

The Punjab New Capital (Periphery) Control Rules, 1959

HARYANA

India

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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, 1959Published vide Punjab Government Gazette, 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 come 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. [Publication of notification and plans of controlled area. [Published in Punjab Government Gazette dated 4.5.1959.]

- Copy or copies of the notification issued under sub-section (1) of Section 3 of the Act shall be displayed together with plans indicating the name of each village situated in the controlled area and specifying the nature of restrictions applicable to such area imposed under sub-section (1) of Section 4 of the Act, on the notice board outside the offices of the Deputy Commissioner, the Estate Officer, Panchkula and the Tehsildars, Kalka and Naraingarh, and all the Panchayat Houses and Patwar Khanas in the Controlled area.]

4. Form of plan of controlled area.

[Omitted by Haryana Notification date 11.9.1973.]

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. Person intending to use land for the 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 field [or for quarrying stone, bajri or kankar or manufacturing surkhi, or stone crushing, or for other similar extraction or ancillary operations] [See Haryana Government Gazette L.S. Part III dated 11.9.1973.] 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 Commissioner 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 licence, if the land where it is proposed to establish the brick field, or where it is proposed to use the land for quarrying stone, bajri or kankar or for stone crushing in his opinion is in undue proximity to any inhabited site, or any site which is likely to become inhabited or for any other reason which seems to him just and sufficient.] [Substituted by Haryana Government Gazette Part III dated 11.9.1973.](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
(v) [quarrying stone bajri or kankar] [Added by Haryana Government Notification dated 11.9.1973.]	Rs. 25.00 a year
(vi) [manufacturing surkhi] [Added by Haryana Government Notification dated 11.9.1973.]	Rs. 25.00 a year
(vii) [stone crushing] [Added by Haryana Government Notification dated 11.9.1973.]	Rs. 40.00 a year
(viii) [other similar extraction or ancillary operation as in items (v) to] [Added by Haryana Government Notification dated 11.9.1973.][(vii)] [Added by Haryana Government Notification dated 11.9.1973.]	The same fee as for main or similar item.

II. For the renewal of the licence for each year of renewal

Half the above fees.

[Full fee as at I above]

III. Additional fees payable for every additional kiln after the first

[Substituted vide Punjab Government Notification Dated 20.5.1966.]

IV. Additional fees payable in respect of any brick kiln which exceeds standard size

Rs. 20.00 a year

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.

Form "A"(See Rule 6)Application under sub-section (I) of Section 6 of the Punjab New Capital (Periphery) Control Act, 1952To,The Deputy Commissioner,(Estate Officer),Chandigarh.Sir,I/We request for permission to :-(i)erect or re-erect a building;(ii)make or extend any excavation;(iii)layout means of access to a road in the controlled area.The required particulars are given below :-(i)Name(s) of the applicant(s) (in Block letters).(ii)Father's Name.(iii)Village.(vi)Hadbast No.(v)Tehsil _____ District _____(vi)Khasra No.(vii)AreaBounded by :-EastWestNorthSouth(viii)Purpose for which the building/well/road/excavation is to be used.I/We enclose the following documents in duplicate :-(a)Site plan showing therein the existing structure, if any;(b)the building plan;(c)The copy of jamabandi;(d)Akash Shajra parchi.I/We solemnly affirm that the particulars given above are correct to the best of my/our knowledge and belief.Signature of the applicantAttestedOath Commissioner/Magistrate

1st. Class

Form "B"[See Rule 9(b)]Form for the grant of or refusal of permission under Section 6(2) of the Punjab New Capital (Periphery) Control Act, 1952FromThe Deputy Commissioner,Chandigarh.ToShri/ShrimatiMemorandumReference your application dated for permission to(a)erect or re-erect a building;(b)make or extend any excavation;(c)layout means of access to a road in the controlled area of village Hadbast No. Tehsil District as indicated on the site plan submitted herewith

2. Permission is hereby :-

(a)Granted subject to the following conditions :-(i)(ii)(b)Refused for the following reasons :-(i)(ii)3. A copy of the site plan/building plan is/are returned duly approved/rejected.Sd/-Deputy Commissioner, Chandigarh.[Form "C"] [Form 'C' substituted by Notification G.S.R. 102/P.A.1/1953/Section 16/73 dated 7.8.1973.](See Rule 11)Application for licence to establish and operate charcoal kiln, pottery kiln, lime kiln, brick kiln or brick field, or stone, bajri or kankar quarry or surkhi manufacturing, or stone crushing, or for similar extraction or ancillary operation.ToThe Director, Town and Country Planning, Haryana,exercising the powers of the Deputy Commissioner(Periphery), ChandigarhSir,As required under sub-section (1) of Section 11 of the Punjab New Capital (Periphery) Control Act, 1952, I/We hereby apply for the grant of a licence under the said Act, and the Rules framed thereunder to establish and operate a charcoal kiln/pottery kiln/lime kiln/brick kiln/brick field or stone, bajri or kankar quarry or manufacturing

surkhi or stone crushing or other similar extraction or ancillary operations in the locality specified below.

2. A sum of Rs. on account of fee for the licence has been deposited by me in Haryana Treasury at Chandigarh under the head "....." and copy of Treasury Challan showing the receipt of the aforesaid amount is enclosed.

Your's Faithfully(Signature of applicant)particulars (Full name percentage etc.) and full address of the applicant.If the applicant is a company or firm or if the applicant purposes to operate the kiln brick field or the stone/bajri/kankar quarry through an agent give the name (with full particulars and address) of the Managing Director, Agent or other persons who will be directly incharge of the kiln/brick field/quarry.Whether kiln or brick field is proposed to be established

Revenue	Field Khasra numbers indicating whether the whole of eachfield will be	
Estate	included or a part only.	Area
Total		

Number of the kilns proposed to be set up in the said area with the location and capacity of each kiln.Depth of the excavation in case of brick fields.Period for which it is expected that the land will be in use for the kilns/quarry.Numbers of labourers likely to be employed and the arrangement proposed for their housing and sanitation.[Form "D"] [Form 'D' substituted by Notification No. GSR 102/P.A.1/1953/S. 16 dated 7.8.1973.](See rule 13)Licence to establish and operate charcoal kiln/pottery kiln/lime kiln/brick kiln/brick field or for quarrying of stone/bajri/kankar quarry or surkhi manufacturing/stone crushing or for similar extraction or operation.In pursuance of the provisions of sub-section (1) of Section 11 of the Punjab New Capital (Periphery) Control Act, 1952 this licence is granted to Shri under the Act to establish and operate a charcoal kiln, pottery kiln, lime kiln, brick field or brick kiln, or stone/bajri/kankar quarry or surkhi manufacturing or stone crushing or for other similar extraction or operation in the land hereinafter described subject to the conditions set forth on the reverse of this licence.Unless renewed, this licence shall to be effective after twelve months from the date of issue.Signature of the Deputy Commissioner.(Reverse side of licence in Form D)Name of VillageKhasra NumbersArea

1.

(1)The licence shall provide -(a)adequate and suitable accommodation for the labourers working at the kiln or the brick fields;(b)a supply of wholesome water for drinking and other domestic purpose;(c)sufficient and suitable latrines and urinals for the labourers and an adequate staff of sweepers at least one for every hundred labourers to attend consuming arrangements.(2)The work shall not be begun in the brick field until the requirements of sub-paragraph (1) above have been complied with to the satisfaction of the Deputy Commissioner and a certificate to this effect obtained from him.

- 2. The licensee shall not permit any person suffering from any contagious or infectiuous disease to enter or be upon the licence kiln or brick field or quarry.**
- 3. No excavation shall be made in any kiln or part of the brick field or quarry 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 or for the removal of stone/bajri/kankar.**
- 4. The licensee shall comply with all directions that 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 rain or flood water shall collect at one place or in the kiln on the brick field instead of at a number of places and on completion of operation shall remove all structure and dress and tidy the site to the satisfaction of the Deputy Commissioner.**
- 5. The whole of the area of the brick kiln/quarry shall be opened at all times to be inspected by the Deputy Commissioner or any official deputed by him to inspect on his behalf.**
- 6. The grant of licence is subject to the condition that a licence under the East Punjab Control of Bricks Suppliers Act, 1949 (No. 1 of 1949), is obtained from the Industries Department.**

A brick-kiln of standard size means a kiln containing not more than 32 chambers each capable of burning 25,000 bricks, at one loading.]Form "E"Form of register to be maintained under sub-section (7) of Section 6 of the Punjab New Capital (Peripheri) Control Act, 1952

Serial No.	Date of receipt	Name of particulars of the applicants			Description of the land or site of village		Village	
1	2	3			4		5	
Condition of property units use on the date of notice under/section 3(2)		Purpose for which permission is required	Date of order	Permission granted/refused with conditions/grounds oftrant/refusal		Order on appeal, if any	Tehsil and District	Remarks
6		7	8	9	10	11	12	