime-kiln/brick-kiln in the said land hereinafter described subject to the condition set forth on the reverse of this licence.

**2. Unless renewed, this licence shall cease to be valid after one year from the date of issue.**

Signature of the Deputy Commissioner. Name of Village. Khasra No. Area. (Reverse) Conditions

**1. The holder of the licence shall -**

(a) provide adequate and suitable accommodation for the labourers working at the kilns or the brick-fields; (b) make arrangements for supply of wholesome water for drinking and other domestic purposes; (c) provide sufficient and suitable latrines and urinals for the labourers and adequate staff of sweepers, at a minimum rate of one for every hundred labourers to attend to conservancy arrangements; and (d) not begin the work in the brick-field until the above requirements have been complied with to the satisfaction of the Deputy Commissioner and a certificate to this effect obtained from him.

**2. The holder of the licence shall not permit any person suffering from any contagious or infectious disease to enter to be present in the licensed kiln or brick-field.**

**3. No excavation shall be made in any kiln or part of the brick-field to a depth of more than five feet below the surface level whether for the removal of clay to be used for making bricks or for any other purposes.**

**4. The holder of the licence shall comply with all directions which may be given by the Deputy Commissioner in writing for the regulation of excavation and the provisions of proper drainage or with a view to ensuring that rain or flood water shall collect at one place or in the kiln or the brick-field instead of**

**a number of places and completion of operation shall remove all structure and level, dress and tidy the site to the satisfaction of the Deputy Commissioner.**

**5. The whole of the brick-field area shall be open at all times to inspection by the Deputy Commissioner or any official deputed by him for this purpose on his behalf.**

**6. The grant of licence is subject to the condition that a licence under the East Punjab Control of Brick Supplies Act, 1949, is obtained from the Industries Department.**