

The Nangal Township (Periphery) Control Rules, 1962

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Rule

THE-NANGAL-TOWNSHIP-PERIPHERY-CONTROL-RULES-1962 of 1962

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1. Short title.

- These Rules may be called the Nangal Township (Periphery) Control Rules, 1962.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)'Act' means the Nangal Township (Periphery) Control Act, 1958;(b)'applicant' means a person who makes an application to the Deputy Commissioner under sub-section (1) of section 6 of the Act;(c)'Form' means a form appended to these rules.

3. Manner of publication of notification of controlled area.

- [Sections 3(2) and 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 also be made by beat of drum in all the villages situated in the controlled area and affected by the notification.

4. Form of Plan.

- [Sections 4(1) and 16(1)]. - 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

restrictions applicable to such area.

5. 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 of any building, or excavation or extension of any excavation, or laying out of any means of access to a road, is desired. Where 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 entertain an application which is not made in accordance with the provisions of sub-rule (1).

6. Fresh application to be made if previous permission lapses and form of plan.

- [Sections 16(1) and 16(2)(b)]. - 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 the permission, 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 5.

7. Procedure to be observed before passing order under section 6(2).

- [Sections 6(2) and 16(1)]. - Before passing final orders under sub-section (2) of section 6, the Deputy Commissioner shall forward the application along with the plan submitted under rule 5 -(i)to the Notified Area Committee, Nangal Township or Notified Area Committee, Naya Nangal, as the case may be, if the site in question within the jurisdiction of any of the aforesaid Committee;(ii)to the General Manager, Bhakra Dam, in other cases, for comments, if any.

8. Principles for grant and refusal of permission.

- [Section 16(2) (e)]. - (1) The Deputy Commissioner may take into consideration the following principles and conditions under which applications for permission to erect or re-erect any building or make or extend any excavations or lay out any means of access may be granted or refused, namely-(i)the proposal will not produce unhygienic conditions;(ii)there exist adequate arrangements for disposal of sullage waste 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, the Notified Area Committee of Nangal Township or Naya Nangal;(v)the 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 in the Nangal Township or Naya Nangal; as the case may be; and(vii)the proposal is not prejudicial to public interest.(2)The Deputy

Commissioner shall refuse to grant permission to the laying out of means of access to a road, if
-(a)the width of means of access proposed to be laid out exceeds twenty feet; or(b)its construction prejudicially affects any grave-yard, cremation ground, place of worship, cenotaph or smadhi.

9. Form of communication of order.

- [Sections 6(3) and 16(1)]. - 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. Form of register.

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

11. Grant and refusal of licences.

- [Sections 11(1) and 16(2)(d)]. - (1) Every person desiring to use any land for the purpose of a charcoal kiln, pottery kiln or lime or 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 land is situated and the field numbers according to the latest revenue records and maps;(b)the number and nature of kilns which are proposed to be set upon 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 housing 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 on which, it is proposed to establish the brick field is, in his opinion in undue proximity to any inhabited site or any site which is likely to become inhabited;(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'.

12. Renewal and revocation of licences.

- [Sections 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 of the licence if the licence violates any of its conditions.

13. 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 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 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. - 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) The fees prescribed in sub-rule (1) shall be deposited in the Treasury and the application for licence shall be accompanied by the Treasury Challan as a proof of such deposit: Provided that if the grant or the renewal of the licence is refused, half the fee paid by the applicant shall be refunded. (3) If an 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 a licence shall be made to the Deputy Commissioner not less than one month before the date of expiry of the licence. If the application for renewal is not made within the time prescribed above the fee for renewal of licence shall be the same as for a new licence. Form A (See Rule 5) (Application under sub-section (1) of section 6 of the Nangal Township (Periphery) Control Act, 1958) To The 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, and 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. Attested, Signature of applicant. Oath Commissioner or Magistrate 1st Class. *Strike out which is not required. Form B (See rule 9) From for the grant or refusal of permission under section 6(2) of the Nangal Township (Periphery) Control Act, 1958. No. From Deputy Commissioner, To Shri/Sarvshri, Dated Memorandum. - 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 -----, Hadbast No.-----, Tehsil----- District-----as indicated in the site plan submitted therewith.

2. Permission is hereby -

(a) granted subject to following conditions (i) (ii) (iii) (b) refused for the reasons : - (i) (ii) 3. A copy of site plan/building plan is returned duly approved/rejected, Deputy Commissioner Form C (See rule 10) From of register to be maintained under sub-section (7) of section 6 of the Nangal Township (Periphery) Control Act, 1958.

1. Serial No.

2. Date of receipt

3. Name and particular of the applicant

4. Description of the land or site or building

5. Village

6. Tahsil 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 11(1)] Application for licence to establish and operate a charcoal-kiln/pottery-kiln/brick-kiln/lime-kiln/brick-field To The Deputy Commissioner, Sir, In pursuance of the provisions of sub-section (1) of section 11 of the Nangal Township (Periphery) Control Act, 1958, I/We hereby apply for licence, under the said Act and the rules framed thereunder, to establish and operate charcoal-kiln/pottery-kiln/brick-kiln/lime-kiln/brick-field, in the locality specified below :-

2. A sum of Rs..... being fee for the licence, has been deposited by me in Treasury under the head and a receipted copy of the Treasury Challan is enclosed.

Yours faithfully, Signature of applicant Particulars (full name, parentage, etc. and) full address of applicant If the applicant is a company or firm or if the applicant proposes to operate the kiln/brick-field through an agent, give the name (with full particulars and address) of the Managing Director, agent or other person who will be directly incharge of the kiln/brick-field. Kiln/brick-field is proposed to be established Revenue Estate-Field (Khasra) Nos. (indicate whether the whole of each field will be included or a part only) Total Number of kilns 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 sanitation Signature of applicant Form E [See Rule 11 (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 Nangal Township (Periphery) Control Act, 1958, the licence is granted to under the Nangal Township (Periphery) Control Act, 1958, to establish and operate a charcoal-kiln/pottery-kiln/brick-kiln/lime-kiln/brick-field in the said land hereinafter described subject to the conditions 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.

Deputy Commissioner. Name of Village. Khasra No. Area. (Reverse) Conditions I. 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 requirements have been complied with to the satisfaction of the Deputy Commissioner and a certificate to this effect obtained from him. II. The holder of the licence shall not permit any person suffering from any contagious or infectious disease to enter or be present in the licensed kiln or brick-field. III. 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. IV. 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 provision of proper drainage or with a view to ensuring that in or floor-water shall collect at one place or in the kiln or the brick-field instead of a number of places and on completion of operation shall remove all structure and level, dress and clay the site to the satisfaction of the Deputy Commissioner. V. 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. VI. The grant of licence is subject to the condition that a licence under the East Punjab Control of Bricks Supplies Act, 1949, is obtained from the department concerned.