

The Punjab New Capital (Periphery) Control Rules, 1959

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Rule

THE-PUNJAB-NEW-CAPITAL-PERIPHERY-CONTROL-RULES-1959 of 1959

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The Punjab New Capital (Periphery) Control Rules, 1959 Published vide Notification Punjab Government Gazettee, Part 3 dated the 4th May 1959.

1. Short title and commencement.

(1) These rules may be called the Punjab New Capital (Periphery) Control Rules, 1959. (2) They shall into force at once.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context. (a) "Act" means the Punjab New Capital (Periphery) Control Act, 1952; (b) "Applicant" means a person who makes an application to the Deputy Commissioner under sub-section (1) of Section 6 of the Act; (c) "brick field" means a place where any kind of clay is or is caused to be excavated or otherwise obtained for the manufacture of burnt or sundried bricks and includes any land which is used or is proposed to be used as a site for a brick-kiln; (d) "brick-kiln" means a place where bricks are burnt; (e) "charcoal-kiln" means a place where wood or other carbonaceous material is burnt for the production of charcoals; (f) "Form" means a form appended to these rules; (g) "lime-kiln" means a place where lime is burnt; (h) "pottery-kiln" means a place where china clay or any other kind of clay is baked or heated in the premises for making pottery or porcelain.

3. Manner of publication of notification of controlled area

[Section 3(2). - 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[Panchayat Chars] [Substituted by Punjab Government Notification No. G.S.R. 106/P.A. 1/3/S-16/66, dated the 20th May, 1966.] and Patwarkhanas in the controlled area. The announcement shall also be made by beat of drum in all the villages situated in the controlled area and effected by the provisions of the Act.

4. Form of plan of controlled area

[Section 4(2)]. - The plan prescribed under sub-section (2) of Section 4 of the Act shall indicate clearly the name of each village situated in the controlled area and specify the nature of restrictions applicable to such area imposed under sub-section (1) of Section 4 of the Act.

5. Form of register under sub-section (7) of Section 6 of the Act

[Section 6(7)]. - The register to be maintained under sub-section (7) of Section 6 shall be in Form E.

6. Form or applications

[Section 6]. - Every applicant shall make an application in writing to the Deputy Commissioner in Form A and shall, at the same time, submit in duplicate duly signed by himself or his legally authorised agent or attorney a site plan showing the situation of the land according to revenue record, on which the proposed erection or re-erection of any building or excavation or extension or any excavation or laying out of and means of access to a road is desired. The plan shall clearly show the number of fields surrounding the proposed site.

7. Power to reject incomplete application

[Section 6]. - The Deputy Commissioner may decline to accept any application which is not made in accordance with the provisions of rule 6.

8. Lapse of sanction

[Section 6]. - If the building is not erected or 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 sanction, such sanction shall be deemed to have lapsed in respect of such portion of the building or excavation or lay-out, which has not been completed. In regard to the incomplete portion, a fresh application shall have to be made under rule 6.

9. Principles to be taken into consideration before granting or refusing applications and the form in which orders passed thereon are to be communicated

[Section 6]. - (a) The Deputy Commissioner may take into consideration or re-erect any building or to make or extend any excavation may be granted or refused.(b)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.

10. Cases in which permission to be refused

[Section 6]. - The Deputy Commissioner shall refuse to grant permission to laying out means of access to roads, when:(i)construction of a metalled or unmetalled road prejudicially effects any grave-yard, place of worship, canotaph or samadhi or a well; or(ii)construction of metalled or unmetalled road exceeds 20 feet in width.

11. Persons intending to use land for kilns etc.

[Section 11]. - Every person intending to use any land for the purposes of charcoal-kiln, pottery kiln, lime kiln or brick kiln or a brick filed shall make an application to the Deputy Commissioner in Form C giving necessary particulars against columns provided in the Form and such other information as the Deputy may require to be furnished.

12. Power to refuse licence to kilns

[Section 11]. - (1) Before making an order on any application, the Deputy Commissioner may make or cause to be made such enquiries as he considers necessary.(2)The Deputy Commissioner shall refuse to grant a licence if the land on which it is proposed to establish the brick filed, in his opinion, is in undue proximity to any inhabited site [(or)] [Inserted by Punjab Government Notification dated 20.5.1966.] any site which is likely to become inhabited for any other reasons which seems to him just and sufficient.(3)A licence shall not be granted for the establishment of any kiln within a distance of one hundred yards from the outer boundary of any public road.

13. Form of conditions of licence

[Section 11]. - Every licence granted under these rules shall be in Form D and shall be deemed to be granted subject to the conditions set forth therein and subject to such further conditions as the Deputy Commissioner may consider it desirable to attach with a view to securing the safety or convenience of the public or any portion of the public.

14. Duration of licence

[Section 11]. - Every licence granted under these rules shall be effective for a period of one year from the date of issue but may be renewed by the Deputy Commissioner as often as he may think fit for further periods on yearly basis.

15. Revocation of licence

[Section 11]. - The Deputy Commissioner may revoke the licence prior to the date of expiry for the infringement of any of the conditions imposed at the time granting the same.

16. Fees of licences

[Section 11]. - (1) The following fees shall be payable for licences issued under these rules :

I. For the initial grant of a licence for :

(i) a brick-field	including not more than one brick kiln of standard size
(ii) a charcoal kiln	Rs. 10.00 a year
(iii) a pottery kiln (except potter kiln)	Rs. 50.00 a year
(iii-a) a potter kiln	Rs. 5.00 a year
(iv) a lime kiln	Rs. 25.00 a year

II. For the renewal of the licence for each year of renewal Half the above fees.

III. Additional fees payable for every additional kiln after the first Full fee as at I above*

IV. Additional fees payable in respect of any brick kiln, which exceeds standard size Rs. 20.00 a year

*Substituted vide Punjab Government Notification Dated 20.5.1966 Explanation :- For 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) Applications for the renewal of licence shall be preferred to the Deputy Commissioner not less than one month before the date when the licence is due to expire. If the application for renewal of licence is preferred at any later time, the fee for renewal shall be full fee for a new licence.(3) The fees set forth in rule 16(III) and (IV) shall be payable from and on the date when additional brick kiln is brought into use or a brick kiln is made to exceed the standard size, as the case may be, and when the initial payment of an additional fee is made, it shall cover the outstanding period for which the licence is then effective and no more. If the additional brick kiln is still in use or the brick kiln still exceeds the standard size, at any time when the licence becomes due for renewal, additional fee for the next year shall be payable with the fee for the renewal of the licence.(Forms Not Printed)