

The Punjab New Capital (Periphery) Control Rules, 1959

CAPITAL ADMINISTRATION NOTIFICATION

THE 4th May, 1959

No. C-4574-69/III/4440—With reference to the Punjab Government notification No.C- /6524-58/III/475, dt. The 12th January, 1959, and in exercise of the powers conferred by section 16 of the Punjab New Capital (Periphery) Control Act, 1952, (Punjab Act No. 1 of 1953), the Governor of Punjab is pleased to make the following rules:-

- 1.1) These rules may be called the Punjab New Capital (Periphery) Control Rules, 1959
- 2) They shall come into force at once.
 2. 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 (I) 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 proposed to be used as site for a brick kiln;
 - d) “brick kiln” means a place where bricks are burnt.
 - e) “charcoal kiln” means a place where wood of other carbonaceous material is burnt for the production of charcoal.
 - 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 process of making pottery or porcelain.
3. **Manner of Publication of notification 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 offices of the Deputy Commissioner and all the Panchayat Houses and Patvar Khannas in the Controlled area. The announcement shall also be made by beat of drums in all the villages situated in the controlled area and affected by the provisions of the notification.
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 such village situated in the controlled area and specify the nature of applicable to such area imposed under sub-section (I) of section 4 of the Act.

5. **Form of Register under sub-section (7) of section 6 of the Act .-** The register to be maintained under sub section (7) of the section 6 of the Act shall be in form E.

6. **Section 6(7) Form of application section 6.-** Every applicant shall make an application in writing 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 proposed erection of re-erection of any building or excavation or laying or any 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 incomplete with the provisions of rule 6.

8. If the building is not erected to 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 shall be deemed to have lapsed in respect of such portion of the building or excavation or layout 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 of refusing application and form thereon area to be communicated.-** (a) The Deputy Commissioner may take into consideration the principles and conditions under which applications for permission to erect or re-erect any building or to make or extend any excavation may be granted or refused.
b) he 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.-** The Deputy Commissioner shall refuse to grant permission to laying of means of access to roads, When:-
 - (i) worship, cannotath or Samadhi or a well, or
 - (ii) construction of metalled of unmetalled exceeds 20 feet in width.

11. **Persons intended to use land for kiln, etc. to furnish information section** 11.- Every person intending to use any land for the purpose of charcoal kiln, pottery kiln, lime kiln, or brick kiln or a brick field shall make an application to the Deputy Commissioner in form giving necessary particulars against columns provided in the Form and such other information as the Deputy Commissioner may required to be furnished.
12. **Power to refuse license of kilns Section II.-** 1) Before making an order on any application, the Deputy commissioner may make or cancel to be made such enquiries as he considers necessary.
2) The Deputy Commissioner shall refuse to grant power to refuse licence, if the land on which it is proposed to licence of kilns establish the brick field, in his opinion is in unique proximity to any inhabited sites or any site which is likely to become inhabited for any other reason which seems to him just and sufficient.
13. **For and conditions or license, section 11. -** Every license 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 such further conditions as the D.C. may consider it desirable to attach with a view to secure the safety of convenience of the public or any portion of the public.
14. **Duration of License, Section 11.-** Every license 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 License, Section 11.-** The deputy Commissioner may revoke the license prior to the date of expiry for the infringement of any of the conditions imposed at the time of granting the same.
16. **Fees for License, Section 11.- (1)**The following fees shall be payable for license issued under those rules:-
- (I) For the initial grant of license for:-
 - (i) a brick field, including not more than one brick kiln of standard size Rs. 40.00
 - (ii) A charcoal kiln Rs. 40.00
 - (iii) A Pottery Kiln Rs. 50.00
 - (iv) A lime kiln Rs. 25.00

(II) For the renewal of licenses Half the above fee for each year of renewal.

(III) Additional fee payable for Half the fee at every additional kiln after 1 above the first.

(IV) Additional fee payable in respect of any Rs. 20.00

Brick kiln, which exceeds standard size.

Explanation:- For the purposes 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) Application for the renewal of a license shall be preferred to the Deputy Commissioner not less than one month before the date when the license is due to expires. If the application for renewal of license is preferred at any outer time, the fee for renewal shall be full fee for a new license.
- 3) The fees set forth in rule 16 (I) and (II) shall be payable in full before the application is taken into consideration, but if the grant or renewal of the license is refused, half of the fee shall be refunded.
- 4) The fee 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, it shall cover the outstanding period for which the license 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 the time when the license becomes due for renewal, the additional fee for the next year shall be payable with for the renewal of license.

Form A
(See rule 6)

Application under sub-section (I) of section 6 of the Punjab New Capital (Periphery) Control Act, 1952.

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) lay out 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.
- iv) Hadbast No.
- v) Tehsil _____ District _____.
- vi) Khasra No.
- vii) Area

Bounded by:-

East

West

North

South

- 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, and
- b) the building plan.

I/We solemnly affirm that the particulars given above are correct to the best of my/our knowledge and belief.

Attested
Oath Commissioner /Magistrate First Class.

Signature of the Applicant

Form B
See rule 9 (1)

Form for the grant of or refusal of permission under section 6 (2) of the Punjab
New Capital (Periphery) Control Act, 1952.

From

The Deputy Commissioner,
Chandigarh.

To

Shri/Sarvshri _____
Dated, Chandigarh, the _____

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 success to a road in the controlled area of
village _____ Hadbast No. _____ Tehsil
_____ District _____

as indicated on the site plan submitted therewith.

2) Permission is hereby:-

a) Granted subject to the following conditions:-

- (i)
- (ii)

b) refusal to the following reasons:-

- (i)
- (ii)

A copy of the site plan/building plan is/are returned duly approved/rejected.

Deputy Commissioner,
Chandigarh.

Form C

(See rule 11)

Application for licence to establish and operate charcoal kiln, pottery kiln, brick kiln, lime kiln or brick field.

To

The Estate Officer,
Exercising the powers of Deputy Commissioner,
Chandigarh.

Sir,

As required under sub section (l) of section 11 of the Punjab New Capital (Periphery) Control Act, 1952, I/We hereby apply for the grant of license under the said Act, and the rules framed thereunder to establish and operate a charcoal kiln/pottery kiln/brick kiln/kiln/lime kiln/brick field in the locality specified below:

2. A sum of Rs. _____ on account of the fee for the license as desired has been deposited by me in Chandigarh Treasury under the Head " _____ " and a copy of the Treasury Challan showing the receipt of the aforesaid amount is enclosed.

Yours's faithfully,

(Signature of applicant)

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

If the applicant in 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 persons who will be directly in charge of the kiln/brick field.

Whether kiln or brick field to proposed to be established.

Revenue Estate.

Field Khasra Numbers Area.
(Indicate whether the whole Of each field will be included or a part only)

Total

Number of the 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 fields.

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.

Form D
(See rule 13)

License to establish and operate a charcoal Kiln/pottery kiln/brick kiln/lime kiln/brick fields.

In pursuance of the provisions of sub-section (1) of section 11 of the Punjab New Capital (Periphery) Control Act, 1952, this license is granted to Sh. -----under the said Act to establish and operate a charcoal kiln, pottery kiln, lime kiln, brick field or brick kiln in the land hereinafter described, subject to the conditions set forth on the reverse of this license.

- 2). Unless renewed, this license shall cease to be effective after twelve month from the date of issue.

Signature of D.C.
Chandigarh.

Name of Village (Reverse side of license in Form D)

Khasra Numbers

Area

Conditions:-

- 1) The license shall provide-
 - a) Adequate and suitable accommodation for the labourers working at the kilns on the brick fields;
 - b) a supply of wholesome water for drinking and other domestic purposes;
 - 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 the 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 license shall not permit any person suffering from contagious or infectious disease to enter or be upon 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 license 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 the 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 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 license is subject to the condition that license under the East Punjab Control of Brick supplies Act, 1949 (No. I 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).

