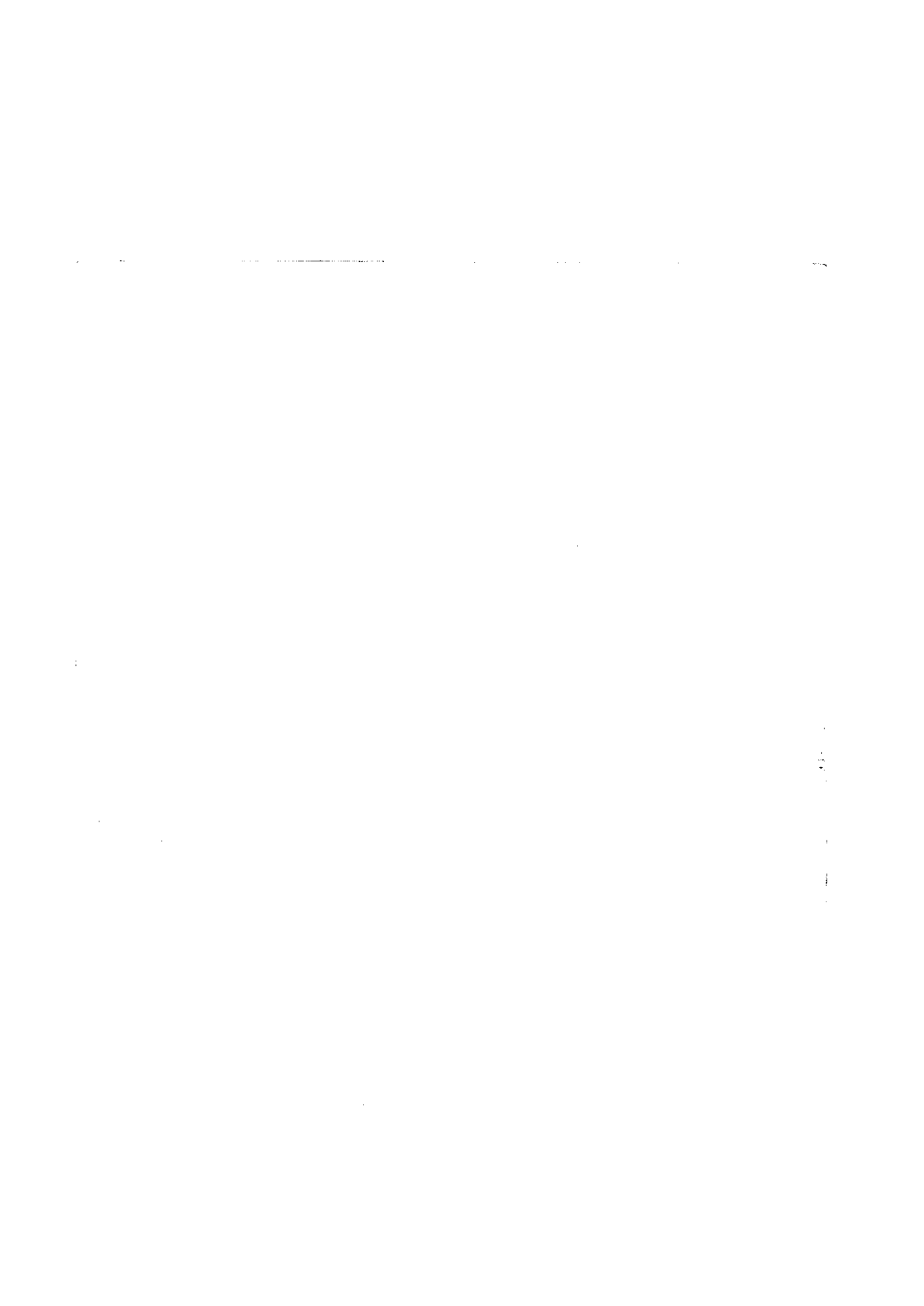




MUNICIPAL MANUAL - I

(Corrected Upto 20th August, 1980).

Union Territory of Pondicherry,
Local Administration Department,
August, 1980.



Municipal Manual

(AS ON 20-8-1980)

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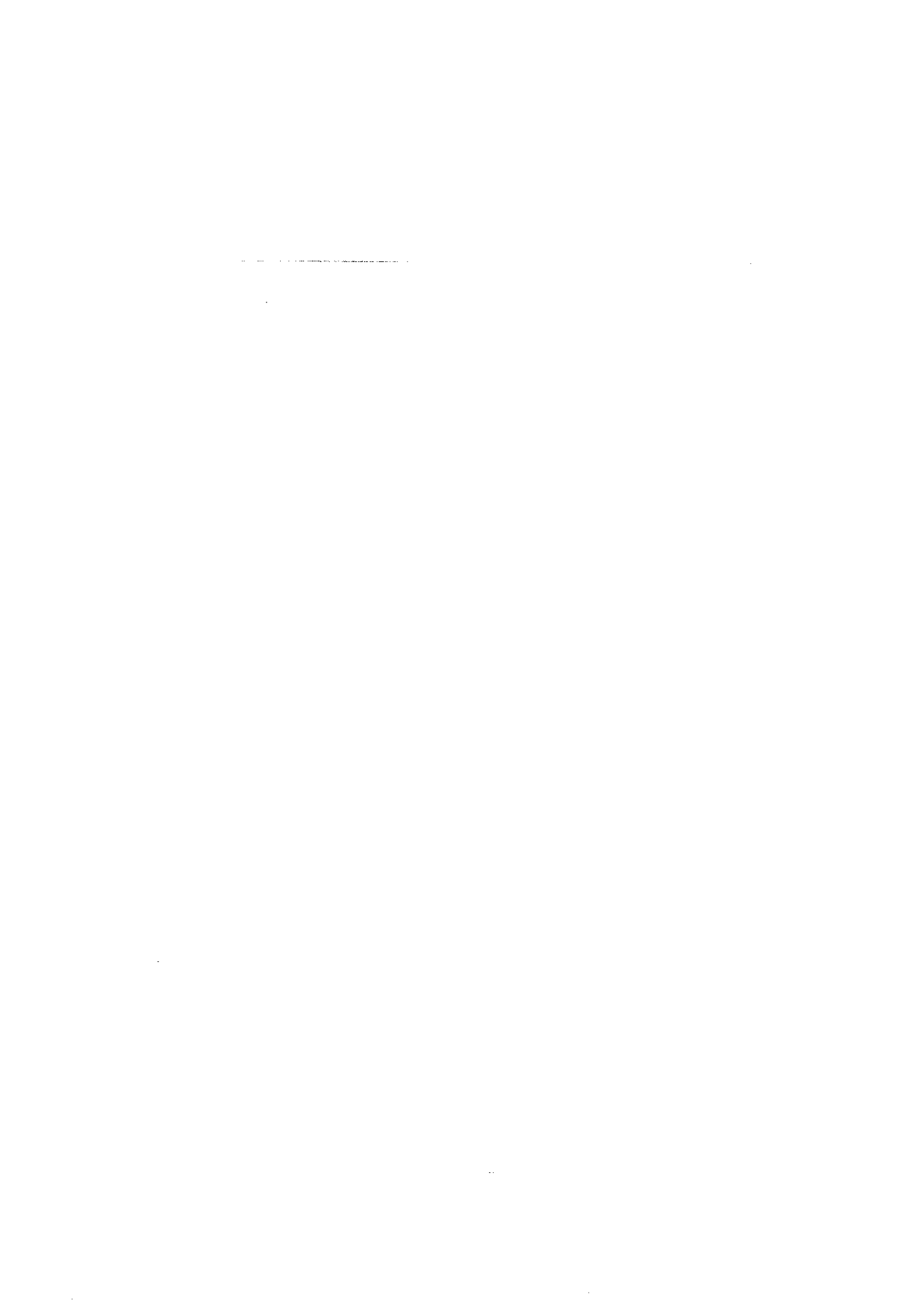
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TABLE-I

Chapter (1)	Sections	
	From (both inclusive) (2)	To (3)
Chapter IV	15	66
Chapter XIII	285	316
Chapter XV	355	360

TABLE-II

Schedule (1)	Extent of enforcement (2)
Schedule III	Only so much part of the schedule as is relatable to sections included in Table-I.
Schedule XIII	Do.

[G. O. Ms. No. 173 dated 11-9-74 LAD].

3. THIRD PHASE OF ENFORCEMENT OF THE PONDICHERRY MUNICIPALITIES ACT, 1973 WITH EFFECT FROM 21-12-1974

In exercise of the powers conferred by sub-section (3) of section 1 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby appoints the 21st day of December, 1974 as the date on which the provisions of section 506 of the said Act shall come into force in the whole of the Union Territory of Pondicherry.

[G. O. Ms. No. 223 dated 21-12-1974-LAD].

4. FOURTH AND FINAL PHASE OF ENFORCEMENT OF
THE PONDICHERY MUNICIPALITIES ACT, 1973
WITH EFFECT FROM 1-8-1976.

In exercise of the powers conferred by sub-section (3) of section 1 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) the Lieutenant-Governor, Pondicherry hereby appoints the 1st day of August, 1976 as the date on which the provisions of the said Act in so far as they relate to Chapters and Sections and Schedules specified in the Tables below, shall come into force in the whole of the Union Territory of Pondicherry.

TABLE-I

Chapter (1)	Sections	
	From (2)	To (3)
Chapter VIII	118	174
Chapter VIII	185	182
Chapter X	216	228
Chapter X	230	236
Chapter XV	395	404
Chapter XIX	441	442
Chapter XXII	505	—

TABLE-II

Schedule (1)	Extent of enforcement (2)
Schedules III, IV, V, VI, VII, VIII, IX and XIII	Entire Schedules.

[G. O. MS. No. 222 dated 27-7-1976-LAD).

PART-II-APPOINTMENT OF VARIOUS AUTHORITIES
UNDER VARIOUS SECTIONS OF THE PONDICHERY
MUNICIPALITIES ACT, 1973.

5. APPOINTMENT OF ELECTION AUTHORITY
UNDER SECTION 2(18)

In exercise of the powers conferred by sub-section (18) of section 2 of the Pondicherry Municipalities Act, 1973

No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby appoints the Director of Rural Development as the Election Authority for the purposes of the said Act.

[G. O. Ms. No. 109 dated 17-5-75 LAD].

6. APPOINTMENT OF ELECTORAL REGISTRATION OFFICERS UNDER SECTION 18.

In exercise of the powers conferred by section 18 to the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby designates as the Electoral Registration Officer for the Municipal Wards of the Municipality mentioned in the second column of the Table below, the Officer specified against it in the third column.

T A B L E

Sl. No. (1)	Name of the Municipality (2)	Officer (3)
1.	All Municipal Wards in Pondicherry Municipality	The Revenue Officer-II, Pondicherry Municipality.
2.	All Municipal Wards in Karaikal Municipality	The Commissioner, Karaikal Municipality.
3.	All Municipal Wards in Mahe Municipality	The Commissioner, Mahe Municipality.
4.	All Municipal Wards in Yanam Municipality	The Commissioner, Yanam Municipality.

(G. O. Ms. No. 100 dated 9-5-1975 LAD).

7. APPOINTMENT OF ELECTION TRIBUNAL UNDER SECTION 52.

In exercise of the powers conferred by section 52 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints Thiru J. Gnany the First Additional District Judge, Pondicherry as the Election

Tribunal for the purpose of the said section in respect of the election to be held under the said Act.

[G. O. Ms. No. 145 dated 20-5-1977-LAD].

8. APPOINTMENT OF DIRECTOR UNDER SECTION 106 (1).

(1) In exercise of the powers conferred by sub-section (1) section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor hereby appoints Thiru. P. R. Ramanathan, as the Director for the purposes of the said Act.

[G. O. Ms. No. 40/74/LAD, dated 26th January, 1974 of Local Administration Department].

(2) In partial modification of this Department G. O. Ms. No. 4/74/LAD dated 26-1-1974 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor hereby appoints Thiru. C. D. Dayal as the Director for the purposes of the said Act with effect from the forenoon of 1-7-1974 vice Thiru P. R. Ramanathan, transferred.

G. O. Ms. No. 154, dated 16-7-1974 of Local Administration Department).

(3) In partial modification of this Department G. O. Ms. No. 15, dated 16-7-1974 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor hereby appoints Thiru P. Somasundaram, who is in-charge of the post of the Director of Rural Development, to exercise all powers and perform all duties as Director under the said Act with effect from 21-11-1974.

[G. O. Ms. No. 204 dated 9-12-1974 of Local Administration Department].

(4) In partial modification of this Department's G. O. Ms. No. 204 dated 9-2-1974 and in exercise of Powers conferred by sub-section () of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor hereby appoints Thiru, V. Krishnamurthi, who is holding full additional charge of the post of Director of Rural Development to exercise all powers and perform all duties as Director under the said Act, with effect from 7-2-1975.

[G. O. Ms. No. 17 dated 13-2-1975 of Local Administration Department].

(5) In partial modification to this department G. O. Ms. No. 17 dated 13-2-1975 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby appoints Thiru T. T. Joseph, Officer on Special Duty (Local Administration) to exercise all powers and perform all duties as Director under the said Act, with effect from the afternoon of 31st May, 1975.

[G. O. Ms. No. 125, dated, 5-6-1975 of Local Administration Department].

(6) In partial modification to this Department G. O. Ms. No. 125 dated 5-6-1975 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) the Lieutenant-Governor, Pondicherry, hereby appoints Thiru. T. C. A. Rangadurai who is holding full additional charge of the post of Officer on Special Duty (Local Administration) to exercise all Powers and perform all duties as Director under the said Act with effect from the forenoon of 16th March, 1976.

[G. O. Ms. No. 106, dated. 1-3-1976 of Local Administration Department].

(7) In partial modification to this department G. O. Ms. No. 106 dated 17-3-1976 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby appoints Thiru T. T. Joseph, Officer on Special Duty (Local Administration) to exercise all powers and perform all duties as Director under the said Act with effect from the forenoon of 21st June, 1976.

(G. O. Ms. No. 194 dated, 29-6-1976, of Local Administration Department).

(8) In partial modification to this Department G. O. Ms. No. 194 dated 29-6-1976 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints Thiru R. SRIVASTAVA, Officer on Special Duty (Local Administration) to exercise all powers and to perform all duties as Director under the said Act with effect from the forenoon of 21st January, 1977.

(G. O. Ms. No. 23, dated 1-2-1977, of Local Administration Department).

(9) In partial modification to this department G. O. Ms. No. 20 dated 1-2-1977 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973, (No. 9 of 1973) the Lieutenant-Governor, Pondicherry, hereby appoints Thiru C. Ramou, Officer on Special Duty (Local Administration) to exercise all powers and to perform all duties as Director under the said Act with effect from the afternoon of 18th June, 1977.

(G. O. Ms. No. 176 dated 1-7-1977, of Local Administration Department).

**PART - I — ENFORCEMENT OF THE PONDICHERRY
MUNICIPALITIES ACT, 1973.**

**1. FIRST PHASE OF ENFORCEMENT OF THE
PONDICHERRY MUNICIPALITIES ACT, 1973 WITH EFFECT
FROM 26TH JANUARY, 1974.**

In exercise of the powers conferred by sub-section (3) of section 1 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby appoints the 26th day of January, 1974 as the date on which the provisions of the said Act in so far as they relate to Chapters and Sections and Schedules specified in the Tables below, shall come into force in the whole of the Union Territory of Pondicherry.

TABLE - I

Chapter. (1)	Sections	
	From (2)	To (3)
Chapter - I	1	2
Chapter - II	3	5
Chapter - III	6	14
Chapter - V	67	101
Chapter - VI	102	110
Chapter - VII	111	117
Chapter - VIII	175	184
Chapter - VIII	189	192
Chapter - IX	193	215
Chapter - X	229	—
Chapter - X	237	244
Chapter - XI	245	251
Chapter - XII	252	284
Chapter - XIV	317	342
Chapter - XV	343	354

(1)	(2)	(3)
Chapter - XV	361	394
Chapter - XVI	405	413
Chapter - XVII	414	423
Chapter - XVIII	424	439
Chapter - XIX	440	—
Chapter - XIX	447	448
Chapter - XX	449	456
Chapter - XXI	457	504
Chapter - XXII	507	513

TABLE - II

Schedule (1)	Extent of enforcement (2)
Schedule - I	Entire schedule,
Schedule - II	-do-
Schedule - X	-do-
Schedule - XI	-do-
Schedule - XII	-do-
Schedule - XIII	Only so much part of the schedule as is relatable to sections included in Table. I.

[G. O. Ms. No. 16/74/LAD/dated. 16th January, 1974/26 LAD]

**2. SECOND PHASE OF ENFORCEMENT OF THE
PONDICHERY MUNICIPALITIES ACT, 1973
WITH EFFECT FROM 12-9-1974.**

In exercise of the powers conferred by sub-section (3) of section 1 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints the 12th day of September, 1974 as the date on which the provisions of the said Act in so far as they relate to Chapters and Sections and schedules specified in the Tables below, shall come into force in the whole of the Union Territory of Pondicherry.

(10) In partial modification to this Department G. O. Ms. No 176 dated 1—7—1977 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints Thiru. R. Srivastava I. A. S., Officer on Special Duty (Local Administration) to exercise all powers and to perform all duties as Director under the said Act with effect from the afternoon of 16th July, 1977.

(G. O. Ms. No. 21, dated. 22—9—1977, of Local Administration Department).

(11) In partial modification to this Department G. O. Ms. No. 231, dated 22—9—1977 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints Thiru. C. Ramou. I. A. S., Officer on Special Duty (Local Administration) to exercise all powers and to perform all duties as Director under the said Act with effect from the forenoon of 1st September, 1977.

(G. O. Ms. No. 249, dated. 12th October, 1977 of Local Administration Department).

(12) In partial modification to this Department G. O. Ms. No. 249, dated 12—10—1977 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints Thiru Balbir Singh. I. A. S., Secretary to Government, Local Administration Department to exercise all powers and to perform all duties as Director under the said Act with effect from the forenoon of 27th June, 1978, vice Thiru. C. Ramou. I. A. S., transferred.

(G. O. Ms. No. 206, dated. 14th July, 1978 of Local Administration Department).

(13) In partial modification to this Department G. O. Ms. No. 206 dated 14—7—1978 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints Thiru C. Ramou, I. A. S., Secretary to Government, Local Administration Department to exercise all powers and to perform all duties as Director under the said Act with effect from the forenoon of 22nd November, 1978, vice Thiru Balbir Singh, I. A. S., transferred.

(G. O. Ms. No. 314 dated 14—12—1978 of the Local Administration Department).

(14) In partial modification to this Department G. O. Ms. No. 314 dated 14—12—1978 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby appoints Thiru Balbir Singh I. A. S., Secretary to Government, Local Administration Department to exercise all powers and to perform all duties as Director under the said Act with effect from the forenoon of 3rd August, 1979 vice Thiru C. Ramou I. A. S., transferred.

(G. O. Ms. No. 205 dated 22--8--1979 of the Local Administration Department).

(15) In partial modification of this Department G. O. Ms. No. 205 dated 22-8-1979 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints Thiru R. S. Chari, I. A. S., Secretary to Government, Local Administration Department to exercise all powers and to perform all duties as Director under the said Act with effect from the forenoon of 2nd April, 1980, vice Thiru Balbir Singh, I. A. S., until further orders.

13. In partial modification to this Department G. O. Ms. No. 206 dated 14-7-1978 and in exercise of the powers conferred by sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints Thiru C. Raman I. A. S. Secretary to Government, Local Administration Department to exercise all powers and to perform all duties as Director under the said Act with effect from the forenoon of 22nd November, 1978. vice Thiru Balbir Singa, I. A. S., Transferred.

(G. O. Ms. No. 314, dated 14-12-1978, of Local Administration Department).

9. APPOINTMENT OF OFFICERS TO INSPECT AND SUPERINTEND THE OPERATION OF MUNICIPAL COUNCILS UNDER SECTION 106(2)

(1) In exercise of the powers conferred by sub-section (2) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints the Deputy Director (Municipal Administration), Local Administration Department, Pondicherry as an officer to inspect and superintend the operations of the Pondicherry, Karaikal Mahe and Yanam Municipal Councils and the acts or proceedings of the respective Commissioners, and to inspect the records of the said Commissioners, with immediate effect.

(G. O. Ms. No. 185 dated, 30th September, 1975 of L. A. D.)

(2) In exercise of the powers conferred by sub-section (2) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and in continuation of the G. O. Ms. No. 185 dated 30-9-1975 of this department the Lieutenant-Governor, Pondicherry hereby, appoints the Administrators of Karaikal, Mahe and Yanam also as officers to inspect and superintend the operations of the Municipal Councils within their respective jurisdiction and the acts or proceedings of the respective

Commissioners and to inspect the record of the said Commissioners, with immediate effect.

(G. O. Ms. No. 368 dated, 15th December, 1976 of L. A. D.)

10. APPOINTMENT OF AUTHORISED VALUATION OFFICERS UNDER SECTION 122.

In exercise of the powers conferred by section 122 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints the officers mentioned in column (2) of the table below to be authorised valuation officers for the purposes of the said Act, in respect of the municipal areas specified against each of them in column (3) of the said table.

TABLE

Sl. No. (1)	Designation of the Officer. (2)	Name of the Municipality. (3)
1.	Executive Engineer, Engineering Cell, Local Administration Department, Pondicherry.	Pondicherry and Karaikal Municipalities.
2.	Deputy Director (Municipal Administration, Local Administration Department, Pondicherry.	Mahe and Yanam Municipalities.

[G. O. Ms. No. 7 dated 12-1-79-LAD]

11. APPOINTMENT OF PRESCRIBED AUTHORITY UNDER SECTION 187.

In exercise of the powers conferred by the proviso section 187 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby appoints the Secretary to Government, Local Administration Department, Pondicherry as

the prescribed authority for the purposes of the said section in the Act.

[G. O. Ms. No. 31 dated 17-2-1977-LAD].

12. APPOINTMENT OF APPELLATE AUTHORITIES UNDER SECTION 189.

(1) In exercise of the powers conferred by section 189 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) the Lieutenant Governor, Pondicherry, hereby specifies the Courts mentioned in column (2) of the Table below, as authorities for the purpose of hearing appeals preferred under the said section in respect of the Municipality mentioned against each of them in column (3) of the Table.

TABLE

Sl. No. (1)	Courts (2)	Municipality (3)
1	The Court of the Principal Subordinate Judge, Pondicherry.	Pondicherry
2.	The Court of the Subordinate Judge, Karaikal.	Karaikal
3.	The Court of the Subordinate Judge, Mahe.	Mahe.
4.	The Court of the District Munsif, Yanam.	Yanam

[G. O. Ms. No. 257 dated 10-9-1976]

(2) In partial modification to the G. O. Ms. No. 257, dated 10th September, 1976 of the Local Administration Department, Pondicherry and in exercise of the powers conferred by section 189 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby specifies the Court of the District Munsif, Mahe as authority for the purpose of hearing appeals preferred under the said section in

respect of Mahe Municipality with effect from the date on which the District Munsif assumes charge at Mahe.

All appeals now pending before the Court of the Subordinate Judge, Mahe shall immediately stand transferred to the Court of the District Munsif, Mahe for hearing and disposal according to law.

[G. O. Ms. No. 305 dated 22-11-1976-LAD]

13. APPOINTMENT OF AUDITOR OF ACCOUNTS OF RECEIPTS AND EXPENDITURE OF THE MUNICIPAL COUNCIL UNDER SECTION 205 (1)

In exercise of the powers conferred by sub-section (1) of Section 205 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby appoints the Pay and Accounts Officer, Pondicherry as auditor of the accounts of receipts and expenditure of the fund of the Municipal Councils in the whole of the Union Territory of Pondicherry.

[G. O. Ms. No. 42/74/LAD, dated 26th January, 1974 of Local Administration Department).

14. APPOINTMENT OF AUTHORITY / OFFICER UNDER SECTION 349 (3) (a).

In exercise of the powers conferred by clause (a) of sub-section (3) of section 349 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby directs that the Commissioner of the Municipality mentioned in column (2) of the Table below, shall consult the officers specified against each in column (3) for the grant of licences by the Commissioner under that section.

TABLE

Sl. No. (1)	Name of the Municipality (2)	Officers to be consulted (3)
1.	Pondicherry Municipality	(1) Additional District Magistrate Pondicherry and (2) Senior Superintendent of Police, Pondicherry.
2.	Karaikal Municipality	Administrator, Karaikal
3.	Mahe Municipality	Administrator, Mahe
4.	Yanam Municipality	Administrator, Yanam

(G. O. Ms. No. 383 dated 30-12-1976 LAD)

**PART. III DELEGATION OF POWERS UNDER SECTION
501 OF THE PONDICHERRY MUNICIPALITIES
ACT, 1973.**

**15. DELEGATION OF CERTAIN POWERS TO CREATE
POSTS VESTED IN GOVERNMENT UNDER SECTION
114(1) TO THE SECRETARY (LOCAL ADMINISTRATION)**

In exercise of the powers conferred by section 501 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby authorises the Secretary to Government, Local Administration Department, Pondicherry to exercise the powers vested in the Government under sub-section (1) of section 114 of the said Act to the extent specified herebelow in the matter of sanctioning the creation of posts in respect of all Municipal Councils constituted under the said Act.

- (i) All part-time posts carrying fixed salary;
- (ii) Temporary posts carrying the scale of pay of Rs. 196-3-208-4-220-EB-4-232 for a period of three years.

[G. O. Ms. No. 192 dated 6-10-75 LAD]

16. DELEGATION OF POWERS TO EXEMPT ANY ENTERTAINMENT FROM THE PAYMENT OF ENTERTAINMENTS TAX VESTED IN GOVERNMENT UNDER SECTION 167 TO THE SECRETARY (LOCAL ADMINISTRATION)

In exercise of the powers conferred by sub-section (1) of section 501 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby authorises the Secretary to Government, Local Administration Department, Pondicherry to exercise the powers vested in the Government under section 167 of the said Act.

[G. O. Ms. No. 331 dated 22-11-76 LAD]

17. DELEGATION OF POWERS TO APPROVE BYE-LAWS VESTED IN GOVERNMENT UNDER SECTION 447(1) TO THE SECRETARY (LOCAL ADMINISTRATION)

In exercise of the powers conferred by sub-section (1) of section 501 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry hereby authorises the Secretary to Government, Local Administration Department, Pondicherry to exercise the powers vested in the Government under sub-section (1) of section 447 of the said Act.

[G. O. Ms. No. 292 dated 6-10-76 LAD]

18. DELEGATION OF REVISION POWERS VESTED IN GOVERNMENT UNDER SECTION 502(1) TO THE SECRETARY (LOCAL ADMINISTRATION).

In pursuance of the provisions of sub-section (2) of section 502 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby empowers the Secretary Local Administration Department, Pondicherry to

alphabetical order is more convenient or that the names shall be arranged partly in one way and partly in the other.

(2) The names of electors in each part of the roll shall be numbered, as far as practicable, consecutively with a separate series of numbers beginning with the number one.

STATEMENT.

7. (1) Every person who holds a declared office or has a service qualification and desires to be registered in the roll for the ward in which, but for holding such office or having such qualification, he would have been ordinarily resident, shall submit to the registration officer of the ward, a statement in such one of the Forms 1, 2, 3 and 4 as may be appropriate.

(2) Every statement submitted under sub-rule (1) shall be verified in the manner specified in the Form.

(3) Every such statement shall cease to be valid when the person making it ceases to hold a declared office or, as the case may be, have a service qualification.

Information to be supplied by occupants of dwelling houses.

8. The registration officer if necessary, may for the purpose of preparing the roll, send letter of request in Form 5 to the occupants of dwelling houses in the ward or any part thereof and every person receiving any such letter shall furnish the information called for therein to the best of his ability.

ACCESS TO CERTAIN REGISTERS.

9. For the purpose of preparing any roll or deciding any claim or objection to a roll, any registration officer and any person employed by him shall have access to any register of births and deaths and to the admission register of any educational institution and it shall be the duty of every person in charge of any such register to give to the said officer or person such information and such extracts from the said register as he may require,

PUBLICATION OF ROLL IN DRAFT

10. As soon as the roll for a ward is ready, the registration officer shall publish it in draft by making a copy thereof available for inspection and displaying a notice in Form 6:—

(a) at his office, if it is within the ward and

(b) at such place in the ward as may be specified by him for the purpose, if his office is outside the ward.

FURTHER PUBLICITY TO THE ROLL AND NOTICE

11. The registration officer shall also—

(a) make a copy of each separate part of the roll, together with a copy of the notice in Form 6 available for inspection at a specified place accessible to the public and in or near the area to which that part relates: and

(b) give such further publicity to the notice in Form 6 as he may consider necessary.

Period for lodging claims and objections.

12. (1) Every claim for the inclusion of a name in the roll and every objection to an entry therein shall be lodged within a period of 7 days from the date of publication of the roll in draft under rule 10 or such shorter period as may be fixed by the Government in this behalf:

Provided that the Government may, by notification in the Official Gazette, extend the period in respect of the ward as a whole or in respect any part thereof.

Form for claims and objections.

13. (1) Every claim shall be:—

(a) in Form 7;

(b) signed by the person desiring his name to be included in the roll; and

exercise the powers under sub-section (1) of section 502 of the said Act.

[G. O. Ms. 117 dated 28—5—1975 LAD]

PART. IV. RULES NOTIFIED UNDER THE PONDICHERRY MUNICIPALITIES ACT, 1973.

CHAPTER 1. MUNICIPAL COUNCILS AND ELECTIONS

19. (a) THE PONDICHERRY MUNICIPALITIES (REGISTRATION OF ELECTORS) RULES, 1974.

In exercise of the powers conferred by section 65 read with section 18 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

Short title, extent and commencement.

1. (1) These rules may be called the Pondicherry Municipalities (Registration of Electors) Rules, 1974.

(2) They shall extend to the whole of the Union territory of Pondicherry.

(3) They shall come into force at once.

DEFINITIONS

2. In these rules, unless the context otherwise requires:—

(a) "Act" means the Pondicherry Municipalities Act, 1973 (9 of 1973);

(b) "declared office" means an office declared to be an office to which the provisions of sub-section (4) of section 20 of the Representation of the People Act, 1950 (Central Act 43 of 1950) apply;

(c) "Form" means a Form appended to these rules and in respect of any ward, includes a translation thereof in the language

or any of the languages in which the electoral roll for that ward is prepared;

(d) "registration officer" means the electoral registration officer of a ward and includes an assistant electoral registration officer thereof;

(e) "roll" means the electoral roll for a ward;

(f) "section" means a section of the Act.

MEANING OF WARD.

3. In these rules "ward" means a municipal ward.

FORM AND LANGUAGE OF ROLL.

4. The roll for each ward shall be prepared in such form and in such language or languages as the Government may direct.

PREPARATION OF ROLL IN PARTS.

5. (1) The roll shall be divided into convenient parts which shall be numbered consecutively.

(2) The last part of the roll shall contain the names of every of person having a service qualification and of his wife if any, who are entitled to be included in that roll by virtue of a statement made under rule 7.

(3) The names of any person holding a declared office and of his wife, if any, who are entitled to be included in the roll by virtue of a statement made under rule 7 shall be included in the part of the roll pertaining to the locality in which they would, according to that statement, have been ordinarily resident.

ORDER OF NAMES

6. (1) The names of electors in each part of the roll shall be arranged according to house number, unless the Election Authority subject to any general or special instructions issued by the Government, determines in respect of any part, that the

(c) countersigned by another person whose name is already included in that part of the roll in which the claimant desires his name to be included.

(2) Every objection to the inclusion of a name in the roll shall be

(a) in Form 8:

(b) preferred only by a person whose name is already included in that roll; and

(c) countersigned by another person whose name is already included in that part of the roll in which the name objected to appears.

(3) Every objection to a particular or particulars in an entry in the roll shall be

(a) in Form 9; and

(b) preferred only by the person to whom that entry relates.
Manner of lodging claims and objections.

14. Every claim or objection shall:—

(a) either be presented to the registration officer or to such other officer as may be designated by him in this behalf; or

(b) be sent by post to the registration officer.

Procedure of designated officer.

15. (1) Every officer designated under rule 14 shall:—

(a) maintain in duplicate a list of claims in Form 12, a list of objections to the inclusion of names in Form 13 and a list of objections to particulars in Form 14; and

(b) keep exhibited one copy of each such list on a notice board in his office.

(2) Where a claim or objection is presented to him, he shall, after complying with the requirements of sub-rule (1), forward

it with such remarks, if any, as he considers proper to the registration officer.

Procedure of registration officers.

16. The registration officer also shall—

(a) maintain in duplicate the three lists in Forms 12, 13 and 14, entering thereon the particulars of every claim or objection as and when it is received by him whether directly under rule 14 or on being forwarded under rule 15; and

(b) keep exhibited one copy of each such list on a notice board in his office.

Rejection of certain claims and objections.

17. Any claim or objection which is not lodged within the period, or in the form and manner, herein specified, shall be rejected by the registration officer.

Acceptance of claims and objections without inquiry.

18. If the registration officer is satisfied as to the validity of an claim or objection, he may allow it without further inquiry after the expiry of three days from the date on which it is entered in the list exhibited by him under clause (b) of rule 16:

Provided that where before any such claim or objection has been allowed a demand for inquiry has been made in writing to the registration officer by any person, it shall not be allowed without further inquiry.

Notice of hearing claims and objections.

19. (1) Where a claim or objection is not disposed of under rule 17 or rule 18, the registration officer shall—

(a) specify in the list exhibited by him under clause (b) of rule 16 the date, time and place of hearing of the claim or objection; and

(b) give notice of the hearing:—

(i) in the case of a claim to the claimant in Form 15;

(ii) in the case of an objection to the inclusion of a name, to the objector in Form 16 and to the person objected to in Form 1 ; and

(iii) in the case of an objection to a particular or particulars in an entry, to the objector in Form 18 .

(2) A notice under this rule may be given either personally or by registered post or by affixing it to the outer door of the person's residence or last known residence within the ward.

Inquiry into claims and objections

20. (1) The registration officer shall hold a summary inquiry into every claim or objection in respect of which notice has been given under rule 19 and shall record his decision thereon.

(2) at the hearing, the claimant or as the case may be, the objector and the person objected to and any other person who, in the opinion of the registration officer, is likely to be of assistance to him, shall be entitled to appear and be heard.

(3) The registration officer may in his discretion:—

(a) require any claimant, objector or person objected to appear in person before him; and

(b) require that the evidence tendered by any person shall be given on oath and administer an oath for the purpose.

Inclusion of names inadvertently omitted.

21. (1) If it appears to the registration officer that owing to inadvertence or error during preparation the names of any electors have been left out of the roll and that remedial action should be taken under this rule, the registration officer shall:—

(a) prepare a list of the names and other details of such electors.

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the roll will be considered and also publish the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in the roll.

(2) If any statements under rule 7 are received after the publication of the roll in draft under rule 10, the registration officer shall direct the inclusion of the names of the electors covered by the statements in the appropriate parts of the roll.

Deletion of names of dead electors and of persons who cease to be, or are not, ordinarily residents.

22. If it appears to the registration officer during preparation of the roll that owing to inadvertence or error or otherwise, the names of dead persons or of persons who cease to be, or are not ordinarily residents in the ward have been included in the roll and that remedial action should be taken under this rule, the registration officer shall:—

(a) prepare a list of the names and other details of such electors;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from the roll will be considered and also publish the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the roll:

Provided that before taking any action under this rule in respect of any person on the ground that he has ceased to be, or is not, ordinarily resident in the ward, the registration officer

shall make every endeavour to give him a reasonable opportunity to show cause why the action proposed should not be taken in respect of him.

Final publication of roll.

23. (1) The registration officer shall thereafter:—

(a) prepare a list of amendments to carry out his decisions under rules 18, 20, 21 and 22 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll; and

(b) Publish the roll, together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice in Form 19 at his office.

(2) On such publication, the roll together with the list of amendments shall be the electoral roll of the ward.

(3) Where the roll (hereafter in this sub-rule referred to as the basic roll), together with the list of amendments becomes the electoral roll for a ward under Sub-rule (2), the registration officer may, for the convenience of all concerned, integrate, subject to and general or special directions issued by the Government in this behalf, the list into the basic roll by including the names of electors in the list together with all particulars relating to such electors in the relevant parts of the basic roll itself, so however that no change shall be made in the process of such integration in the name of any elector or in any particulars relating to any elector as given in the list of amendments.

Appeals from orders deciding claims and objections.

24. (1) An appeal shall lie from any decision of the registration officer under rule 20, rule 21 or rule 22 to such officer of Government as the Government may designate in this behalf (hereinafter referred to as the appellate officer);

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representations to, the registration officer on the matter which is the subject of appeal.

(2) Every appeal under sub-rule (1) shall be

(a) in the form of memorandum signed by the appellant, and

(b) presented to the appellate officer within a period of five days of announcement of the decision or sent to that officer by registered post so as to reach him within that period.

(3) The presentation of an appeal under this rule shall not have effect of staying or postponing any action to be taken by the registration officer under rule 23.

(4) Every decision of the appellate officer shall be final, but in so far as it reverses or modifies a decision of the registration officer, shall take effect only from the date of the decision in appeal.

(5) The registration officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decisions of the appellate officer under this rule.

Special provision for preparation of rolls on redelimitation
of ward:

25. (1) If any ward is delimited a new in accordance with law and it is necessary urgently to prepare the roll for such ward, the Government may direct that it shall be prepared:—

(a) by putting together the rolls of such of the existing wards or parts thereof as are comprised with the new ward; and

(b) by making appropriate alterations in the arrangement, serial numbering and headings of the rolls so compiled.

(2) The roll so prepared shall be published in the manner specified in rule 23 and shall, on such publication, be the electoral roll for the new ward

REVISION OF ROLLS

26. (1) The roll for every ward shall, unless otherwise directed by Government for reasons to be recorded in writing, be revised by reference to the qualifying date before each ordinary election to the Municipal Council or in any year if such revision has been directed by the Government.

Provided that if the roll is not revised as aforesaid the validity or continued operation of the said roll shall not thereby be affected.

(2) Where the roll or any part thereof is to be revised before any ordinary election or in any year, it shall be prepared afresh and rules 4 to 24 shall apply in relation such revision as they apply in relation to the first preparation of a roll.

Correction of entries and inclusion of names in electoral rolls.

27. (1) Every application under sub-section (2) of section 18 for correction of entries and inclusion of names in rolls shall be made in duplicate in such one of the Forms 7, 9, 10 and 11 as may be appropriate and shall be accompanied by a fee of ten paise.

(2) The fee specified in sub-rule (1) shall be:--

- (a) paid by means of non-judicial stamps; or
- (b) deposited in a Government Treasury or the State Bank of India in favour of the registration officer concerned; or
- (c) paid in such other manner as may be directed by the Government.

(3) Where the fee is deposited under clause (b) of sub-rule (2), the applicant shall enclose with the application a Government Treasury receipt in proof of the fee having been deposited.

(4) The registration officer shall, immediately on receipt of such application, direct that one copy thereof be posted in some conspicuous place in his office together with a notice inviting objections to such application within a period of three days from the date of such posting.

(5) The registration officer shall, as soon as may be after the expiry of the period specified in sub-rule (4), consider the objections, if any, received by him and shall, if satisfied that the applicant is entitled to be registered in the roll, direct his name to be included therein;

Provided that when an application is rejected by the registration officer, he shall record in writing a brief statement of his reasons for such rejections.

Appeals from orders under rule 27.

28. (1) Every appeal under rule 27 shall be
- (a) in the form of a memorandum signed by the applicant;
 - (b) accompanied by a copy of the order appealed from and a fee of one rupee to be:—
 - (i) paid by means of non-judicial stamps ; or
 - (ii) deposited in a Government Treasury of the State Bank of India in favour of the Election Authority ; or
 - (iii) paid in such other manner as may be directed by the Government ; and

(c) presented to the Election Authority within a period of five days from the date of the order appealed from or sent by registered post so as to reach him within that period.

(2) Where the fee is deposited under clause (b) (ii) of sub-rule (1), the appellant shall enclose with the memorandum of appeal a Government Treasury receipt in proof of the fee having been deposited.

(3) For the purposes of sub-rule (1), an appeal shall be deemed to have been presented to the Election Authority, when the memorandum of appeal is delivered by, or on behalf of, the appellant to the Election Authority itself or to any other officer appointed by it in this behalf.

Custody and preservation of rolls and connected papers.

29. (1) After the roll for a ward has been finally published, the following papers shall be kept in the office of the registration officer or at such other place as the Election Authority may by order specify until the expiration of one year after the completion of the next revision of that roll:--

- (a) one complete copy of the roll ;
- (b) statements submitted to the registration officer under rule 7 ;
- (c) statements submitted to the registration officer under rule 8 ;
- (d) register of enumeration forms if any used ;
- (e) applications in regard to the preparation of the roll ;
- (f) manuscript parts prepared by enumerating agencies and used for compiling the roll ;

(g) papers relating to claims and objections;

(h) papers relating to appeals under rule 24; and

(i) papers relating to appeals under rule 28.

(2) One complete copy of the roll for each ward duly authenticated by the registration officer shall also be kept in such place as the Election Authority may specify for a period of six years from the date of its final publication.

Inspection of electoral rolls and connected papers.

30. Every person shall have the right to inspect the election papers referred to in rule 29 and to get attested copies thereof on payment of such fee as may be fixed by the Election Authority.

Disposal of electoral rolls and connected papers.

31. (1) The papers referred to in rule 29 shall, on the expiry of the period specified therein and subject to such general or special directions if any, as may be given by the Government in this behalf, be disposed of in such manner as the Election Authority may direct.

(2) Copies of the electoral roll for any ward in excess of the number required for deposit under 29 and for any other public purpose, shall be disposed of at such time and in such manner, as the Government may direct and until such disposal shall be made available for sale to the public.

FORM-I

(See rule 7)

Statement as to place of Ordinary Residence by a person holding a Declared Office.

Full name

Father's/Husband's name

Age

Years

Office held

I hereby declare that I am a citizen of India and that but for my holding the abovementioned office, I would have been ordinarily resident at (full postal address).

I further declare that my wife (name)

aged

years ordinarily resides with me and is a citizen of India.

This cancels any previous statement as to place of ordinary residence made by me.

Place:

Date:

Signature

FORM 2

(See rule 7)

Statement as to place of Ordinary Residence by a member of
the Armed Forces

I hereby declare that I am a citizen of India and that but for my service in the Armed Forces I would have been ordinarily resident at—

House No.

Street

Locality

Town/Village

Post Office

Police Station

Taluka

District

State

My full name

Service No.

Rank

Service/Corps/Regiment

Name and address of record office

Age last birthday

years

*I further declare that my wife

aged

years, ordinarily resides with me and

is a citizen of India.

This cancels any previous statement as to ordinary place of residence made by me.

Date

19.

Signature.

Record Office

Verified and found Correct

Folio No.

(Signature)

Place:

Designation

Date:

Officer-in-charge, Records

(For use in the Election Office)

Statement received on the

19

Registered in the electoral roll for the ward No. of the Municipal council of

Dated

19

Electoral Registration Officer,

*Delete if not applicable.

FORM-3

(See rule 7)

Statement as to place of Ordinary Residence by a member of an armed police force of a State, who is serving outside that State.

I hereby declare that I am a citizen of India and that but for my service outside the State in the armed police force mentioned below, I would have been ordinarily resident at:—

House No.

Street,

Locality

Town/Village

Post Office

Police Station

Taluka

District

State

My full name

Rank

Buckle No.

Name of armed police force

Name and address of the office of the Commandant

Age last birthday years

I further declare that my wife aged years, ordinarily resides with me and is a citizen of India.

This cancels any previous statement as to ordinary place of residence made by me.

(Signature)

Date:

Commandant's office	Verified and found correct
Folio No.	(Signature)
Place :	Designation
Date :	Commandant

(For use in the Election Office)

Statement received on the 19
 Registered in the electoral roll for the ward No. of
 the municipal council of

Date : Electoral Registration Officer.

* Delete if not applicable.

FORM-4

(See rule 7)

Statement as to place of Ordinary Residence by a person employed
 under the Government of India in a post outside India.

Full name

Father's/Husband's name

Age years

Description of post held outside India

I hereby declare that I am a citizen of India and that but for my being employed under the Government of India in the above-mentioned post, I would have been ordinarily resident at (full postal address).

I further declare that my wife (name)
 aged years, ordinarily resides with me and is a
 a citizen of India.

This cancels any previous statement as to place of ordinary residence made by me.

Place:

Date: Signature

Verified

Signature

Designation of the Head of Office.

Place;

Date:

(For use in the Election Office)

Statement received on the 19
Registered in the electoral roll for the ward No. of the
municipal council of

Date Electoral Registration Officer,

†Delete if not applicable

FORM-5

(See rule 8)

Letter of request

Place

Date

To

The occupant of

Sir/Madam,

The preparation of the electoral roll for the ward of the municipal council in which you are residing has been taken in hand. It will greatly facilitate my work if you will kindly

complete the statement below after reading the attached instructions and hand it over to my assistant who will call for it.

Electoral Registration officer
of the ward No. of the
municipal council of

STATEMENT

Names and particulars of adult citizens ordinarily residing in the
above premises.

Name of citizen	Particulars as to father or husband	Age on 1st January 19
1.		
2.		
3.		
4.		
5.		
6.		
7.		
etc.		

Signature

Date

INSTRUCTIONS

1. Enter the names of all persons who have completed 21 years of age on or before the 1st of January of this year and who are ordinarily residing in the premises:

2. Only the names of those who are citizens of India should be entered.

3. Enter agains Serial No. 1 in the first column, the name of the head or other senior member of the family, provided he or she has the qualifications mentioned in paragraphs 1 and 2 above.

4. "Ordinarily residing" does not mean that the person should be actually in the house when you are filling in the form. The persons who normally live in the house should be included even though they may be temporarily absent, e. g. on a journey or on business or in hospital. On the other hand, a guest or visitor who normally lives elsewhere but happens to be in the house at the time should not be included.

5. All ordinary residents of the house should be included, whether they are members of the family or not. But do not enter the name of any person who is a member of the Armed Forces of India or is employed under the Government of India in a post outside India or the name of such person's wife if she ordinarily resides with him.

6. In the case of every male citizen, enter in the second column the name of his father preceded by the words "son of".

7. In the case of every female citizen, enter in the second column:

(i) the name of the husband preceded by the words "wife of", if she be married;

(ii) the name of the late husband preceded by the words "widow of" if she be a widow; and

(iii) the name of the father preceded by the words "daughter of", if she be unmarried.

8. In the third column, enter the age of the citizen as accurately as possible, giving only the number of complete years and ignoring the months.

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FORM—6

(See rule 10)

Notice of publication of electoral roll in draft.

To

The Electors of the ward No.
of the municipal council of

Notice is hereby given that the electoral roll has been prepared in accordance with the Pondicherry Municipalities (Registration of Electors) Rules, 1974 and a copy thereof is available for inspection at my office, and a

during office hours.

If there be any claim for the inclusion of a name in the rolls or any objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged on or before the 19, in Forms 7, 8 or 9 as may be appropriate.

Every such claim or objection should either be presented in my office or to or sent by post to the address given below so as to reach me not later than the aforesaid date.

Electoral Registration Officer
(Address)

Date:

FORM—7

[See rules 13 (1) and 27]

Claim application for inclusion of name

To
 The Electoral Registration Officer of the ward No. _____
 of the municipal council of _____
 Sir,

I request that my name be included in the electoral roll for
 the above ward in Part No. _____ relating to

My name (in full)

My Father's/Mother's/Husband's name

Particulars of my place of residence are:

House No.

Street

Town/Village

Post Officer

Taluka

District

I hereby declare that to the best of my knowledge and belief:

- (i) that I am a citizen of India ;
- (ii) that my age on the first day of January last was
 years and _____ months :
- (iii) that I am ordinarily resident at the address given
 above ;
- (iv) that I have not applied for the inclusion of my
 name in the electoral roll for any other ward :
- (v) that my name has not been included in the electoral
 roll for this or any other ward :

or

that my name may have been included in the electoral roll for
 the ward in _____ under the address mentioned below,
 and if so, I request that the same may be excluded from the
 electoral roll:—

Place :

Date :

Signature or thumb impression of claimant

I am an elector included in the same part of the electoral roll in which the name objected to appear, viz., Part No. _____ relating to _____ My serial number therein is _____ I support this objection and countersign it.

Signature of the elector _____

Name (in full) _____

NOTE:— Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 31 of the Representation of the People Act, 1950.

FORM—8

(See rule 13 (2))

Objection to inclusion of name

To
The Electoral Registration Officer
of the ward No. _____
of the municipal council of _____

Sir,

I object to the inclusion of the name of _____ at Serial No. _____ in part _____ of the electoral roll for the following reason (s):—

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief.

My name has been included in the electoral roll for this ward as follows:

Name in full

Father's/Husband's/Mother's Name

Serial No.

Part No.

Signature/thumbimpression of
objector

(Full postal address)

Date.

I am an elector included in the same part of the electoral roll
in which the name objected to appear viz., Part No.

relating to

My serial number therein is

I support this objection and countersign it.

Signature of the elector.

Name (in full)

Note :— Any person who makes a statement or declaration
which is false and which he either knows or believes to be false or
does not believe to be true is punishable under section 31 of the
Representation of the People Act, 1950.

FORM-9

[See rules 13 (3) and 27]

Objection to particulars in an entry

To

The Electoral Registration Officer of the ward No.

of the municipal council of No.

Sir,

I submit that the entry relating to myself which appears at
Serial No. _____ in Part No. _____ of
the electoral roll as “ _____ ”
is not correct. It should be corrected to read as follows:

“

Signature or thumbimpression of
the elector.

Place:

Date:

FORM-10

(See rule 27)

Application for transposition of entry in electoral roll.

To

The Electoral Registration Officer of the ward No.
of the municipal council of

Sir,

I submit that the entry at Serial No. _____ in Part
No. _____ of the electoral roll for the abovementioned ward
relating to (*myself, namely) _____ * son/wife/
daughter of _____ should be transposed to
Part No. _____ of this roll, because I have/the said
elector has changed *my/his/her place of ordinary residence to
_____ which is within the
same ward.

I declare that I am an elector of this ward being enrolled at
Serial No. _____ In Part No. _____ of the roll.

Signature/thumb impression
of applicant.

Place:

Date:

(Full Postal address)

Note:— Any person who makes a statement or declaration
which is false or which he either knows or believes
to be false or does not believe to be true is
punishable under section 31 of the Representation
of the People Act, 1950.

*Strick out the inappropriate words.

FORM-II

(See rule 27)

Application for deletion of entry in electoral roll.

To

The Electoral Registration Officer of the ward No.
of the municipal council of

Sir,

I submit that the entry at Serial No. in Part No.
of the electoral roll for the abovementioned ward relating to
†Thiru/Thirumathi
†son/wife/daughter of requires to
be deleted as the said persons is a dead/is no longer ordinarily
resident in this † locality/is not entitled to be registered in the
electoral roll for the following reasons:—

I hereby declare that the facts mentioned above are true to the
best of my knowledge and belief.

I declare that I am an elector of this ward being enrolled at
Serial No. in Part No. of the roll.

Signature/thumb impression
of objector.

Date :

Place :

(Full Postal Address)

NOTE: — Any person who makes a statement or declaration which
is false or which he either knows or believes to be false or
does not believe to be true is punishable under section 31
of the Representation of the People Act, 1950.

†Strike out the inappropriate words.

FORM-12

(See rules 15 and 16)

List of Claims.

Date of receipt.	Serial number.	Number of Claimant	Name of father/ husband/ mother.	Place of residence.	Date, time and place of hearing.
(1)	(2)	(3)	(4)	(5)	(6)

* To be filled only by the registration officer and not by an officer designated under rule 14.

FORM-13

(See rule 15)

List of objections to inclusion of names

Date of receipt	Sl. No.	Full name of objector	Particulars of name objected to	Reasons in brief for objection	Date, time and place of hearing.		
(1)	(2)	(3)	Part No. (4)	Serial No. (5)	Name in full (6)	(7)	(8)†

†To be filled only by the registration officer and not by an officer designated under rule 14.

FORM-14

(See rule 15)

List of objections to particulars in entries

Date of receipt	serial number	Name in full of elector objecting	Part No. and Serial No. of entry.	Nature of objection	Date, time and place of hearing
(1)	(2)	(3)	(4)	(5)	(6)†

† To be filled only by the registration officer and not by an officer designated under rule 14.

FORM-15

[See rule 19 (1) (b) (i)]

Notice of hearing of a claimDuplicate,

(Office copy)

To

(Full name and address of claimant)

Reference — Claim No.

Take notice that your claim for the inclusion of your name in the electoral roll will be heard at _____ (place) at _____ o'clock on the _____ day of _____ 19____. You are directed to be present at the hearing with such evidence as you may like to adduce,

Place :

Date :

Electoral Registration Officer.

FORM-15

(See rule 19 (1) (b) (i))

Notice of hearing of a claim

Original

(To be served on the claimant)

To

(Full name and address of claimant)

Reference: — Claim No.

Take notice that your claim for the inclusion of your name in the electoral roll will be heard at

(place) at o'clock

on the day of

19 . You are directed to be present at the hearing with such evidence as you may like to adduce.

Place:

Date: Electoral Registration Officer.

CERTIFICATE OF SERVICE OF NOTICE

Received notice of the date of hearing

Date:

Claimant

Certified that the notice on the claimant has been duly served by me this day of

on (name) personally/by affixation on residence

Place:

Date: Serving Officer

N. B. If this notice is served by post, attach the receipt here.

FORM 16

[See rule 19 (1) (b) (ii)]

Notice to the objector.Duplicate

(Office copy)

To

(Full name and
address of objector)

Reference:— Objection No.

Take notice that your objection to the inclusion of the name of
will be heard at (place) at
o'clock on the day of 19.

You are directed to be present at the hearing with such evidence as
you may like to adduce.

Place:

Date:

Electoral Registration Officer.

FORM-16

[See rule 19 (1) (b) (ii)]

Notice to the objector

Original

(To be served on
the objector)

To

(Full name and address
of objector)

Reference:- Objection No.

Take notice that your objection to the inclusion of the name of _____ will be heard _____ (place) at _____ o'clock on the _____ day of _____ 19____. You are directed to be present at the hearing with such evidence as you may like to adduce.

Place:

Date: _____ Electoral Registration Officer.

CERTIFICATE OF SERVICE OF NOTICE

Received notice of the date of hearing

Date:

Objector

Certified that the notice on the objector has been duly served by me this _____ day of _____ on _____ (name) _____ personally/by affixation on residence.

Place:

Date:

Serving Officer

N. B. If this notice is served by post, attach the receipt here.

FORM-17.

(See rule 19 (1) (b) (ii))

Duplicate

(Office copy)

To

(Full name and address of person objected to)

Reference:— Objection No.

Take notice that the objection to the inclusion of your name at serial No. in Part No. of the electoral roll for ward No. of the municipal council of filed by

(Full name and address of objector)

will be heard at (place) at o' clock on the day of 19 you are directed to be present at the hearing with such evidence as you may like to adduce. The grounds of objection (in brief) are;

- (a)
- (b)
- (c)

Place:

Date: Electoral Registration Officer.

FORM-17

[See rule 19 (1) (b) (ii)]

Original

(To be served on the person objected to)

To

(Full name and address of person objected to)

Reference :- Objection No.

Take notice that the objection to the inclusion of your name at serial No. _____ in Part No. _____ of the electoral roll for ward No. _____ of the municipal council of _____ filed by

(Full name and address of objector)

will be heard at _____ (place) at _____ o' clock on the _____ day of _____ 19 _____

You are directed to be present at the hearing with such evidence as you may like to adduce. The grounds of objection (in brief) are :

(a)

(b)

(c)

Place:

Date: _____ Electoral Registration Officer

CERTIFICATE OF SERVICE OF NOTICE

Received notice of the date of hearing _____

Date: _____ Person objected to _____

Certified that the notice on the person, the entry relating to whose name has been objected to, has been duly served by me this _____ day of _____ on (name) _____ personally/by affixation on residence. _____

Place:

Date: _____ Serving Officer _____

N.B.— If this notice is served by post, attach the receipt here.

FORM-18

(See rule 19 (1) (b) (iii))

Notice of hearing of an objection to particulars in an entry.

Duplicate

Office copy

To

(Full name and address of objector)

Reference:— Objection No.

Take notice that your objection to certain particulars in the entry relating to you will be heard at (place) at O' clock on the day of 19 . You are directed to be present at the hearing with such evidence as you may like to adduce.

Place:

Date:

Electoral Registration Officer.

FORM-18

[See rule 19 (1) (b) (iii)]

Notice of hearing of an objection to particulars in an entry.

Original

(To be served on the objector)

To

(Full name and address of objector)

Reference:— Objection No.

Take notice that your objection to certain particulars in the entry relating to you will be heard at _____ (place) at _____ o'clock on the _____ day of _____ 19____. You are directed to be present at the hearing with such evidence as you may like to adduce.

Place :

Date : _____ Electoral Registration Officer.

CERTIFICATE OF SERVICE OF NOTICE

Received notice of the date of hearing

Date :

Objector

Certified that the notice on the objector has been duly served by me this _____ day of _____ on (name) _____ personally/by affixation on residence.

Place :

Date : _____ Serving Officer

N. B. -- If this notice is served by post, attach the receipt here.

F O R M - 1 9

[See rule 23 (1)]

Notice of final publication of electoral roll

It is hereby notified for public information that the list of amendments to the draft electoral roll for the ward No. _____ of the municipal council of _____ has been prepared in accordance with the Pondicherry Municipalities (Registration of Electors) Rules, 1974, and a copy of the said roll

together with the said list of amendments has been published and will be available for inspection at my office.

Place:

Date: Electoral Registration Officer
(Address)

[G. O. Ms. No. 197 dated 7—11—1974-LAD].

19. (b) APPOINTMENT OF APPELLATE OFFICER
UNDER RULE 24 (1)

In exercise of the powers conferred by rule 24 (1) of the Pondicherry Municipalities (Registration of Electors) Rules, 1974 the Lieutenant-Governor, Pondicherry hereby designates the officer specified in the third column of the table below, as the 'Appellate Officer' in respect of the Municipal wards of the Municipality mentioned against the second column of the table.

TABLE

Sl. No. (1)	Name of the Municipality (2)	Officer (3)
1.	All Municipal wards in Pondicherry	The Commissioner, Pondicherry Municipality.
2.	All Municipal wards in Karaikal Municipality	The Administrator, Karaikal.
3.	All Municipal wards in Mahe Municipality.	The Administrator, Mahe.
4.	All Municipal wards in Yanam Municipality.	The Administrator, Yanam.

[G. O. Ms. No. 26 dated 30—1—1978-LAD].

20. (a) THE PONDICHERY MUNICIPAL COUNCILS
[CONDUCT OF ELECTION OF COUNCILLORS) RULES, 1974.

In exercise of the powers conferred by section 65 read with section 18 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant Governor, Pondicherry, hereby makes the following rules, namely:—

PRELIMINARY

Short title, extent and commencement.

1. (1) These rules may be called the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974.
- (2) They shall extend to the whole of the Union Territory of Pondicherry.
- (3) They shall come into force at once.

Definitions.

2. (1) In these rules, unless the context otherwise requires.
 - (a) "Act" means the Pondicherry Municipalities Act, 1973;
 - (b) "ballot box" includes any box, bag or other receptacle used for the insertion of ballot paper by voters;
 - (c) "contesting candidate" means a candidate whose nomination has been duly accepted under rule 14 and who has not withdrawn his candidature;
 - (d) "Election Authority" means such authority not being the chairman or vice-chairman or a councillor, as the Government may, by notification, appoint;
 - (e) "electoral roll number of a person" means:—
 - (i) the serial number of the entry in the electoral roll in respect of that person;

(ii) the serial number of the part of the electoral roll in which such entry occurs; and

(iii) the number and name of the ward to which the electoral roll relates;

(f) "form" means a form appended to these rules;

(g) "Returning Officer" means the person appointed by the Election Authority under sub-rule (1) of rule 3 and includes any Assistant Returning Officer performing any function he is authorised to perform under sub-rule (3) of rule 3:

(h) "section" means a section of the Act;

(i) "ward" means a Municipal ward.

(2) For the purpose of the Act or these rules, a person who is unable to write his name, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if

(a) he has placed a mark on such instrument or other paper in the presence of the Returning Officer or such officer as may be specified in this behalf by the Election Authority; and

(b) such officer, on being satisfied as to his identity, has attested the mark as being the mark of that person.

ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS.

Returning Officers and Assistant Returning Officers.

2. (1) For every municipal ward, for every election to the seat in the municipal council, the Election Authority shall, in consultation with the Government, designate or nominate a Returning Officer who shall be an officer of the Government:

Provided that nothing in this sub-rule shall prevent the Election Authority from designating or nominating the same person to be the Returning Officer for more than one ward.

(2) The Election Authority may appoint one or more persons to assist any Returning Officer in the performance of his functions and every such person shall be an Officer of the Government.

(3) Every Assistant Returning Officer shall, subject to the control of the Returning Officer be competent to perform all or any of the functions of the Returning Officer.

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

4. General duties of the Returning Officer:— (1) Subject to the superintendence, direction and control of the Election Authority, the Returning Officer shall be responsible for the proper conduct of the elections to the Municipal Council under the Act.

(2) It shall be the general duty of the Returning Officer to do all such acts and things as may be necessary for effectively conducting the election within his jurisdiction in the manner provided by the Act and the rules or orders made thereunder.

5. Provision of Polling Stations:— The Returning Officer shall provide a sufficient number of polling stations for the poll to be taken for each ward for which an election is to be held and shall publish in such manner as the Election Authority may direct, a list showing the polling stations so provided and the polling areas and groups of voters for each of them respectively.

6. Appointment of Presiding Officers for Polling Stations:—

(1) The Returning Officer shall appoint a Presiding Officer for each Polling Station and such Polling Officer or Officers as he thinks fit, but he shall not so appoint any person who is in the employ of municipal council or is a councillor or any person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election.

(2) If a Polling Officer is absent from the Polling Station, the Presiding Officer may appoint any person who is present at the Polling Station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or above the election, to be the Polling Officer during the absence of the former officer, and inform the Returning Officer accordingly.

(3) Nothing contained in sub-rule (1) shall prevent the Returning Officer from appointing the same person to be the Presiding Officer for more than one Polling Station in the same premises.

(4) A Polling Officer, shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under the provisions of these rules.

(5) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the Polling Station, his functions shall be performed by such Polling Officer as has been previously authorised by the Returning Officer to perform such function during any such absence.

7. General duty of the Presiding Officer and Polling Officer:-

(1) It shall be the general duty of the Presiding Officer at a Polling Station to keep order thereat and to see that the poll is fairly taken.

(2) It shall be the duty of the Polling Officers at a Polling Station to assist the Presiding Officer for such station in the performance of his functions.

CONDUCT OF ELECTIONS

8. Notification for election to the municipal council:- (1)

An election shall be held for the purpose of constituting a new municipal council on the expiration of the duration of the existing council or on its dissolution.

(2) For the said purpose, the Election Authority shall, subject to the approval of the Government, by one or more

notifications published in the Official Gazette on such date or dates call upon all the municipal wards to elect councillors in accordance with the provisions of these rules.

9. Appointment of dates for nominations etc.— As soon as the notification calling upon a municipal ward to elect a councillor is issued under rule 8, the Election Authority shall, subject to the approval of the Government, by notification in the Official Gazette, appoint—

(a) the last date for making nominations, which shall be the seventh day after the date of publication of the first mentioned notification or if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(c) the last date for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(d) the date or dates on which a poll shall, if necessary, be taken, which or the first of such shall be a date not earlier than the twentieth day after the last date for the withdrawal of candidatures is; and

(e) the date before which the election shall be completed.

10. Public notice of election:— (1) On the issue of notification under rule 9, the Election Authority shall direct the Returning Officer concerned to conduct the election accordingly.

(2) In pursuance of the direction of the Election Authority, the Returning Officer shall cause to be published in

the Official Gazette a notice of an intended election in English and Tamil and also in any other language in which the electoral roll for the municipality is published atleast seven days before the last date for the presentation of nomination papers and also by affixing it at the municipal office and in two or more conspicuous places in each ward for which the election is to be held;

Provided that if it is not possible to cause the notice to be published before the time so specified, the Returning Officer shall address the Election Authority for suitably revising the dates of election and shall, on receipt of the revised programme of election, cause the same to be published in accordance with this rule.

(3) The notice of an intended election shall be in Form 1.

11. Presentation of nomination paper:— (1) The nomination of every candidate shall be made by means of a nomination paper in Form 2 which shall, on application, be supplied free of cost by the Returning Officer concerned.

(2) On the date or dates specified in the notice issued under sub-rule (2) of rule 10 for the presentation of nomination papers each candidate shall, either in person or by his proposer, deliver to the Returning Officer at the place and during the hours specified in that behalf a nomination paper completed in Form 2 and signed by the candidate and by an elector of the ward as proposer:

Provided that no nomination paper shall be delivered to the Returning Officer on a day which is a public holiday.

(3) In a ward where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste of which he is a member of a Scheduled Caste.

(4) On the presentation of nomination paper, the Returning Officer shall satisfy himself that the names and

electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral roll.

Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood; and the Returning Officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.

(5) Where the candidate is an elector of a different ward, a copy of the electoral roll of that ward or of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the Returning Officer at the time of scrutiny.

(6) Nothing contained in this rule shall prevent any candidate from being nominated by more than one nomination paper.

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the same ward.

(7) An elector shall sign only one nomination paper as a proposer. An elector who wishes to stand as a candidate for election to a seat shall not sign the nomination paper as proposer.

12. Deposits:— (1) A candidate shall not be deemed to be duly nominated for election from a ward unless at the time of delivery of nomination paper under sub-rule (2) of rule 11 he deposits or cause to be deposited with the Returning Officer in cash a sum of rupees fifty or where the candidate is a member of a Scheduled Caste, a sum of rupees twenty-five. A separate deposit shall be required in respect of each ward for which the candidate wishes to stand;

Provided that where a candidate has been nominated by more than one nomination paper for election from the same ward, not more than one deposit shall be required of him under this sub-rule.

(2) Any sum required to be deposited under subrule (1) shall not be deemed to have been deposited unless at the time of delivery of the nomination paper the candidate has either deposited or caused to be deposited that sum with the Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the State Bank of India or in a Government Treasury.

(3) The deposit made under sub-rule (1) shall unless forfeited to the Government under sub-rule (4) or (5) be returned as soon as practicable after the result of the election is declared either to the person by whom it was made, or his legal representative:

Provided that where a candidate is not shown in the list of contesting candidates, or dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death as the case may be.

(4) If a candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled the deposit made by him or on his behalf shall be forfeited to the Government.

(5) Notwithstanding anything contained in sub-rules (3) and (4), if the candidate is a contesting candidate at an election in more than one ward, not more than one of the deposits made for his candidature under sub-rule (1) shall be returned and the others shall be forfeited to the Government.

13. Notice of nominations and the time and place for their scrutiny.—(1) The Returning Officer, shall, on receiving a nomination paper under rule 11, inform the person delivering the same of the time and place fixed for the scrutiny of nominations, and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him.

(2) On the last date for presentation of nomination papers after the expiry of the hours between which nomination papers should be presented, the Returning Officer shall cause to be affixed in some conspicuous place in his office, a list in Form 3, of the nomination papers delivered to him within the time and in the manner laid down in rule 11 and furnishing the date, time and place fixed for the scrutiny of nominations.

14. Scrutiny of nominations:—(1) On the date and time fixed for the scrutiny of nominations, the candidate, one proposer of each candidate and one other person duly authorised in writing by each candidate, but no other person shall attend at the place fixed for such scrutiny. The Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been specified in the notice under rule 13.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:

(a) that on the date fixed for the scrutiny of nominations, the candidate is either not qualified or is disqualified for being elected as a municipal councillor to fill the vacancy under any of the Provisions of the Act:

(b) that there has been a failure to comply with any of the provisions in rule 11 or 12; and

(c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clauses (b) or (c) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of nomination paper if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been communicated.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

Explanation.— For the purpose of this sub-rule, failure to complete, or any defect in completing the declaration as to symbols in a nomination paper shall not be deemed to be a defect of a substantial character.

(5) Where a person has signed as proposer a large number of nomination papers than one, those of the papers so signed which have been first received, shall be accepted if they are otherwise valid.

(6) The Returning Officer shall hold the scrutiny on the date specified in this behalf in the notice issued under sub-rule (2) of rule 10 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provide that in case an objection is raised by the Returning Officer or is made by any other person, the candidate concerned

may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(7) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same, and if the nomination paper is rejected, shall record in writing, a brief statement of his reasons for such rejection and furnish a copy of the same to the candidate concerned immediately on application made by him in this behalf.

(8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid and affix it to his notice board.

15. List of validly nominated candidates:— The list of validly nominated candidates referred to in sub-rule (8) of rule 14 shall be in Form. 4

16. Withdrawal of candidature:— (1) Any candidate may withdraw his candidature, by a notice in writing in Form 5 and subscribed by him and delivered to the Returning Officer before 3 O' clock in the afternoon on the second day after the day fixed for scrutiny of nominations, or if that day is a public holiday, the next succeeding day, which is not a public holiday. The notice may be delivered either by such candidate in person or by his proposer who has been authorised in this behalf, in writing, by such candidate.

(2) No person who has given notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(3) The Returning Officer shall, on being satisfied as to the genuineness of the notice of withdrawal and the identity of

the person delivering it under sub-rule (1) cause a notice in Form 6 to be affixed to some conspicuous place in his office.

17. Procedure in contested and uncontested elections:—

(1) If the number of contesting candidate in a ward of the municipal council is more than one, a poll shall be taken.

(2) If the number of contesting candidate in a ward of the municipal council is only one, the Returning Officer shall forthwith declare such candidate to be duly elected to fill the seat.

18. Assignment of symbols:— (1) The Government shall, by notification in the Official Gazette, specify the symbols that may be chosen by candidates at the election to the municipal council and the restrictions to which their choice shall be subject.

(2) Where more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration even if that nomination has been rejected.

(3) After the expiry of the period within which candidatures may be withdrawn, if a poll is found to be necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the Government,

(a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice;

(b) if more contesting candidates than one have indicated their preference for the same symbol decide by lot to which of such candidates the symbol will be allotted.

(4) The allotment by the Returning Officer of any symbol to a candidate shall be final except where it is inconsistent with

any directions issued by the Government in this behalf in which case the Election Authority may revise the allotment in such manner as he thinks fit.

(5) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.

19. Preparation and publication of list of contesting candidates: (1) The Returning Officer shall prepare a list of all contesting candidates in Form 7 and shall contain the particulars set out there in and shall be prepared in English and Tamil and also in any other language as the Election Authority may direct.

(2) If the list is prepared in more languages than one, the names of candidates therein shall be arranged alphabetically according to the script of such one of those languages.

(3) The Returning Officer shall, immediately after its preparation publish it on the notice board in his office and of the Municipal Office and in two or more conspicuous places in each ward for which the election is to be held. He may also supply a copy thereof to each of the contesting candidates or his election agent.

(4) If a poll becomes necessary, the Returning Officer shall publish the list of contesting candidates in the Official Gazette.

20. Death of candidate before poll.—If a candidate whose nomination has been found valid on scrutiny under rule 14 and who has not withdrawn his candidature under rule 16 dies and a report of his death is received before the publication of the list of contesting candidates under rule 19, or if a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Election Authority and

all proceeding with reference to the election shall be commenced a new in all respect as if for a new election;

Provided that no farther nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll;

Provided further that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 16 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

21. Fixing time for poll:— The Election Authority shall fix the hours during which the poll will be taken and the hours so fixed shall be published by notification in the Official Gazette :

Provided that the total period allotted on any one day for polling at an election in a Municipal Ward shall not be less than eight hours.

22. Polling Officers to be appointed before poll:— If a poll has to be taken, the Returning Officer shall, in accordance with rule 6 appoint forthwith a Presiding Officer for each polling station and such polling officer or officers as he thinks necessary.

23. Admission to Polling Stations.— The presiding officer shall ensure that votes are recorded at the polling station with absolute secrecy and he shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

(a) polling officers;

(b) the contesting candidates, the election agents and one agent of each contesting candidate at a time (hereinafter referred to as the polling agent) appointed, in writing, by the candidate in the manner provided in rule 24

(c) public servants on duty in connection with the election;

(d) a child in arms accompanying an elector;

(e) a person accompanying a blind or infirm elector who cannot move without help; and

(f) such other persons as the Returning Officer or the Presiding Officer may admit for the purpose of helping him in the identification of the electors or in searching women electors or of assisting him otherwise in taking the poll.

24. Appointment of election agents and polling agents—

A candidate at an election may appoint in Form 8 any one person other than himself to be his election agent and the notice of such appointment shall be given by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.

(2) An election agent may perform such functions in connection with the election as are authorised by or under these rules to be performed by an election agent.

(3) The revocation of the appointment of an election agent under sub-rule (1) shall be made in Form 9

(4) Each contesting candidate or his election agent may appoint one agent and two relief agents to act as the polling agents at each polling station. Every such appointment shall be made in Form 10 and shall be made over to the polling agent for production at the polling station or the place fixed for the poll, as the case may be

(5) A polling agent may perform such functions in connection with the poll as are authorised by or under these rules to be performed by a polling agent.

(6) No polling agent shall be admitted into the polling station or the place fixed for the poll unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (4) after duly completing and signing before the Presiding Officer the declaration contained therein.

(7) The revocation of the appointment of a polling agent under sub-rule (4) shall be made in Form 11 and lodged with the Presiding Officer. In the event of any such revocation, the candidate or his election agent may, at any time before the poll is closed, make a fresh appointment in the manner specified in sub-rule (4) and the provisions of that sub-rule shall apply to every such agent.

25. Arrangements at polling stations:— (1) At each polling station, there shall be set up one or more voting compartments in which electors can record their votes screened from observation.

(2) The Returning Officer shall provide at each polling station as many ballot boxes as may be necessary with reference to the number of electors assigned to it. He shall also provide copies of the electoral rolls or such part thereof as contains the names of the electors entitled to vote at the polling station, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers and other papers, stationery and forms as may be necessary.

(3) Every ballot box shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom, without the box being unlocked.

(4) Outside each Polling Station, there shall be displayed prominently a notice specifying the polling area, the electors of which are entitled to vote at the polling station, and if the polling area has more than one polling station, the particulars of the electors so entitled.

(5) The ballot papers and all other election materials shall be delivered to the Presiding Officer by the Returning Officer or any other person authorised by him, sufficiently early before the hour fixed for the commencement of the poll.

(6) Preparation of ballot boxes for poll:— (1) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(2) The Presiding Officer shall thereafter affix the paper seal shall sign in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper therein remain open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seals.

(4) Every ballot box used at a polling station shall bear labels both inside and outside, marked with—

(a) the number of the municipal ward and the name of the municipal council;

(b) the serial number and name of the polling station;

(c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only; and

(d) the date of the poll.

(5) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the contesting candidates, election agents, polling agents and the persons present that the Pollot box is empty and bears the labels referred to in sub-rule (4).

(6) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the Polling Agents.

27. Facilities for women electors.— (1) Where the Polling Station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the Polling Station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors and in particular to help in searching any woman elector in case it becomes necessary.

28. Identification of electors:— (1) The Presiding Officer may employ at the Polling Station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the Polling Station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) In deciding the right of a person to put in a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

29. Safeguards against personation:— (1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on the back of the left forefinger immediately above root of the nail on the skin.

(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any

act with a view to removing the ink mark he shall not be supplied with any ballot paper or allowed to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

30. Ballot papers:— (1) Every ballot papers shall be in duplicate and in Form 12. The names of the contesting candidates with their respective symbols shall be printed on the ballot paper, in the same order in which their names appear in Form 7. The size of the ballot paper, the language to be used and other matters relating thereto (including the size of the symbols to be printed thereon, the width of the space allotted to each candidate and the width of the shaded area between the space allotted to any two candidates in the ballot papers) shall be decided by the Election Authority from time to time.

(2) The ballot papers shall be serially numbered and shall be stamped on their reverse by such distinguishing mark or marks and in such manner as may be directed by the Election Authority.

31. Issue of ballot papers and voting procedure:—

(1) At the time of issuing a ballot paper to an elector, the polling officer shall—

(a) record in the counterfoil of the electoral roll the number of the elector as entered in the marked copy of the electoral roll;

(b) obtain the signature or thumb impression of that elector on the said counterfoil.

(c) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him without recording therein the serial number of the ballot paper to that elector:

Provided that:—

(i) no ballot paper shall be delivered to an elector unless he has put his signature or thumb impression on the counterfoil of that ballot paper;

(ii) no person in the polling station shall note down the serial number of the ballot paper issued to a particular elector;

(iii) every ballot paper before it is issued to an elector and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Election Authority may direct and every ballot paper before it is issued shall be signed in full on its back by the Presiding Officer.

(2) Save as provided in sub-rule (1), no person in the polling station shall note down the serial number of the ballot papers issued to particular electors.

(3) The elector on receiving the ballot paper shall forthwith:—

(a) proceed to the Voting compartment, and if there are more than one voting compartment to one of the voting compartments.

(b) there, make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol for which he intends to vote.

(c) fold the ballot paper so as to conceal his vote.

(d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper,

(e) insert the folded ballot paper into the ballot box, and

(f) quite the Polling Station.

4) No elector shall be allowed to enter a voting compartment when another elector is inside it.

5) Every elector shall vote without undue delay. He shall not place anything except a ballot paper in the ballot box. Anything other than ballot papers found in the box at the time of counting of votes, shall be forfeited to the Government.

32. Persons entitled to vote by post:— The following person shall, subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post at an election in a municipal ward namely

(i) service voters;

(ii) voters on election duty; and

(iii) electors subjected to preventive detention

33. Intimation by voters on election duty:— A voter on election duty who wishes to vote by post at an election shall send an application in Form 13 to the Returning Officer so as to reach him at least seven days or such shorter period as the Returning Officer may allow before the date of poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.

34. Electors under preventive detention:— (1) The Election Authority shall, within 15 days of the calling of an election as certain and intimate to the Returning Officer the names of the electors, if any, subjected to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.

(2) Any elector subjected to preventive detention may, within 15 days of the calling of an election, send an intimation

to the Returning Officer that he wishes to vote by post, specifying his name, address, electoral roll number and place of detention.

(3) The Returning Officer shall issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2)

35. Form of postal ballot paper:— A postal ballot paper shall be in the same form as the ordinary ballot paper with the words "postal ballot paper" stamped on the reverse. Every postal ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such form and the particulars therein shall be in such languages as the Election Authority may direct.

36. Issue of ballot Paper:— (1) A postal ballot paper shall be sent by post under certificate of posting to the elector together with

- (a) a declaration in Form 14.
- (b) a cover in Form 15.
- (c) a large cover addressed to the Returning Officer in Form 16; and
- (d) instructions for the guidance of the elector in Form 17;

Provided that the Returning Officer may, in the case of a voter on election duty deliver the ballot paper and forms, or cause them to be delivered, to such voter personally.

(2) The Returning Office shall at the same time—

(a) record the serial number of each ballot paper against the entry relating to that elector in the marked copy of the electoral roll, and

(b) ensure that the elector is not allowed to vote at a polling station.

(3) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

(4) After ballot papers have been issued to all the electors entitled to vote by post, the Returning Officer shall seal up in a packet that part of the marked copy of the electoral roll which relates to service voters and record on the packet a brief description of its contents and the date on which it was sealed and send the other relevant part of the marked copy to the several Presiding Officers for recording the serial numbers of ballot papers issued to the electors at the polling stations.

37. Recording of vote:— (1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part 1 of Form 17 and then enclose it in the cover in Form 15.

(2) The elector shall sign the declaration in Form 14 in the presence of, and have the signature attested by a stipendiary magistrate or such other officer specified below, as may be appropriate, to whom he is personally known or to whose satisfaction he has identified:—

(a) in the case of a service voter, such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed or such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;

(b) in the case of a voter on election duty, any Gazetted Officer or the Presiding Officer of the Polling Station at which he is on election duty;

(c) in the case of an elector under preventive detention, the Superintendent of the Jail in which the elector is under detention; and

(d) in any other case, such officer as may be notified in this behalf by the Government.

38. Re-issue of ballot paper:— (1) When a postal ballot paper and other papers sent under rule 36 are for any reason returned undelivered, the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 36 in such a manner that they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoilt papers and satisfied the Returning Officer of the inadvertence.

(3) The Returning Officer shall cancel the spoilt papers so returned and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

39. Assistant to illiterate or infirm voters:— (1) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot papers together with the declaration and the covers received by him to an officer competent to attest his signature under sub-rule (2) of rule 37 and request the officer to record his vote and sign his declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign

the declaration on his behalf and complete the appropriate certificate contained in Form 14.

40. Return of ballot paper:—(1) After an elector has recorded his vote and made his declaration under rule 37 or rule 39, he shall return the ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Part II of Form 17 so as to reach the Returning Officer the hour fixed for the close of the poll on the date or the last of the dates fixed for the poll.

(2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(3) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

41. Recording of votes of blind or infirm electors:—

(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than twenty-one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box.

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day;

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the

person shall be required to declare in Form 18 that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

(2) The Presiding Officer shall keep a record in Form 19 of all cases under this rule.

42. Challenge of identity:— (1) Any contesting candidate, election agent or polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall:

(a) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;

(b) enter his name and address in the list of challenged votes in Form 20; and

(c) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry in to the challenge and may for that purpose:

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity ;

(b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and

(c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person

challenged to vote ; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith he shall direct that the deposit made under sub-rule (1) be forfeited to Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

43. Tendered Votes:— If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a “tendered ballot paper”) in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 21.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that it shall be:—

(a) serially the last in the bundle of ballot papers, issued for use at the Polling Station; and

(b) endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own hand and signed by him.

(4) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer who shall place it in a cover specially kept for the purpose.

Explanation:— In cases falling under this rule to which rule 42 is also applicable the provisions of this rule as well as rule 42 shall be followed.

44. Spoilt and returned ballot papers:— (1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvence, be given another ballot paper, and the ballot paper so returned shall be marked "spoilt; cancelled" by the Presiding Officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned shall be marked as "returned; cancelled" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

45. Adjournment of poll in emergencies:— (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station shall stop the poll, pending the receipt of the orders of the Election Authority. The fact that the poll has been so stopped shall be immediately announced by the Presiding Officer to the persons present at the Polling Station.

(2) Where a Presiding Officer stops a poll under sub-rule (1), he shall observe the procedure laid down in rule 47 and forthwith make a full report of the circumstances to the Returning Officer who shall report the matter to the Election Authority. The Returning Officer thereupon shall not count the votes cast at such election until such poll shall have been completed.

(3) The Election Authority shall thereupon order—

(a) that the poll be resumed at the polling station for the number of hours for which it was not held on the previous occasions, or.

(b) that the proceedings of the poll held at the polling station on the previous occasion be ignored, and that a fresh poll be held at such polling station for the full number of hours for which it should have been held on the previous occasion.

An order passed by the Election Authority under this sub-rule shall be final.

(4) An order passed under sub-rule (3)—shall

(a) state—

(i) the date on which and the hours between which the resumed poll or the fresh poll as the case may be, shall be held and

(ii) the date on which and the place and hour at which the Returning Officer shall commence the counting of the votes under rule 50; and

(b) be published in the manner laid down in sub-rule (2) of rule 10 not less than seven days before the date fixed for the resumed poll or fresh poll, as the case may be.

(5) (a) Where an order is passed under clause (a) of sub-rule (3) for the resumption of the poll, the Returning Officer shall proceed afresh under rule 22 and return to the Presiding Officer appointed under that rule, all the packets received by him under sub-rule (2) of this rule.

(b) The Presiding Officer shall open the packets just before the commencement of the resumed poll in the presence of such persons as may be present at the polling station and commence such poll precisely at the hour fixed therefor in the order passed by the Election Authority under clause (a) of sub-rule (3).

(c) At the resumed poll, the Presiding Officer shall allow only such electors to vote as did not vote on the previous occasion.

(6) Where an order is passed under clause (b) of sub-rule (3) for holding a fresh poll, the Returning Officer shall proceed

a fresh under rule 22 and a fresh poll shall be held at the polling station concerned in accordance with the provisions of these rules in all respects as if it were being held at such polling station for the first time;

Provided that there shall be no fresh nomination incases falling under this sub-rule.

(7) Notwithstanding anything contained in this rule, if a contesting candidate dies at any time before orders are passed by the Election Authority under sub-rule (3) or at any time after the passing of such orders but before the commencement of the resumed poll or fresh poll, as the case may be, the Returning Officer shall upon being satisfied of the fact of the death of the contesting candidate, stop all further proceedings in connection with the election and inform the Election Authority who shall thereupon start election proceedings afresh in all respects as if it were a new election to the ward concerned:

Provided that for the election proceedings so started, no fresh nominations shall be necessary in the case of remaining contesting candidates.

46. Fresh poll in the case of destrutcion etc., of ballot boxes:— (1) It at an election—

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Offtcer or the Returning Officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with to such an extent, that the result of the poll at that polling station cannot be ascertained, or.

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Returning Officer shall forthwith report the matter to the Election Authority.

(2) Thereupon, the Election Authority shall after taking all material circumstances into account, either...

(a) declare the poll at the polling station to be void, appoint a day and fix the hours for taking a fresh poll at that polling station and direct the day so appointed and the hours so fixed to be published in the manner laid down in sub-rule (2) or rule 10; or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as he may seem proper for the further conduct and completion of the election.

(3) The provisions of these rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

47. Closing of poll:—(1) The Presiding Officer shall close the polling station at the hour fixed in that behalf under rule 21 or sub-rule (4) of rule 45 or clause (a) of sub-rule (2) of rule 46, as the case may be, so as to prevent the admission there to of any elector after that hour;

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the Presiding Officer whose decision shall be final.

48. Sealing of ballot boxes after poll:— (1) The Presiding Officer of each polling station as soon as practicable after the close of the poll, shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any candidate, election agent or polling agent present to affix his seal.

(2) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first ballot box shall be closed and sealed as provided in sub-rule (1) before another ballot box is put into use.

(3) The Presiding Officer shall then make up into separate packets and seal with his own seal and seals of such candidates or agents as may desire to affix their seals:—

- (i) the marked copy of the electoral roll ;
- (ii) the unused ballot papers ;
- (iii) the cancelled ballot papers ;
- (iv) the cover containing the tendered ballot papers and the list in Form 21 ;
- (v) the list of challenged votes ; and
- (vi) any other papers directed by the Government to be kept in a sealed packet.

(4) Each packet shall be numbered and shall bear a note as to its contents, the number and name of the polling station and the number of the ward. Where no vote has been recorded at any polling station, the Presiding Officer shall submit a nil report together with the statement in Form 22 referred to in sub-rule (5).

(5) The packets shall be accompanied by a statement in Part I. of Form 22 made by the Presiding Officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers received, not used, issued to voters, cancelled and tendered ballot papers and enclosed in a separate cover with the words "Ballot Paper Account" superscribed thereon.

49. Transmission of ballot boxes, etc., to the Returning Officer:— The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct:—

- (a) the ballot boxes;
- (b) the ballot paper accounts;

- (c) the sealed packets referred to in rule 48;
- (d) all other papers, and marking or stamping articles used at the poll; and
- (e) cash, if any, collected under sub-rule (1) of rule 42.

COUNTING OF VOTES

50. Time and place for counting:— The Returning Officer shall, at least one week before the date, or the first of the dates fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent;

Provided that if for any reason the Returning Officer finds it necessary so to do, he may alter the date time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or his election agent.

51. Admission to the place fixed for counting, appointment of counting agents and revocation of such appointments:— (1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except:—

- (a) such persons as he may appoint to assist him in the counting.
- (b) public servants on duty in connection with the election; and
- (c) candidates, their election agents and counting agents.

(2) No person who has been employed by or on behalf of or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

(5) A contesting candidate or his election agent may appoint one or more persons to be present as his counting agent or agents at the counting of votes. Every such appointment shall be made in Form 23 in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer not later than one hour before the time fixed for counting under rule 50.

(6) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer the second copy of his appointment under sub-rule (5) after duly completing and signing the declaration contained therein and receiving from the Returning Officer an authority for entry into the place fixed for counting.

(7) The revocation of appointment of a counting agent shall be made in Form 24 and lodged with the Returning Officer.

(8) In the event of any such revocation before the commencement of the counting of votes, the candidate or his election agent may make a fresh appointment in accordance with sub-rule (5)

52. Maintenance of secrecy of voting— (1) The Returning Officer shall, before he commences to count the votes, read the provisions of section 26 of the Act, to such persons as may be present.

53. Counting of votes received by post— (1) The Returning Officer shall first deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form 16 received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no votes contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in Form 14 contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form 15, that cover shall not be opened and after making an appropriate endorsement thereon the Returning Officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form 16 and all such covers in Form 16 shall be kept in a separate packet which shall be sealed and on which shall be recorded the ward number, the name of the municipal council, the date of counting and a brief description of its contents.

(6) The Returning Officer shall then place all the declarations in Form 14 which he has found to be in order in a separate packet which shall be sealed before any cover in Form 15 is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form 15 not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected:—

(a) if no vote is recorded there on ; or

(b) if votes are given on it in favour of more than one candidates than one ; or

- (c) if it is a spurious ballot paper ; or
- (d) if it is so damaged ; or mutilated that its identity as a genuine ballot paper cannot be established ; or
- (e) if it is not returned in the cover sent along with it to the elector by the returning officer.

(9) A vote recored on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more then once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked,

(11) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form 25 and announce the same.

(12) Thereafter, all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the ward number, the name of the municipal council, the date of counting and a brief description of its contents.

54. Scrutiny and opening of ballot boxes:—(1) The ballot boxes relating to each of the polling stations provided under rule 5 for each ward shall be taken up separately for counting. The Returning Officer may in his discretion have the ballot boxes used at more than one polling station opened and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the seal on the ballot box, and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid in rule 46 in respect of that polling station.

(5) (a) If a fresh poll is held under rule 46, the Returning Officer shall, after completion of that poll recommence the counting of votes on the date and at the time and place which have been fixed by the Election Authority in that behalf and of which notice has been previously given to the contesting candidates and their election agents.

(b) The provisions of rules 50 to 69 (both inclusive) shall apply so far as may be to such further counting.

55. Scrutiny and rejection of ballot papers:— (1) The Returning Officer shall allow the candidates and their agents reasonable opportunities to inspect, without handling all ballot papers which in his opinion are liable to be rejected under rule 56. He shall endorse on every ballot paper which is rejected the letter 'R' and the ground of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(2) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes; and shall during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

(3) He shall verify the statement submitted by the Presiding Officer under rule 48 (5) by comparing it with the number of accepted ballot papers and of rejected ballot papers and the unused ballot papers in his possession.

56. Rejection of ballot papers:— (1) A ballot paper shall be rejected

(a) if it bears any mark or writing by which the elector can be identified, or

(b) if it bears no mark at all or bears a mark made otherwise than with the instrument supplied for the purpose, or

(c) if votes are recorded on or near both the symbols or,

(d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or

(e) if it is a spurious ballot paper, or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or

(g) if it bears a serial number or is of a design different from the serial number or, as the case may be, the design of the ballot paper authorised for use at the particular polling station, or

(h) if it does not bear the distinguishing mark which it should have borne under sub-rule (2) of rule 30;

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect;

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention of the voter clearly appears from the way the paper is marked.

(2) All ballot papers taken out of the ballot box used at a polling station and rejected under this rule shall be made into a separate bundle.

(3) The decision of the Returning Officer shall be final, subject only to the decision of the court on an election petition.

57. Counting valid votes and sealing of used ballot papers:-

(1) The vote recorded in every ballot paper which is not rejected under rule 56 shall be counted:

Provided that no cover containing the tendered ballot papers shall be opened and no vote recorded in such paper shall be counted.

(2) After the counting of the votes recorded in all ballot papers contained in all ballot boxes used at a polling station has been completed, the Returning Officer shall have the result of such counting entered in Part II of Form 22 and it shall be signed by the counting supervisor and the Returning Officer. The Returning Officer shall, then, make the entries relating there to in a result sheet in Form 25 and announce the particulars.

(3) The valid ballot papers of each candidate and the rejected ballot papers shall there after be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon; and on the packets so sealed shall be recorded the following particulars, namely:—

(a) the number of the ward and the name of the municipal council;

(b) the particulars of the polling station where the ballot papers have been used; and

(c) the date of counting.

58. Recount of votes:- (1) After completion of the counting and before the declaration of the result of the election, a contesting candidate or, in his absence his election agent may apply in writing to the Returning Officer for a recount of all or any of the votes already counted stating the grounds on which he demands such recount.

(2) On such application being made, the Returning Officer shall decide the matter and may allow the application in whole or in part, or may reject it if it appears to him to be frivolous or unreasonable.

(3) Every decision of the Returning Officer under sub-rule (2) shall be in writing and contain the reasons therefor.

(4) If the Returning Officer decides under sub-rule (2) to allow an application either in whole or in part, he shall

(a) count the votes again in accordance with his decision;

(b) amend the result sheet in Form 25 to the extent necessary after such recount, and

(c) announce the amendments so made by him

(5) After the total number of votes polled by each candidate has been announced under sub-rule (2) of rule 57 or under sub-rule (4) of this rule, the Returning Officer shall complete and sign the result in Form 25 and no application for a recount shall be entertained thereafter ;

Provided that no step under this sub-rule shall be taken on the completion of the counting, until the candidates and the election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (1).

59. Declaration of result of election.— (1) After the Returning Officer has completed the scrutiny and counting of votes, he shall declare to be elected the contesting candidates to

whom the largest number of valid votes have been given, complete and certify the return in Form 26 and send the signed copy thereof to the Election Authority.

(2) If there is an equality of votes between two or more contesting candidates, and the addition of one vote will entitle any of these candidates to be declared elected, the Returning Officer shall decide between those candidates by lot and the candidate on whom the lot falls shall be deemed to have received an additional vote. The Returning Officer shall then declare the result accordingly.

60. Grant of certificate of election to returned candidate:—

As soon as may be after a candidate has been declared by the Returning Officer, he shall grant to such candidate a certificate of election in Form 27 and obtain from the candidate an acknowledgment of its receipt duly signed by him and immediately send the acknowledgment by registered post to the Commissioner of the concerned Municipal Council.

61. Date of election of candidate:— For the purposes of these rules, the date on which a candidate is declared by the Returning Officer under the provisions of rule 17 or rule 59, to be elected to a Municipal Council shall be the date of election of that candidate.

62. Resignation of seats in case of election to more than one seat:— (1) If a person is elected to more than one seat in one or more Municipal councils, the time within which he may resign all but one of the seats to which he has been elected shall be:

(a) where the date of declaration of his election to more than one seat is on the same day, fourteen days from that date; and

(b) where the date of declaration of his election to more than one seat are different, fourteen days from the last of such dates.

(2) Such resignation shall be addressed to the Election Authority within the time specified in sub-rule (1)

(3) Where the resignation has been addressed to the Election Authority under sub-rule (2) the Election Authority shall, as soon as may be, after the receipt of the resignation, send a copy thereof to the concerned Municipal Council.

63. Publication of results of elections: Where an election is held for the purpose of constituting a new Municipal council, there shall be notified by the Election Authority in the Official Gazette, as soon as may be after the date originally fixed for the completion of the election under class (e) of rule 9, the names of the members elected for the various wards of each municipal council and upon such notification that municipal council shall be deemed to be duly constituted.

64. Custody of ballot boxes and papers relating to elections:

(1) All ballot boxes used at an election shall be kept in such custody as the Election Authority may direct.

(2) The Returning Officer shall keep in safe custody the packets of unused ballot papers, the packets of used ballot papers, whether valid, tendered or rejected and all other papers relating to the election.

65. Production and inspection of elections papers.—

(1) While in custody of the Returning Officer.—

(a) the packets of unused ballot papers :

(b) the packets of used ballot papers whether valid, tendered or rejected ;

(c) The packets of the marked copy of the electoral roll; and

(d) The packets or the declarations by electors and the attestation of their signatures ;

shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under the orders of the Government or of a competent Court or tribunal.

(2) All other papers relating to the elections shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Government may direct.

(3) Copies of returns by the Returning Officer forwarded under rule 59 shall be furnished by the Election Authority on payment of a fee of rupees two for each such copy.

66. Disposal of elections papers:— Subject to any direction to the contrary given by the Government or by a competent Court or tribunal—

(a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be placed at the disposal of the Election Authority ;

(b) the other packets referred to in sub-rule (1) of rule 65 shall be retained for a period of one year and shall thereafter be destroyed;

(c) all other papers relating to the elections shall be retained for such period as the Government may direct

67. Interpretation of these rules by Government.—

(1) If any question arises as to the interpretation of these rules, otherwise than in connection with an inquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the Government whose decision shall be final.

(2) Pending the decision of the Government on any such reference, made to them or the issue of final orders on any inquiry which the Government may institute upon receipt of information that an election is being or about to be held in contravention of the rules, it shall be lawful for the Government to direct the stay of the election proceedings at

FORM-2
NOMINATION PAPER

(See rule 11)

Election to the Municipal Councils of the Union Territory of Pondicherry.

I nominate as a candidate for the election of a councillor to the Ward No. _____ of the Municipal Council of _____

Candidate's name _____

His postal address _____

His name is entered at S. No. _____ in Part No. _____ of the electoral roll for the Ward No. _____ of the Municipal Council of _____

My name is _____ and it is entered at S. No. _____ in Part No. _____ for the electoral roll for Ward No. _____ of the Municipal Council of _____

Date: _____

(Signature of proposer)

I, the abovementioned candidate, assent to this nomination and hereby declare that—

(a) that I have completed _____ years of age and that I am a citizen of India;

‡ (b) that I am sponsored at this election by the party: _____

(c) that the symbols I have chosen are, in order of preference

(i) _____ (ii) _____ and (iii) _____

‡ I further declare that I am a member of the _____ caste which is a Scheduled Caste of the Union Territory of Pondicherry.

Date: _____

(Signature of candidate)

‡ Score out this paragraph, if not applicable.

(To be filled by the Returning Officer.)

Serial No. of nomination paper

This nomination was delivered to me at my office at
(hour) on (date) by the † candidate/proposer.

Date: Returning Officer

† Score out the word not applicable.

Decision of Returning Officer accepting or rejecting the
Nomination Paper.

I have examined this nomination paper in accordance with
rule 14 of the Pondicherry Municipal Council (Conduct of
Election of Councillors) Rules, 1974 and decide as follows:

Date: Returning Officer.

(Perforation)

Receipt for Nomination Paper and Notice of Scrutiny
(To be handed over to the person presenting the nomina-
tion paper).

Serial No. of nomination paper

The nomination paper of a candidate for
election to the ward No. of the Municipal Council
of was delivered to me at my office at
(hour) on (date) by the † candidate/proposer. All
nomination papers will be taken up for scrutiny at
(hour) on (date) at (place).

Date: Returning Officer.

† Score out the word not applicable

any stage thereof prior to the declaration of the results. Any election held or continued in contravention of the orders of the Government under this rule shall be void and be of no effect whatsoever.

(3) Unless it is otherwise ordered by Government, election proceedings stayed under this rule shall, on cancellation of the stay order, be continued from the stage at which they were stayed and on fresh dates, if any, to be fixed.

68. Fixing other dates of election for special reasons:—

Notwithstanding anything contained in the foregoing rules, the Government may, for special reasons, empower the Election Authority to fix dates and periods other than those specified or fixed by or under these rules, for all or any of the stages of any election under the Act.

69. Removal of difficulties, if any, by Government:— (1) The Government may issue such general or special directions as may in their opinion be necessary for the purpose of giving due effect to these rules, or holding any election under the Act.

(2) If any, difficulty arises in giving effect to the provisions of these rules, or in holding any election, the Government, as occasion may require, may by order, do anything which appears to them necessary for the purpose of removing the difficulty.

FORM-1

NOTICE OF ELECTION

(See rule 10 (3))

Notice is hereby given that:

(1) an election is to be held of a councillor to the ward No. of the municipal council of

(2) nomination papers may be delivered by a candidate or his proposer to the Returning Officer, or to Assistant Returning Officer, at between 11 A. M. and 3 P. M. on any day (other than a public holiday) not later than the ;

(3) forms of nomination paper may be obtained at the place and times aforesaid.

(4) the nomination papers will be taken up for scrutiny at on at ;

(5) notice of withdrawal of candidature may be delivered by a candidate or his proposer to either of the officers specified in paragraph (2) above at his office before 3 P. M. on the ;

(6) in the event of the election being contested, the poll will be taken on between the hours of and ;

Place:

Date:

Returning Officer.

FORM-3

NOTICE OF NOMINATION

[See rule 13 (2)]

Election to the ward No. _____ of the Municipal Council
of _____

Notice is hereby given that the following nominations in
respect of the above election have been received upto 3 P. M.
to day.

Serial number of nomination paper.	Name of candidate.	Name of father/husband.	Age of candidate.	Address.	Particulars of caste for candidates belonging to Scheduled Castes.	Electoral roll number of candidate.	Name of proposer.	Electoral roll number of proposer.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

The nomination papers will be taken up for scrutiny at

a. m./p. m. on _____ at _____ (place).

Place :

Date :

Returning Officer.

FORM-4

LIST OF VALIDLY NOMINATED CANDIDATES.

(See rule 15.)

Election to the †

Serial number	Name of Candidate	Name of † † father/husband	Address of candidate.
(1)	(2)	(3)	(4)

Place:

Date:

Returning Officer.

† Appropriate particulars of the election to be inserted here.

† † Strike off the inappropriate alternative.

FORM-5

NOTICE OF WITHDRAWAL

(See rule 16 (1))

Election to *

To

The Returning Officer,

I _____ a candidate nominated at the above election do hereby give notice that I withdraw my candidature.

Place:

Date:

Signature of candidate.

This notice was delivered to me at my office at (hours) on _____ (date) by _____ (name the ** candidate /proposer.

Date:

Returning Officer.

(Perforation)

Receipt for Notice of Withdrawal.

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a candidate at the election to was delivered to me by the ** candidate/proprietor at my office at (hour) on (date).

Returning Officer.

*. Appropriate particulars of the election to be inserted here.
** Score out the word not applicable.

FORM-6

NOTICE OF WITHDRAWAL OF CANDIDATURE

[See rule 16 (3)]

Election to*

Notice is hereby given that the following **candidate/ candidates at the above election withdrew **his candidature/their candidature today.

Date : Returning Officer.

Table with 3 columns: Name of candidate (1), Address of candidate (2), Remarks (3). Rows include 1., 2., 3., etc.,

Date : Returning Officer.

* Appropriate particulars of the election to be inserted here.
**Strike off the inappropriate alternative.

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FORM-7.

LIST OF CONTESTING CANDIDATES

(See rule 19 (1))

Election to*

Serial No. (1)	Name of candidate (2)	Address of candidate (3)	Symbol allotted (4)
1.			
2.			
3.			
4.			
etc.			

Place: _____

Date: _____ Returning Officer, _____

*Appropriate particulars of the election to be inserted here.

FORM-8

APPOINTMENT OF ELECTION AGENT

[See rule 24 (1)]

Election to the *

To

The Returning Officer,

I _____ of _____ a candidate at the
above election do hereby appoint _____ of _____ as
my election agent from this day at the above election.

Place: _____

Date: _____

Signature of candidate.

FORM - 11

REVOCATION OF APPOINTMENT OF POLLING AGENT

(See rule 24 (7))

Election to the*

To

The Presiding Officer,

I (the election agent of) a candidate at the above election, hereby revoke the appointment of my/his polling agent.

Place:

Date:

Signature of person revoking

*Appropriate particulars of the election to be inserted here.

N. B. —Omit the words marked () as necessary.

FORM 12.

BALLOT PAPER.

(See rule 30 (1))

Ward No. of the Municipal Council of

Electoral roll Part No.

Serial No. of Elector

No. Signature/Thumb impression.

Name:

Symbol

No.

Ward No. of the municipal

council of

Name:

Symbol

FORM-13

LETTER OF INTIMATION TO RETURNING OFFICER

(See rule 33)

To The Returning Officer for the ward No. of the Municipal Council of

Sir,

I intend to cast my vote by post at the ensuing election to the Municipal Council of from the ward No.

My name is entered at S. No. in Part No. of the electoral roll for ward No. of the Municipal Council of

The ballot paper may be sent to me at the following address:

.....

Yours faithfully,

Place:

Date:

FORM-14

DECLARATION BY ELECTOR

[See rule 36 (1) (a)]

Election to the *

(This side is to be used only when the elector signs the declaration himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number has been issued at the above election.

Date :

Signature of elector

Address

Attestation of signature

I accept the above appointment

Place:

Date:

Signature of Election Agent.

* Appropriate particulars of election to be inserted here,

FORM 9

REVOCATION OF APPOINTMENT OF ELECTION AGENT

[See rule 24 (3)]

Election to the*

To

The Returning Officer,

I a candidate at the above election, hereby
revoke the appointment of my election agent

Place:

Date:

Signature of candidate.

*Appropriate particulars of the election, to be inserted here.

FORM-10

*APPOINTMENT OF POLLING AGENT

(See rule 24 (4))

Election to the †

I a \$ candidate/the election agent of
who is a candidate at the above election do
hereby appoint of as a
polling agent to attend †polling station No. at/place fixed for
the poll at

Place:

Date:

†Signature of \$candidate/election agent

I agree to act as such polling agent.

Place:

Date:

Signature of polling agent.

Declaration of polling agent to be signed before Presiding Officer.

I hereby declare that at the above election I will not do anything forbidden by †section 26 of the Pondicherry Municipalities Act, 1973 which \$I have read/has been read over to me.

Date:

Signed before me.

Signature of polling agent.

Presiding Officer.

* To be handed over to the polling agent for production at the polling station or at the place fixed for the poll.

* * Appropriate particulars of the election to be inserted here.

\$ Strike off the inappropriate alternative.

† Section 26 of the Pondicherry Municipalities Act 1973.

“26. Maintenance of secrecy of voting.—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of voting and shall not (except for some purposes authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.”

The above has been signed in my presence by
(elector) who ++ is personally known to me/has been identified to
my satisfaction by (identifier) who is personally known
to me.

Signature of identifier, if any

Address

Signature of Attesting Officer

Designation

Address

Date

(This side is to be used when the elector cannot sign himself).

I hereby declare that I am the elector to whom the postal
ballot paper bearing serial number has been issued at
the above election.

Date :

Signature of Attesting Officer
on behalf of elector

Address of Elector

CERTIFICATE

I hereby certify that—

(1) the above named elector ++ is personally known
to me/has been identified to my satisfaction by (identifier)
who is personally known to me ;

(2) I am satisfied that the elector ++ is illiterate/suffer
from (infirmary) and is unable to record his vote
himself or sign his declaration ;

(3) I was requested by him to mark the ballot paper
and to sign the above declaration on his behalf ; and

(4) the ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of identifier if any

Address

Signature of Attesting Officer

Designation

Address

Date

*Appropriate particulars of the election to be inserted here.

**Strike off the inappropriate alternative.

FORM-15

COVER

[See rule 36 (1) (b)]

A

NOT TO BE OPENED BEFORE COUNTING ELECTION

to the*

POSTAL BALLOT PAPER

Serial Number of ballot paper

*Appropriate particulars of the election to be inserted here.

FORM - 16

COVER

(See rule 36 (1) (c))

COVER B	SERVICE UNPAID
<p>(Every Officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay—Rule 36 (3) of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974.]</p> <p>ELECTION - IMMEDIATE</p> <p>POSTAL BALLOT PAPER.</p> <p>For*the Ward No. of the Municipal Council of</p> <p>(NOT TO BE OPENED BEFORE COUNTING).</p> <p>To</p> <p>The Returning Officer</p> <p>Signature ** of sender</p>	

* Returning Officer to insert here the name of the appropriate Ward No. of the Municipal Council.

** Returning Officer to mention here his full postal address.

FORM-17

INSTRUCTIONS FOR THE GUIDANCE OF ELECTORS

(See rule 36 (1) (d)).

Election to the*

The persons whose names are printed on the ballot paper sent here with are candidates at the above election. If you desire to vote, you should record your vote in accordance with the directions given in Part I below and then follow the instructions detailed in Part II.

PART - I DIRECTIONS TO ELECTORS.

1. The number of members to be elected is one.
2. You have only one vote.
3. You must not vote for more than one candidate. If you do, your ballot paper will be rejected.
4. Record the vote by placing clearly a mark opposite the name of the candidate to whom you wish to give that vote.
5. The marks should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.
6. An elector shall obtain the attestation of his signature on the declaration in Form 14 by a stipendiary magistrate or

(a) if he is a member of the armed forces of the Union or of an armed police force of a State but is serving outside that State, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed, or if

he is employed under the Government of India in a post outside India, by the such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;

(b) if he is on election duty, by any Gazetted Officer or by the Presiding Officer of the Polling Station in which he is on election duty; and

(c) if he is under preventive detention, by the Superintendent of Jail in, which he is under detention.

*Appropriate particulars of the election to be inserted here,

PART II — INSTRUCTIONS FOR ELECTORS

- (a) After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.
- (b) You have then to sign the declaration in Form 14 also sent herewith, in the presence of a stipendiary magistrate or any other officer competent to attest your signature (See direction 6 above.) Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.
- (c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by any officer referred to in item (b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your

wishes. He will also complete the necessary certificate in this behalf.

- (d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in Form 14 as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the Returning Officer by post or by messenger. You have to give your full signature in the space provided on the cover marked 'B' but no postage stamp need be affixed by you.
- (e) You must ensure that the cover reaches the Returning Officer before P. M. on *
- (f) Please note that:—
- (i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and
- (ii) if the cover reaches the Returning Officer after P. M. on the * your vote will not be counted.

*Here specify the hour and date fixed for the close of the poll.

FORM-18

DECLARATION BY THE COMPANION OF BLIND OR INFIRM ELECTOR.

(See rule 41 (1))

Election to the*

No. and Name of Polling Station

I _____ son of _____ aged _____
resident of * * _____ hereby declare
that:—

(a) I have not acted as companion of any other elector at any Polling Station today; and

(b) I will keep secret the vote recorded by me on behalf of † † †

Signature of Companion.

* Appropriate particulars of the election to be inserted here.

** Full address to be given

† † † Name and Electoral roll number of elector to be given.

FORM - 19.

LIST OF BLIND AND INFIRM VOTERS.

(See rule 41 (2))

Election to the *

No. and name of polling station

Part No. & Serial No. of elector	Full name of elector	Full name of companion	Address of companion	Signature of companion
----------------------------------	----------------------	------------------------	----------------------	------------------------

Place:

Date:

Signature of Presiding Officer.

* Appropriate particulars of the election to be inserted here.

LIST OF CHALLENGED VOTES

{See rule 42 (2) (b) }

Election to the*

Polling Station

		Serial number of,
(1)	Serial number of entry.	
(2)	Name of elector.	
(3)	Part of roll.	
(4)	Elector's name in that part.	
(5)	Signature or thumb-impression of the person challenged.	
(6)	Address of person challenged.	
(7)	Name of identifier, if any.	
(8)	Name of challenger.	
(9)	Order of Presiding Officer.	
(10)	Signature of challenger on receiving refund of deposit.	

Place:

Date:

Signature of Presiding Officer.

*Appropriate particulars of the election to be inserted here.

FORM-21

LIST OF TENDERED VOTES

[See rule 43 (2)]

Election to the †

Number and Name of Polling Station

Part number, Serial number and name of elector.	Address of elector.	Serial number of tendered ballot paper.	Serial number of ballot paper issued to the person who has already voted.	Signature or thumb impression of person tendering vote.
(1)	(2)	(3)	(4)	(5)

Date :

Signature of Presiding Officer.

† Appropriate particulars of the election to be inserted here.

FORM— 22

(See rule 48 (5))

PART-I-BALLOT PAPER ACCOUNT

Election to the*

Number and name of Polling Station

	Serial numbers.	Total numbers
1. Ballot papers received
2. Ballot papers not used
3. Ballot papers issued to voters
4. Ballot papers cancelled
5. Ballot papers used as tendered ballot papers		

Date:

Signature of Presiding Officer.

PART II - RESULT OF COUNTING.

Name of candidate	Number of valid votes cast,
1.	
2.	
3.	
4.	
etc	
Rejected ballot papers	
Total No. of ballot Papers found in the ballot box(es)	

Date:

Signature of the Counting Supervisor

Signature of the Returning Officer

* Appropriate particulars of the election to be inserted here.

APPOINTMENT OF COUNTING AGENTS

(See rule 51 (5))

Election to the * *

To

The Returning Officer,



I * candidate/the election agent of who is a candidate at the above election, do hereby appoint the following * persons as my counting *agents to attend the counting of votes at :-

Name of the counting agent	Address of the counting agent
----------------------------	-------------------------------

1.

2.

3.

etc.

Signature of *candidate/
election agent,

* I/We agree to act as such counting agent/s.

1.

2.

3.

etc.

Place:

Date:

*Signature/s of counting agent/s

DECLARATION OF COUNTING AGENTS

(To be signed before the Returning Officer)

I/We hereby declare that at the above election I/We will not do anything forbidden by section 26 of the Pondicherry Municipalities Act, 1973 which *I/We have read/has been read over to me/us.

- 1.
- 2.
- 3.
- etc.

Date:

Signed before me.

Signature of counting agents.

Date:

Returning Officer.

**Appropriate particulars of the election to be inserted here.

*Strike off the inappropriate alternative.

Section 26 of the Pondicherry Municipalities Act, 1973:

“26. Maintenance of secrecy of voting:— (1) Every officer, clerk, agent of other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining, the secrecy of voting and shall not (except for some purposes authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both”.

FORM - 24

REVOCATION OF APPOINTMENT OF COUNTING AGENT

(See rule 51 (7))

Election to the†

To

The Returning Officer,

I (the election agent of) a candidate at the above election hereby revoke the appointments of my/his counting agent.

Place :

Date :

Signature of person revoking.

†Appropriate particulars of election to be inserted here.

Note: --Omit the words () as necessary.

FORM - 25

FINAL RESULT SHEET

{See rules 53 (11) and 57 (2)}

Election to *

Sl.No.	Polling Station. Name.	Number of valid vote cast in favour of. A B C.	Total of valid votes.	Number of rejected votes.	Total.	Number of tendered votes.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Total number of votes recorded at
polling stations

Number of votes recorded on postal
ballot papers

Total votes polled

Place:

Date:

Returning Officers.

*Appropriate particulars of the election to be inserted here.

FORM - 26

RETURN OF ELECTION

[See rule 59 (1)]

Election to the*

Return of Election

Serial No.	Name of candidate	Number of valid votes polled
1.		
2.		
3.		
4.		
etc.		
Total number of valid votes polled		
Total number of rejected votes		
Total number of tendered votes		
I declare that		(name) of
(address) has been duly elected to fill the seat.		
Place :		
Date :		Returning Officer.

FORM—27

CERTIFICATE OF ELECTION

(See rule 60)

I, Returning Officer for the ward No. _____ of the
 Municipal Council of _____ in the Union Territory of
 Pondicherry hereby certify that I have on the _____ day of 19 _____

declared Thiru of
to have been duly elected by the said municipal ward to be
a councillor of the Municipal Council and that in token thereof
I have granted to him this certificate of election.

Place :

Date :

Returning Officer,
for the ward No. of the
Municipal Council of

SEAL

(G O. Ms.No. 210, dated 14-12-1974-LAD)

20. (b) THE PONDICHERY MUNICIPAL COUNCIL-
(CONDUCT OF ELECTION OF COUNCILLORS) (FIRST
AMENDMENT) RULES, 1977.

In exercise of the powers conferred by Section 65 read with
Section 18 of the Pondicherry Municipalities Act, 1973 (No. 9 of
1973) and of all other powers enabling him in this behalf, the
Lieutenant-Governor, Pondicherry hereby makes the following
rules, namely: —

Short title extent and commencement: —

1. (1) These rules may be called the Pondicherry Municipal
Councils (Conduct of Election of Councillors) (First Amendment)
Rules, 1977.

(2) They shall extend to the whole of the Union Territory
of Pondicherry.

(3) They shall come into force at once.

2. In rule 29 of the Pondicherry Municipal Councils (Conduct
of Election of Councillors) Rules, 1974 (hereinafter referred to as
the "Principal rules") for the word "forefinger" wherever it occurs
the words "little finger" shall be substituted.

3 For rule 30 of the principal rules, the following shall be substituted, namely:—

“30. Ballot papers:— (1) Every Ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages, as the Election Authority may direct.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be, distinguished by the addition of their occupation or residence or in some other manner.

(4) Every ballot paper before it is issued to an elector, and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Election Authority may direct and every ballot paper, before it is issued, shall be signed in full on its back by the Presiding Officer.”

4. Form 12 appended to the Principal rules shall be omitted.

5. For Sub-rule (1) and Sub-rule (2) of rule 31 of the Principal rules, the following shall be substituted, namely:—

“(1) At the time of issuing a ballot paper to an elector the polling officer shall

(a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll.

(b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector.

(2) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors".

6. After sub-rule (5) of rule 31 of the Principal rules, the following sub-rules shall be inserted, namely:—

"(6) "If an elector to whom a ballot paper has been issued, refuses, after warning given by the presiding officer, to observe the procedure as laid down in sub-rule (5), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a Polling Officer under the direction of the Presiding Officer.

(7) After the ballot paper has been taken back, the Presiding Officer shall record on its back, the words "Cancelled: Voting procedure violated" and put his signature below those words.

(8) All the ballot papers on which the words "Cancelled: Voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers: Voting procedure violated."

(9) Without prejudice to any other penalty to which an elector, from whom a ballot paper has been taken back under sub-rule (6), may be liable, the vote, if any, recorded on such ballot paper shall not be counted."

7. Clauses (i) to (vi) of sub-rule (3) of rule 48 shall be omitted and in that place the following clauses shall be inserted, namely:—

"(i) the marked copy of the electoral roll;

(ii) the counterfoils of the used ballot papers;

- (iii) the ballot papers signed in full by the presiding officer under sub-rule (4) of rule 30 not issued to the voters;
- (iv) any other ballot papers not issued to the voters;
- (v) the ballot papers cancelled for violation of voting procedure under rule 31;
- (vi) any other cancelled ballot papers;
- (vii) the cover containing the tendered ballot papers and the list in Form 21;
- (viii) the list of challenged votes; and
- (ix) any other papers directed by the Election Authority to be kept in a sealed packet."

[G. O. Ms. No. 149 dated 21-5-1977-LAD]

20. (c) APPOINTMENT OF RETURNING OFFICERS
UNDER RULE 3 (1)

In pursuance of the provisions of sub-rule (1) of rule 3 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, the Election Authority hereby designates, in consultation with the Government, the Officer of the Government specified in column (3) of the Table below as the Returning Officer of the Municipal ward in the Union Territory of Pondicherry as contained G. O. Ms No. 163/76/LAD dated 22-5-1976 and in G. O. Ms. No. 102, dated 11-4-1977 of the Local Administration Department, Pondicherry published in the extraordinary Gazette No. 296, dated 2-7-1976 and No. 120 dated 23-4-1977 and specified in column (2) of the said Table against, such officer: -

TABLE

Name of the Municipality (1)	Number and name of the Municipal Ward (2)	Returning Officer (3)
Pondicherry	<ol style="list-style-type: none"> 1. Solainagar 2. Muthialpet (East) 3. Muthialpet (West) 4. Debassynpeth 5. V. O. C. Nagar 6. Kurichikuppam 7. Parimala Mudaliar Thottam. 8. Thiruvalluvar Nagar (S.C.) 9. Perumal Koil 10. Cassicade 11. Calve College 12. Radjabavan 13. Cathedral 14. Kulathumedu 15. Sinnacadai 16. Hospice 17. Periapalli 18. Veeravalli 19. Thirumudinagar 20. Nethaji Nagar (S. C.) 21. Vambakeerapalayam 22. Vandrpet 23. Pillaitthottam 24. Kuyavar Nagar I 25. Kuyavar Nagar II 26. Nellaimanagar North 27. Nellaimanagar South 28. Pudupalayam (S. C.) 29. Orleampeth 30. Mudaliarpeth I 31. Mudaliarpeth II 32. Keerapalayam 33. Kommapakkam 34. Murungapakkam I 35. Murungapakkam II 36. Thengathittu 	Assistant Commissioner, Pondicherry Municipality.

TABLE

Returning Officer of Municipal Ward	Assistant Returning Officer/ Officers
1. Returning Officer of Municipal Wards 1 to 36 in Pondicherry Municipality.	1. Revenue Officer—I, Pondicherry Municipality. 2. Revenue Officer —II, Pondicherry Municipality.
2. Returning Officer of Municipal Wards 1 to 15 in Karaikal Municipality.	1. Municipal Engineer, Karaikal Municipality. 2. Junior Engineer, Karaikal Municipality.
3. Returning Officer of Municipal Wards 1 to 12 in Mahe Municipality.	1. Commissioner, Mahe Municipality, Mahe. 2. Deputy Tahsildar, Sub-Taluk Office, Mahe.
4. Returning Officer of Municipal Wards 1 to 10 in Yanam Municipality	1. Commissioner, Yanam Municipality, Yanam. 2. Deputy Tahsildar, Sub-Taluk Office, Yanam.

[No. 9052/D1/77/LAD/2 dated 19-5-1977 LAD]

20. (e) SYMBOL ALLOTMENT ORDER UNDER RULE 18 (1)

In exercise of the powers conferred by sub-rule (1) of rule 18 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, the Lieutenant-Governor, Pondicherry hereby specifies the symbols in Annexures-I and II, which may be chosen by the candidates at the election to the Municipal Council subject to restrictions specified in Annexure-III.

ANNEXURE—I

Symbols allotted by the Election Commission of India and reserved for Political Parties

PART-I

NATIONAL PARTIES

- | | |
|--|--|
| 1. Indian National Congress | Calf and Cow. |
| 2. Janate Party | Haldhar within wheel
(Chakra Haldhar) |
| 3. Communist Party of India | Ears of corn and sickle |
| 4. Communsit Party of India
(Marxist) | Hammer, Sickle and Star. |

PART-II

STATE PARTIES

- | | |
|---|-------------|
| 1. Dravida Munnetra Kazhagam | Rising Sun |
| 2. All India Anna Dravida
Munnetra Kazhagam. | Two leaves. |

ANNEXURE-II

FREE SYMBOLS

1. Bell
2. Clock
3. Cup and Saucer.
4. Boat
5. Fish
6. Farmer Winnowing grain
7. Spectacles
8. Hand Cart
9. Flower
10. Umbrella
11. Bow and Arrow
12. Motor car
13. Lock

(1)	(2)	(3)
Karaikal	<ol style="list-style-type: none"> 1. Madagadi 2. Kirambuthottam 3. Madhakoil 4. Kothukulam 5. Andoniarkoil 6. Bazaar 7. Kadersultan Street 8. Water Tank (Thannir Thotti) 9. Karaikal Ammaiyaar Koil 10. Maidinepally 11. Valatheru 12. Dharmapuram 13. Ammankovilpathu 14. Koilpathu (S. C.) 15. Thalatheru. 	<p>Commissioner, Karaikal Municipality.</p>
Mahe	<ol style="list-style-type: none"> 1. Parakkal including Poozhi 2. Choodikotta including parts of Parakkal and Mattammal 3. Valavil including parts of Mattammal and Thayangady 4. Mundock including parts of Thayangady and Mattammal 5. Manjakkal including parts of Puttalam and Mattammal 6. Chalakkara South including Charukallayi Village 7. Challakkara North 8. Palloor West 9. Palloor South-East 10. Palloor North-East and Pandakkal South 11. Pandakkal Middle and North-West. 12. Pandakkal North-East 	<p>Administrator Mahe.</p>

(1)	(2)	(3)
Yanam	1. Mettakuru (S. C.)	Administrator.
	2. Bus Stand	Yanam.
	3. Big Bazaar	
	4. Pillaraya	
	5. Farampeta (S. C.)	
	6. Gueirampeta	
	7. Pydikondala	
	8. Pedapudi	
	9. Agraharam	
	10. Kanakalapeta	

[No. 9052/D1/77/LAD/1 dated 19-5-77 LAD]

20 (d) APPOINTMENT OF ASSISTANT RETURNING OFFICER UNDER RULE-3 (2)

In exercise of the powers conferred by sub-rule (2) of rule 3 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, the Election Authority hereby appoints each of the Officers of Government, as specified in column (2)

the Table below as Assistant Returning Officer of the Municipal Wards in the Union territory of Pondicherry as contained in G. O. Ms. No. 163/76-L A D, dated 22-5-1976 and in G. O. Ms. No. 102, dated 11-4-1977 of the Local Administration Department, Pondicherry, published in the extraordinary Gazette No. 296, dated 2-7-1976 and No. 120, dated 23-4-1977 and specified in column (1) of the said Table against such officer, to assist in the performance of the functions of the respective Returning Officer:—

ANNEXURE -III

1. The Returning Officer shall assign the symbols specified the Annexure--I, only for the candidates set up by the respective political parties mentioned against each symbol. The Returning Officer shall assign to the independent candidates any free symbols specified in Annexure--II.

2. Any candidate sponsored by a National Party shown in Parts 'I' of Annexure--I shall choose the reserved symbol of the party specified against it and he should be allotted the symbol reserved for that party and no other symbol. Similarly, any candidate sponsored by a State Party shown in Part II of Annexure--I shall choose the reserved symbol of that party specified against it and he should be allotted the symbol reserved for that party and no other symbol.

3. The National Party or State Party which sets up candidates for contesting the election should intimate in writing to the Returning Officer not later than 3 p. m. on the date fixed for the withdrawal of nomination papers, the name or names of the person or the persons, whom it authorises to convey its decision as to the candidates set up by it for elections to each municipal ward. Specimen signatures of the persons so authorised, should also be sent to the Returning Officer. However, this does not take away the right of the Secretaries of the political parties to send the list of candidates approved by them, etc., direct to the Returning Officers. A complete list of candidates approved by the party, along with the names of the substitute candidates who will step in, in the event of any of the approved candidate's nomination being rejected should also be delivered to the Returning Officer concerned not later than 3 p. m. of the date fixed for the withdrawal of nomination papers. Each party should also intimate in writing to the Returning Officer concerned, before the date fixed for the scrutiny of nominations the withdrawal of its support to any of the candidates in its officially approved lists.

4. If two or more persons of the same party duly authorised by that party stand for elections to the same seat in a Municipal ward, the Returning Officer shall treat one of them as the party candidate and the other as independent, if that is agreed to by all these persons. In case of disagreement, the Returning Officer shall decide by lot as to which of the candidates shall be deemed as the party candidate. The decision of the Returning Officer shall be final.

5. In the event of a large number of independent candidates contesting the election to the same Municipal ward and more symbols are found necessary in addition to the thirteen free symbols specified in Annexure II and allotted, the Returning Officer shall allot to the candidates any one of the symbols that may be specified by the Government.

6. The Returning Officer shall adopt the following procedure in assigning symbols to the independent candidates:—

(i) The symbol specified first in the order of preference in the nomination paper filed by the independent candidate shall be assigned by the Returning Officer to the independent candidate, provided that such first preference does not conflict with the first preference of any other candidate.

(ii) After so accepting and disposing of the first preference of the candidates, the Returning Officer shall proceed to assign symbols to the candidates according to their preference.

(iii) Where there are conflicting claims to a symbol, the Returning Officer shall decide the assignment by lot.

(iv) Where under this procedure a candidate does not get any of the symbols asked for, such candidate shall have the symbol allotted by the Returning Officer, whose decision in the matter shall be final.

20. (f) PRESCRIPTION OF FORM AND SIZE OF
BALLOT PAPERS UNDER RULE 30

In pursuance of rule 30 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, the Election Authority hereby directs that the ballot papers for an Election to the Municipal Council shall be as indicated hereunder:—

(1) Every ballot paper shall have the counterfoil attached to it and it shall be printed on white paper. The counterfoil shall be at the top of ballot paper and its depth shall not ordinarily exceed 15 cms. The counterfoil shall contain following:—

- (a) space for stitching at the top centre of the counterfoil;
- (b) a black border of 1cm at the top of the counterfoil;
- (c) the particulars of the election shall be printed immediately below item (b) above;
- (d) "Electoral Roll Part No. " and "Serial No. of Elector" one below the other on the left hand side; or right hand side; as may be convenient;
- (e) serial No. of the ballot paper on the left hand side either on the front or on the back, as may be convenient ;
- (f) one block of lines of 1cm, with a perforated rule disjointed straight line below separating the ballot paper from the counterfoil.

(2) There shall be one block of lines of 1cm, below the perforated rule disjointed line on the ballot paper.

(3) The front face of the ballot paper will contain only the name and particulars of the ward and the election, the names of

the contesting candidates and the symbols of the candidates. The particulars of the ward will be printed in the first shaded area and will contain the number and name of the ward of the Municipality as given in the notification of delimitation of Municipal wards. The year of election and the legend "Ord" or "Bye" will also be printed after the year, depending on whether the ballot paper is intended for an ordinary election or a by election. The following illustrations will make the position clear:—

(a) For ordinary Election to the Municipal Council.

1 — Muthialpet — Pondicherry M. C. /77/ Ord.

(b) For Bye - Election to the Municipal Council.

1 — Muthialpet — Pondicherry M. C. /77/ Bye.

(4) Serial number of the ballot paper shall be printed on the left hand side either on the front or on the back, as may be convenient. When the serial number is inscribed on the front, it shall be in one of the shaded areas as may be convenient.

(5) The width of the ballot paper will be 4".

(6) The name of the candidate will appear on the left side and his symbol on the right side in a panel.

(7) The width of the space allotted to each candidate will be $6\frac{1}{2}$ cms and the width of the shaded area between the space allotted to any two candidates will be 3 ems. There will be a thick black border of 1 em. width at the bottom.

(8) The size of each symbol will be not more than $9\text{ ems} \times 5\frac{1}{2}\text{ ems}$.

(9) The names of candidates will be printed in English and in Tamil in respect of Municipalities in Pondicherry and Karaikal regions and in English and Malayalam and in English and Telugu in respect of Municipalities in Mahe and Yanam regions respectively. The name of the ward will be printed in English.

(10) Where the number of contesting candidates at an election exceeds 9, the ballot paper has to be printed differently. The width of the ballot paper and its counterfoil should be 8" instead of 4". Along the middle, there shall be a shaded area from top to bottom of 2.5 ems. width. The names of half the number of contesting candidates will appear in the correct alphabetical order, one below the other on the left half of the ballot paper and the names of the remaining contesting candidates will appear in alphabetical order on the other half. Where the number of contesting is odd, the last panel on the ballot paper will be completely shaded,

(11) The ballot papers will be stitched into convenient bundles, with consecutive serial numbers. It will be ensured that the serial number on each ballot paper and its counterfoil is identical.

12. A specimen ballot paper is shown below.

1— Muthialpet—Pondicherry M. C. 177/Ord.

Electoral Roll Part No.

Serial No of Elector.

No. 0072

K. A. PURUSHOTHAMAN

No. 0072--1-- Muthialpet--Pondicherry M. C. [77]Ord.

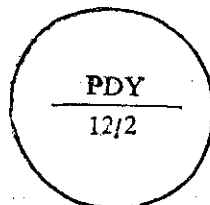
R. SUBRAMANIAN

*** Here the symbol of the candidate will appear.

(No. 8975/D-1/77/LAD dated 23--5--1977-LAD)

20. (g) PRESCRIPTION OF SIZE OF DISTINGUISHING
MARKS UNDER RULE 30 (4)
NOTIFICATION

In pursuance of sub-rule (4) of rule 30 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, the Election Authority hereby directs that the name of the Municipality in abbreviated form (i. e., Pondicherry, Karaikal, Mahe and Yanam as PDY, KKL, MH and YM respectively), the serial number of the ward of the Municipality as given in the Notification of Delimitation of Municipal wards, and the serial number of the polling station as given in the list of polling stations for that ward, shall be stamped on the reverse face of each ballot paper and its counterfoil, as for instance, all ballot papers issued in polling station No. 2 situated in ward 12 Rajabhavan in Pondicherry Municipality shall be stamped with a rubber stamp as shown below.



2. If it is not found possible to rubber stamp for any unavoidable reasons, the figures may be written by hand and the circle need not be drawn.

(No. 9030/D/77/LAD dated 23-5-1977-LAD)

20. (b) PRESCRIPTION OF FORM AND SIZE OF THE POSTED BALLOT PAPERS UNDER RULE 35.

In pursuance of rule 35 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, the Election Authority hereby directs that the postal ballot papers for election to the Municipal Council shall be as indicated hereunder:—

(1) Every postal ballot paper intended for use by service voters shall have counterfoil attached to it. The counterfoil shall be at the top of the ballot paper and its depth shall not ordinarily exceed 15 ems. The counterfoil shall contain the following:—

- (a) Space for stitching at the top of the counterfoil.
- (5) A black border of 1em at the top of the counterfoil
- (c) The particulars of the election shall be printed immediately below item (b) above.
- (d) "Electoral Roll Part No." and "Serial No. of Elector" one below the other on the left hand side or right hand side, as may be convenient.
- (e) Serial number of the ballot paper on the left hand side either on the front or on the back as may be convenient.
- (f) One block of lines of 1em with a perforated rule/disjointed straight lines below separating the ballot paper from the counterfoil.

(2) There shall be one block of lines of 1em below the perforated rule/disjointed lines on the ballot paper.

(3) The postal ballot paper shall ordinarily be of $4\frac{1}{4}$ " X $6\frac{1}{4}$ " in size.

(4) On the top of the front face of the ballot paper, the particulars of the ward and the election shall be printed. The particulars of the ward will contain the serial number and the name of the Municipality as given in the Notification of Delimitation of Municipal wards. The year of election and the legend "Ord." or "Bye" will also be printed after the year depending on whether the ballot paper is intended for an ordinary election or a bye-election. The words "Postal Ballot Paper" shall be endorsed below that entry. The following illustrations will make the position clear.

(i) For ordinary election to the Municipal Council:—

1. Solainagar — Pondicherry M. C./77/Ord.

(ii) For Bye-election to the Municipal Council.

1. Solainagar - Pondicherry M. C./77/Bye.

(5) The name of each candidate and his party affiliation if any, shall be inscribed in a panel, the panels being separated from each other by a thick block line.

(6) The particulars on the ballot paper and its counterfoil shall be printed, type written or multigraphed in English.

(7) The serial number of the ballot paper shall be printed on the left hand side either on the front or on the back as may be convenient.

(8) There is no objection to the postal ballot papers being typewritten if the number required is too small for printing; but the serial numbers of such ballot papers should however, be given by means of hand-numbering machines.

(9) The postal ballot paper and its counterfoil for a special voter, elector under preventive detention or elector on election duty will be of the same design as the ordinary ballot

paper to be used at the polling station except that the words "postal ballot paper" will be stamped on the back of the ballot paper and on its counterfoil.

(10) The postal ballot papers will be stitched into convenient bundles, with consecutive serial numbers. It will be ensured that the serial number on each ballot paper and its counterfoil is identical.

(11) A specimen of the postal ballot paper is shown below.

1. Solainagar — Pondicherry M. C./77/Ord.

POSTAL BALLOT PAPER

Electorate Roll Part No.

Serial No. of Elector.

1. Solainagar — Pondicherry M. C./77/Ord.

POSTAL BALLOT PAPER

ABNASHI RAM

(Janata)

AMAR NATH

(Congress)

[No. 97 11/D1/77/LAD dated 25-5-1975 -LAD]

20. (i) FIXING OF TIME FOR POLL UNDER RULE 21.

In pursuance of the provisions of rule 21 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, the Election Authority hereby fixes that poll for the election to the Municipal wards in the Union Territory of Pondicherry shall be taken between 07.30 hours and 16.30 hours on the date fixed under Rule 9 of the said rules for the said purpose.

(No. 9297/D1/77/LAD dated, 30th May, 1977, of L. A. D)

21. THE PONDICHERRY MUNICIPALITIES (INQUIRY OF ELECTION PETITION) RULES, 1977.

In exercise of the powers conferred by section 65 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules:

Short title and commencement.

1. (1) These rules may be called the Pondicherry Municipalities (Inquiry of Election Petitions) Rules, 1977.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

DEFINITIONS

2. In these rules, unless the context otherwise requires,

(a) "Act" means the Pondicherry Municipalities Act, 1973

(b) "Candidate" means a person who has been or claims to have been duly nominated as a candidate at election, and any such person shall be deemed to have been a candidate

as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate;

(c) 'corrupt practice' means any of the offences referred to in section 25 of the Act;

(d) 'costs' means all costs, charges and expenses of, or incidental to an inquiry of an election petition;

(e) 'electoral right' means the right of a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate, or to vote or refrain from voting at an election;

(f) 'Form' means a Form appended to these rules;

(g) 'pleader' means any person entitled to appear and plead for another in a civil court and includes an advocate, a vakil and an attorney of a High Court;

(h) 'returned candidate' means a candidate whose name has been declared elected by the Returning officer under rule 17 (2) or rule 59 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974;

(i) 'section' means a section of the Act.

Form of affidavit.

3. The form of affidavit under the proviso to clause (c) of sub-section (1) of section 50 shall be in the form appended to these rules.

Inquiry of election petitions.

4. (1) The Election Tribunal shall dismiss an election petition which does not comply with the provisions of section 48 or section 49 or rule 16.

Explanation: An order of the Election Tribunal dismissing an election petition under this sub-rule shall be deemed to be an order made under clause (a) of section 54 of the Act.

(2) As soon as may be after an election petition has been presented to the Elections Tribunal, it shall take up the petition for the inquiry.

(3) Where more election petitions than one are presented to the Election Tribunal in respect of the same election, it may, in its discretion, enquire into them separately or in one or more groups.

(4) Any candidate not already a respondent shall, upon application made by him to the Election Tribunal within fourteen days from the date of commencement of the inquiry and subject to any order as to security for costs which may be made by the Election Tribunal be entitled to be joined as respondent.

Explanation: For the purposes of this sub-rule and of rule 19, the inquiry of a petition shall be deemed to commence on the date fixed for respondents to appear before the Election Tribunal and answer the claim or claims made in the petition.

(5) The Election Tribunal may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective inquiry of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(6) The inquiry of an election petition shall, so far as is practicable consistently with the interests of justice in respect of the inquiry be continued from day to day until its conclusion, unless the Election Tribunal finds adjournment of the inquiry beyond the following day to be necessary for reasons to be recorded,

(7) Every election petitions shall be inquired in to as expeditiously as possible and endeavour shall be made to conclude the inquiry within six months from the date on which the election petition is presented to the Election Tribunal for inquiry,

Procedure before the Election Tribunal.

5. (1) Subject to the provisions of these rules, every election petition shall be enquired into the Election Tribunal as nearly as may be in accordance with the procedure followed by a civil court for the inquiry of suits:

Provided that the Election Tribunal shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the Indian Evidence Act, 1872, shall, subject to the provisions of these rules, be deemed to apply in all respects to the inquiry of an election petition.

(3) As soon as the Election Tribunal receives the petition, it shall serve on each respondent a Notice in such form as it thinks fit directing the respondent to appear before the Election Tribunal and answer the claim made in the petition on a day to be specified therein.

Appearance before the Election Tribunal.

6. Any appearance, application or act before the Election Tribunal may be made or done by the party in person or by a pleader duly appointed to act on his behalf;

Provided that it shall be open to the Election Tribunal to direct any party to appear in person whenever the Election Tribunal considers it necessary.

Documentary evidence.

7. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the inquiry of an election petition on the ground that it is not duly stamped or registered.

Secrecy of voting not to be infringed.

8. No witness or other person shall be required to state for whom he has voted at an election.

Expenses of witnesses.

9. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Election Tribunal to such person, and shall, unless the Election Tribunal otherwise directs, be deemed to be part of the costs.

Recrimination when seat claimed

10. (1) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election.

Provided that the returned candidate or such other party, as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of commencement of the inquiry, given notice to the Election Tribunal of his intention to do so and has also given the security and the further security referred to in rules 16 and 17 respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and particulars required by section 50 in the case of an election petition and shall be signed and verified in like manner.

Withdrawal of Election petitions.

11. (1) An Election petition may be withdrawn only by leave of Election Tribunal.

(2) Where an application for withdrawal is made under sub-rule (1), notice thereof fixing a date for the hearing of the application to be given to all other parties to the petition and shall be published in the Official Gazette.

Procedure for withdrawal of Election petitions.

12. (1) If there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.

(2) No application for withdrawal shall be granted if, in the opinion of the Election Tribunal, such application has been induced by any bargain or consideration which ought not to be allowed.

(3) If the application is granted,—

(a) the petitioner shall be ordered to pay the costs of the respondents theretofore incurred or such portion thereof as the Election Tribunal may think fit;

(b) the Election Tribunal shall direct that the notice of withdrawal shall be published in the Official Gazette and in such other manner as it may specify and thereupon the notice shall be published accordingly;

(c) a person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and upon compliance with the conditions, if any, as to security shall be entitled to be so substituted and to continue the proceedings upon such terms as the Election Tribunal may deem fit.

Report of withdrawal by the Election Tribunal to the Election Authority.

13. When an application for withdrawal is granted by the Election Tribunal and no person has been substituted as petitioner under clause (c) of sub-rule (3) of rule 12 in place of the party withdrawing, the Election Tribunal shall communicate the fact to the Election Authority and thereupon the Election Authority shall publish the report in the Official Gazette.

Abatement of Election petitions.

14. (1) An election petition shall abate only on the death of sole petitioner or of the survivor of several petitioners.

(2) Where an election petition abates under sub-rule (1), the Election Tribunal shall cause the fact to be published in such manner as it may deem fit.

(3) Any person who might himself have been a petitioner may within fourteen days of such publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Election Tribunal may deem fit.

Abatement or substitution on death of respondents.

15. If before the conclusion of the inquiry of an election petition, the sole respondent dies or given notice that he does not intend to oppose the petition or any of the respondents dies or given such notice and there is no other respondent who is opposing the petition, the Election Tribunal shall cause notice of such event to be published in the Official Gazette and thereupon any person who might have been a petitioner may, within fourteen days of such publication, apply to be substituted in place of such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Election Tribunal may think fit.

Security for costs.

16. (1) At the time of presenting an election petition, the petitioner shall deposit in the Election Tribunal a sum of two hundred and fifty rupees in cash as security for the costs of the petition.

(2) During the course of the inquiry of an election petition, The Election Tribunal may, at any time, call upon the petitioner to give such further security for costs as it may direct.

Security for costs from a respondent.

17. No person shall be entitled to be joined as a respondent under sub-rule (4) of rule 4 unless he has given such security for costs as the Election Tribunal may direct.

COSTS.

18. Costs shall be in the discretion of the Election Tribunal:

Provided that where a petition is dismissed under clause (a) of Section 54, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the Election Tribunal shall make an order for costs in favour of the returned candidate.

Payment of costs out of security deposits and return of such deposits.

19. (1) If in any order as to costs under the provisions of rules there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full or so far as possible, out of the security deposit and the further security deposit, if any, made by such party, on an application made in writing in that behalf within a period of one year, from the date of such order to the Election Tribunal by the person in whole favour the cause have been awarded.

(2) If there is any balance left on any of the said security deposit after payment under sub-rule (1) of the costs referred to in the sub-rule, such balance, or where no costs have been awarded or no application aforesaid has been made within the said period of one year, the whole of the said security deposit may, on an application made in that behalf in writing to the Election Tribunal by the person by whom the deposits have been made, or if such person dies after making such deposits by the legal representatives of such person, be returned to the said person or to his legal representative, as the case may be.

Execution of orders as to costs.

20. Any order as to costs under the provisions of these rules may be produced before the Principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business and such Court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it was a decree for the payment of money made by itself in a suit:

Provided that where any such costs or any portion thereof may be recovered by an application made under sub-rule (1) of rule 19 no application shall lie under this rule within a period of one year from the date of such order unless it is for the recovery of the balance of any cost which has been left unrealised after an application has been made under that sub-rule owing to the insufficiency of the amount of the security deposits referred to in that sub-rule.

Form of affidavit.

[See section 60 (1) (c) proviso]

I... .. the petitioner in the accompanying election petition calling in question the election of Thiru/Thirumati
... .. (respondent No in the said
petition) make solemn affirmation/oath and say --

(a) that the statements made in paragraphs of the accompanying election petition about the commission of the corrupt practice of* and the particulars of such corrupt practice mentioned in paragraphs of the same petition and in paragraphs of the Schedule annexed thereto are true to my knowledge;

(b) that the statements made in paragraphs of the said petition about the commissioner of the corrupt practice of* and the particulars of such corrupt practice given in paragraphs of the said petition and in paragraphs of the Schedule annexed thereto are true to my information.

(c)

(d)

etc.,

* Here specify the name of the corrupt practice.

Solemnly affirmed/sworn by Thiru/Thirumathi
... .. at this day of
... .. 19 .. .

Before me

Magistrate of the First-Class/
Notary
Commissioner of Oaths.

[G. O. Ms. No. 146, dated 20-5-1977-LAD]

22. (a) THE PONDICHERRY MUNICIPALITIES
(ELECTION OF CHAIRMAN AND VICE-
CHAIRMAN) RULES, 1974.

In exercise of the powers conferred by section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of al

other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

PRELIMINARY

Short title, extent and commencement.

1. (1) These rules may be called the Pondicherry Municipalities (Election of Chairman and Vice-Chairman) Rules, 1974.
- (2) They shall extend to the whole of the Union Territory of Pondicherry.
- (3) They shall come into force at once.

Definitions.

2. In these rules, unless the context otherwise requires:
 - (a) 'Act' means the Pondicherry Municipalities Act, 1973.
 - (b) 'Chairman' means chairman of the Municipal Council; and
 - (c) 'section' means a section of the Act.

Election of Chairman and Vice-Chairman of Municipal Councils.

3. The election of the Chairman or Vice-Chairman shall be held in the municipal office by the members of the Municipal Council at a meeting specially convened for the purpose.
4. (1) The meeting for the election of the Chairman of a Municipal Council shall be convened as soon as possible after the occurrence of the vacancy—
 - (a) in cases referred to under sub-sections (1) and (3) of section 12, by the Director; and
 - (b) in all other cases, by the Vice-Chairman.

(2) The meeting for the election of a Vice-Chairman of Municipal Council shall be convened as soon as possible after the occurrence of the vacancy, by the chairman.

(3) Notice of the day and hour of the meeting shall be given at least seven clear days previous to the date of the meeting.

5. (1) The meeting for the election of the chairman of a Municipal Council shall be presided over—

(i) in cases arising under sub-sections (1) and (8) of section 12, by any other officer duly appointed by the Director.

(ii) in all other cases, by the vice-chairman:

Provided that if the Vice-Chairman himself intends to stand as a candidate at the election or in his absence by a member not intending to stand as a candidate at the election chosen by the members present at the meeting to preside for the occasion.

(2) The meeting for the election of the Vice-Chairman shall be presided over by the chairman or in his absence by a member not intending to stand as a candidate at the election chosen by the members present at the meeting to preside for the occasion.

(3) In these rules the term "president of the meeting" shall mean the person who presides over the meeting as per sub - rules (1) and (2).

6. Every candidate for election as chairman or vice - chairman must be nominated in writing and the nomination paper must be signed by two of the members of the municipal council as proposer and seconder. The proposer shall, when proposing the name of any candidate, deliver to the president of the meeting a declaration in writing, expressing the candidate's willingness to be elected as Chairman or Vice-Chairman, as the case may be, signed by the candidate and by the proposer and the seconder.

7. The names of all the candidates who have been proposed and seconded shall be read out by the president of the meeting to the members present at the meeting.

8. If there is only one candidate duly nominated to the office of chairman or Vice-chairman of the Municipal Council, there shall be no ballot and the candidate shall be declared to have been duly elected as chairman or Vice-Chairman, as the case may be.

9. If the number of candidate is more than one, the votes of the members present at the meeting shall be taken by ballot in the manner laid down in the following rules.

10. The president of the meeting shall provide in the place where the meeting is held a voting compartment in which the members can record their votes screened from observation. The president of the meeting shall also place a ballot box for the receipt of ballot papers in the view of the president of the meeting and the members. The ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn there from without the box being unlocked or opened.

11. The president of the meeting shall, immediately before the votes are taken show the ballot box empty to such members as may be present so that they may see that it is empty and shall then lock it up, and place a seal upon it in such a manner as to prevent its being opened without breaking such seal.

12. Every member wishing to vote shall be supplied with a ballot paper on which the names of all the candidates shall be legibly written in the following form in English and in the regional language.

BALLOT PAPER.

MUNICIPAL COUNCIL.

Names of candidates duly nominated for election as
Chairman or Vice-Chairman of the Municipal Council.

(1) _____
(2) _____

President of the meeting.

The ballot paper shall be signed by the president of the meeting before being handed over to the member.

13. The member shall, on receiving the ballot paper proceed to the voting compartment for the purpose of recording his vote and put a cross mark on the ballot paper against the name of the candidate for whom he wishes to vote. He shall, before quitting the voting compartment, fold up the ballot paper so as to conceal the mark and put the ballot paper so folded up into the ballot box in the presence of the president of the meeting.

14. The president of the meeting shall cause such arrangements to be made as will ensure the secrecy of the ballot and prevent the members who have already voted from having access to the members who are yet to vote.

15. (1) If, owing to illiteracy or blindness or other physical infirmity, a member is unable to read the ballot paper and make a mark thereon, and applies for assistance in doing so, the president of the meeting shall record the vote in the ballot paper in accordance with the wishes of the members and fold it up so as to conceal the vote.

(2) The member shall then himself or with the assistance of the president of the meeting insert the ballot paper into the ballot box.

(3) While acting under this rule the president of the meeting shall observe as much secrecy as is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

16. After the voting by members is over, the president of the meeting shall open the ballot box in the presence of the members present, take out the ballot papers therefrom and record the number of votes obtained by each candidate in a statement.

17. A ballot paper shall be invalid on which—

(a) there is no cross mark; or.

(b) a cross mark is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or.

(c) a cross mark and some other mark are set opposite the name of the same candidate; or.

(d) any mark is made by which the member may afterwards be identified.

18. (1) If the number of candidates is two, the candidate who obtains the largest number of votes shall be declared to have been duly elected. In the event of there being an equality of votes between the two candidates, and the addition of one vote to any one of such candidates will entitle him to be declared duly elected, the president of the meeting shall draw lots in the presence of the members and the candidate whose name is first drawn shall be deemed to have secured the additional vote and shall be declared to have been duly elected.

(2) If the number of candidates is three and if any one of them secures more than one-half of the number of votes, he shall be declared to have been duly elected. If none of them secures more than one-half of the number of votes, the candidate who obtains the smallest number of votes shall be eliminated and a second ballot taken. If there is an equality of votes among all the candidates, the president of the meeting shall draw lots in the presence of the members present and the candidate whose name is first drawn shall be eliminated.

(3) If the number of candidates is more than three and if any of the candidates secures more than one-half of the number of votes, he shall be declared to have been duly elected. If none of the candidates secures more than one-half of the number of votes the first candidate who secures the largest number of votes and

the second candidate who secures the next largest number shall be retained and the others eliminated and a second ballot taken. In the event of there being an equality of votes between more than one candidate affecting the determination of which one of them secures the second largest number of votes, the president of the meeting shall draw lots in the presence of the members present and the candidate whose name is first drawn shall be deemed to have secured the second largest number of votes. The second ballot shall be conducted and the results declared in accordance with the provisions of the said sub-rule (1).

19. Immediately after the meeting, the president of the meeting shall—

- (a) prepare a record of the proceedings of the meeting and sign it, attesting with his initials every correction made therein and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so;
- (b) send a report of the result of the election to the Director and to such other officer or authority as may be specified by the Government by general or special order ; and
- (c) publish on the notice board of the Municipal Office a notification signed by him stating the name of the person elected as chairman/vice-chairman and also publish the notification in such manner as may be specified by the Government by general or special order.

20. (1) The president of the meeting shall then, make up the ballot papers into a separate packet, seal up the packet and note thereon a description of its contents, the election to which it relates and the date thereof.

(2) These packets shall not be opened and their contents shall not be inspected or produced except under the orders of a competent court.

(3) The packets shall be retained in safe custody in the Municipal Office for a year and shall then, unless otherwise directed by the orders of a competent court, be destroyed.

(G. O. Ms. No, 77/74/LAD, dated 23-2-1974 — LAD)

22. (b) PROCEDURE TO BE FOLLOWED FOR THE
ELECTION OF CHAIRMAN OF THE MUNICIPALITY.

The most important formalities connected with the election of Chairman of Municipal Council/are detailed below:

(i) The meeting for the election of Chairman should be held in the Municipal Office vide Rule 3.

(ii) Not less than 7 clear days notice of the day and hour of the meeting should be given to the Councillors Vide Section 12 (8) of the Pondicherry Municipalities Act, 1973.

(iii) Every Candidate who is to be elected as Chairman should be duly nominated as in Form 1 appended and the nomination paper should be signed by two of the members of the Municipal Council as proposer and the seconder.

(iv) The president of the meeting should ensure that the declaration expressing the candidate's willingness to be elected as Chairman signed by the candidate, is invariably handed over to him when the name of any candidate is proposed, vide Rule 6.

(v) The name or names of the candidate or candidates when duly proposed and seconded should be read out by the president of the meeting as the president of the meeting to the councillors present at the meeting vide Rule 7.

If there are more than one candidate, it becomes necessary to hold the election by secret ballot. The president of the meeting has to provide voting compartment in the place where the meeting is held.

The voting compartment should be located in such a way that the council record their vote in the ballot paper in secrecy.

The Commissioner should provide at the meeting.—

(a) A ballot box,

(b) sufficient number of ballot papers as prescribed in the Rules, and

(c) materials like cross marks, etc., required for the purpose of enabling the members of the Municipal Council to mark ballot papers.

The President of the meeting should place such a ballot box for the receipt of the ballot papers in his table, in the view of the President of the meeting and the Members, vide Rule 10.

A Voting Compartment, Ballot Box, cross mark etc., may be secured from the Election Department in advance of the meeting.

(vi) (a) Sufficient number of Ballot Papers should be got prepared in the Form laid down in Rule 12 and kept ready. It should be in English and in the regional language. The ballot paper should be signed by the President of the meeting before being handed over to the councillors voting at the meeting.

(b) The councilor shall take the Ballot paper along with the marking instrument given by the President of the meeting to the voting compartment, put a mark with the instrument against the name of the candidate of his choice, fold the paper and put it in the ballot box placed at the table of the president of the meeting. After voting is completed the President of the meeting shall open the box and count the votes. The ballot paper should be carefully scrutinised by the President of the meeting, and the ballot paper which infringes any of the conditions laid down in Rule 17 should be rejected. The President of the meeting should personally satisfy himself before rejecting any vote as invalid.

(vii) Immediately after the counting of votes is over, the president of the meeting prepare the result of election in Form. 2. appended and declare the result.

(viii) Immediately after the result is declared the president of the meeting should draw a proceedings as per Rule 19. (See Form 3, appended which may be adopted as model).

(ix) The result of the election should be published on the Notice Board of the Municipal Office. It should also be published in the State Gazette as in Form 4, appended.

(x) The sealed papers relating to the election of Chairman specified in Rule 20, should be retained by the Commissioner in safe-custody in the Municipal office for a year and then to be destroyed, if not directed otherwise by a competent court.

(xi) The 'second ballot' principle prescribed in Rule 18 needs very careful attention. By way of amplification, the following further instructions are issued. Rule. 18, provides for the holding the second ballot in certain circumstances.

The intention behind the 'second ballot' principle is that no one can get elected as the Chairman on the strength of the votes cast by a minority of the members present and voted. This result is sought to be achieved by a process of elimination of certain candidates, when none of them secured absolute majority and holding second ballot between the two candidates who get the largest number of votes at the first ballot. The principles laid down in the sub-rules of Rule 18 are explained as under.

Sub-Rule (1) of Rule 18,

This sub-rule is clear. It will cover cases where there is a straight contest between the two candidates.

The candidates who secured the largest number of votes should be declared as elected. If there is a tie between the two, lots should be drawn and the person whose name is first drawn should be declared as elected.

Sub- Rule (2) of Rule 18.

This sub-rule embodies the second ballot principle. It will cover cases where there are three candidates. The following illustrations will clearly explain the principles of the said sub-rule.

Illustration 1:

Suppose there are 30 members in the council and all of them exercise their franchise and their votes are found to be in order. The result was that 'A' has secured 16 votes, 'B' 10 votes and 'C' 4 votes. As 'A' has secured more than one-half of the number of votes, he shall be declared to have been duly elected.

Illustration 2:—

Suppose the result shows that 'A' has secured 14 votes, 'B' 10 votes, and 'C' 6 votes. None of the three candidates has secured more than one-half of the number of votes. Hence 'C' who obtained the smallest number of vote should be eliminated and a second ballot taken. If 'A' secured 14 votes and 'B' and 'C' secured 8 votes each, the President of the meeting should ascertain by drawing lots which among the two candidates, 'B' and 'C' should be eliminated and then a second ballot should be taken. In case all the three candidates secured 10 votes each, the President of the meeting should ascertain by drawing lots which of such candidate should be eliminated and then after eliminating one of the three candidates the second ballot should be conducted.

NOTE: Where there is a tie the lots determine the candidate to be eliminated and not the candidate to be chosen for the office of the Chairman.

Sub-Rule(3) of Rule 18:

This sub-rule will cover cases where there are more than three candidates.

Illustration 1:

Suppose there are 4 candidates and the total number of valid votes are 30. If 'A' secured 16 votes, 'B' 8 votes and 'C' 4 votes and 'D' 2 votes, 'A' who secured more than one half of the number of the votes shall be declared to have been duly elected.

Illustration 2:

Suppose 'A' secured 14 votes, 'B' 8 votes, 'C' 5 votes, and 'D' 3 votes, none of them having secured more than one-half of the number of votes, 'A' who has secured the largest number of votes and 'B' who has secured next largest number of votes alone should be considered for second ballot and 'C' and 'D' should be eliminated.

Illustration 3:

If 'A' has secured 14 votes, 'B' and 'C' 6 votes each and 'D' 4 votes there is equality of votes between more than one candidate affecting the determination of which one of them secured the second largest number of votes. The president of the meeting should in such case eliminate 'D' and draw lots between the two candidates (i. e.,) 'B' and 'C'. The candidate whose name is first drawn should be deemed to have secured the second largest number of votes for the second ballot. The second ballot should then be conducted.

Illustration 4:

If there is an equality of votes among all the 4 candidates, the president of the meeting should ascertain by drawing lots in the presence of the members present which if the two candidates

has secured the largest number of votes and the second largest number of votes and then the second ballot should be taken.

NOTE:

Where there is a tie lot determines the candidates chosen for the second ballot and not the candidate to be eliminated.

(xii) The method of service of notice of election of Chairman shall be as follows:—

(a) by giving or tendering it to the members of the Municipal Council.

(b) if such member of the council is not found by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family.

(c) if such member of the council does not reside in the Municipality and his address elsewhere is known to the Commissioner by sending the same to him by Registered post; or

(d) if none of the means stipulated at 'A' 'B' and 'C' be available or if the member of the council to whom such notice is given or tendered, refused to accept it, by affixing the same on some conspicuous part of such place of abode of business.

(xiii) The election of Chairman alone shall be conducted in the meeting specially convened for the purpose under Rule 3.

NOTE:— The Rules/Sections, referred to in the above instructions are the Rules/Sections of the Pondicherry Municipalities (Election of Chairman and Vice-Chairman) Rules, 1974 and the Pondicherry Municipalities Act, 1973. The above Rules and relevant sections of the above Acts should be carefully read.

FORM-1

Nomination Paper.

Election to the Office of Chairman of the Municipal
Council of _____

(To be filled by the Proposer)

I hereby nominate _____ as a
candidate for the election as Chairman of the Municipal Council
of _____

- 1) Full name of the Proposer _____
- 2) Full name of the Seconder _____
- 3) Name of the Candidate _____
(Councillor) _____

Date:

Signature of the Proposer.

Signature of the Seconder.

(To be filled by the Candidate)

I, the above mentioned candidate,
assent to this nomination and hereby declare that I have completed
. years of age.

Date:

Signature of the Candidate

(To be filled by the president of the meeting)

Sl. No. of Nomination Paper.

This Nomination Paper was delivered to me at (hour)
 on (date) by the proposer.

Date: _____ President of the meeting.

Receipt for the nomination paper to be handed over to the
 proposer presenting _____ the nomination paper.

Sl. No. of Nomination Paper.

This Nomination paper of the candidate for the
 election as Chairman of the Municipal Council of was
 delivered to me at the Municipal Office at (hour)
 (on) (date) by the proposer.

Date: _____ President of the meeting.

FORM-2

Result of Election

Election of Chairman of the Municipal Council of

S l. No.	Name of Candidate	No. of valid votes given to the Candidate.
----------	-------------------	---

- 1.
- 2.
- 3.

Total No. of valid votes... ..

Total No. of invalid votes... ..

I declare that
 has been duly elected as Chairman of the Municipal Council of

(Signature) President of the
 Meeting.

Place:

Date:

Copy to:

The Director or Rural Development,
Local Administration Department,
Pondicherry.

The Notice Board of the Municipality
Office

FORM—3

Proceedings

The election of Chairman of the Municipal Council of
..... was held in the Municipal Office by the Councillors at a
meeting specially convened for the purpose in pursuance of the
notice issued by the Director on The meeting which
was attended to by the members of the Municipal Council noted
in the Annexure, was presided over by Thiru Since the
number of candidates for the office of Chairman is more than one,
the votes of the members present at the meeting were taken by
secret ballot in the manner laid down in the Pondicherry
Municipalities (Election of Chairman and Vice Chairman) Rules,
1974. After the casting of the votes was over, the Ballot box was
opened in the presence of the members present and the number of
votes obtained by each candidate according to the marking made
on the Ballot Paper is as follows.*

Immediately after the counting was over and the result
declared, on their being asked to affix their signature on the
proceedings, the following Councillors signed in the proceedings
while the rest of them declined to do so.

Signature of the

Councillors :

Signature of the President
of the meeting.

Note:* In the case of second ballot, the proceedings should
include the number of votes obtained by each candidate
in both the ballots.

FORM-4

Declaration of the result of election under sub-section (8) of section 12 of the Pondicherry Municipalities Act, 1973.

Election to the Office of the chairman of the Municipal Council of

In pursuance of the provisions contained in sub-section (8) of section 12 of the Pondicherry Municipalities Act, 1973 read with rule 18 of the Pondicherry Municipalities (Election of Chairman and Vice-Chairman) Rules, 1974 I declare that Thiru _____ (name) _____ (Address) has been duly elected as Chairman of the Municipal Council of _____

Place:

Signature

Date:

President of the meeting.

To

The Director,
Government Press, Pondicherry for Publication
in the official Gazette.

Copy to:

The Secretary to Government, Local Admin. Department,
Pondicherry.

The Director of Rural Development, Pondicherry.
The Notice Board of the Municipal Office.

(No. 1966/LAD/74/A-2 dated 30-1-1975. LAD)

22. (c) CHECK LIST FOR THE ELECTION OF
CHAIRMAN OF THE MUNICIPAL COUNCIL

1. The Ex-Officio Chairman will preside over the meeting at the prescribed time mentioned in the notice of election.
2. The President of the meeting may make announcement that nomination for the election of Chairman will be received by him.

Material required: Form 1 - 10 copies.

3. The President may deliver nomination forms to the members who may require it. The President may receive nominations.
4. Receipt of the nomination may be given to the proposer after recording the time and date in the nomination form.
5. The President may verify all nominations whether they are duly proposed, seconded and the candidate's willingness is obtained. The President may reject all nominations which are received without having been proposed or seconded or without candidate's willingness. In respect of nomination of the Municipal Council the nomination may be rejected if the candidate has not attained the age of 25 years.
6. After the receipt of the nomination the President may ascertain from the members whether any more nomination is to be filed by them.
7. Thereafter the President shall read out the names of all candidates who have proposed and seconded.
8. If there is only candidate duly nominated, the President after preparing the Form 4, declare that the candidate has been elected as chairman and complete all other formalities as required in the directives issued earlier.

Material required - Form 4 - 10 copies.

9. If there are more than one candidate, the President may conduct election by secret ballot:

Material required:

Ballot box. . .	2 Nos.
Class mark . .	2 Nos.
Red Ink Pad . .	2 numbers.
Voting compartment	1 No.
Ballot papers. —	
Trays.	4 No.
Candle.	1 doz.
Sealing wax.	1 doz.
Match box.	2 no.
Red pencil.	2 no.
Ordinary pencil.	2 no.
Knife.	2 No.
Twin	1 Ball.
Flag	20 nos.
White paper	100 nos.
Pin	1 packet.
Wrapper cover	10 nos.
Gem clip	1 box.
Rubber	1 no.
Metal seal	1 no.

10. Roll of members present should be placed on the table.
11. Voting compartment shall be provided.
12. Before Ballot Box is sealed in the presence of the members, show the box empty to the members.
13. Ballot paper (specimen) in English and in the regional language should be kept ready by the Commissioner as required below:

Material required: —

- a) 4 nominee form 50
- b) 3 nominee form 50
- c) 2 nominee form 50

14. The President shall fill up names of candidates both in English and in the regional language. Then only the President should deliver the ballot paper duly signed by him to the members.

15. After the poll is over, the President should in the presence of the members open the ballot box and count the votes with the assistance of the commissioner.

16. The result of Election in Form 2 shall be prepared and declared by the President of the meeting.

Material required: Form 2 (7 Nos.)

17. The President should then prepare the Form 4 and publish the same. Simultaneously the proceedings of the election in Form 3 should be prepared and the signatures of the interested members should be obtained.

Material required: Form 3 - 10 Nos.

Form 4 - 10 Nos.

18. The newly elected Chairman may be called to take the seat of the Chairman.

19. All the Ballot Papers used, unused, rejected and other related documents should be bundled and sealed in separate covers in the presence of the members and handed over to the Commissioner for safe custody.

Materials required:	Cover	Big size . .	12 Nos.
	Cover	Medium size	12 Nos.

23. THE PONDICHERRY MUNICIPALITIES
(PROCEDURE AND CONDUCT OF BUSINESS)
RULES, 1974.

In exercise of the powers conferred by section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him on this behalf, the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely: -

CHAPTER-I
PRELIMINARY

Short title, extent and commencement.

1. (1) These rules may be called the Pondicherry Municipalities (Procedure and Conduct of Business) Rules, 1974.
- (2) They shall extend to the whole of the Union Territory of Pondicherry.
- (3) They shall come into force at once.

Definitions.

2. In these rules, unless the context otherwise requires: -
 - (a) 'Act' means the Pondicherry Municipalities Act, 1973 ;
 - (b) 'section' means a section of the Act.

CHAPTER-II
PROCEDURE AND CONDUCT OF BUSINESS OF THE
MUNICIPAL COUNCIL

Time and place of the meetings.

- Date, time and place of Meetings of Municipal council.
3. (1) The date, time and place of a meeting for the election of chairman and vice-chairman after a general election and in

cases referred to under sub-section (8) of section 12 of the Act, shall be determined by the Director.

(2) The date, time and place of any other meeting of the Municipal Council shall be fixed by the chairman by a general or special order passed in that behalf.

Roll of members.

4. (1) There shall be a roll of members of the Municipal Council.

(2) Every Councillor immediately after he has made and subscribed at a meeting of the Municipal Council an oath or affirmation under sub-section (1) of section 24, shall before taking his seat, sign the said roll.

Seating arrangement

5. The Councillors shall sit in such order as the Chairman may determine.

ARRANGEMENT OF BUSINESS AND LIST OF BUSINESS

Preparation of list of business by the Commissioner.

6. Subject to the provisions of rule 7, every list of business (including a supplementary list) to be transacted at a meeting of the Municipal Council shall be prepared by the Commissioner in consultation with the chairman.

Arrangement of the list of business.

7. The list of business of an ordinary meeting shall be arranged by the commissioner in the following order:—

- (a) any election by the municipal council;
- (b) questions;
- (c) petitions;
- (d) resolutions of the standing committee of other committee;

- (e) letter from the commissioner and business from the commissioner;
- (f) letters from Government and others;
- (g) notices of resolutions under sub-section (2) of section 69.

Mode of sending notice of business to the members.

8. The list of business under section 72 shall be sent to the registered address of each member of the Municipal Council.

Explanation:— The registered address of a member means the address for the i. c., being entered in the register of addresses of members maintained by the commissioner.

Supplementary list of business relating to certain urgent matters.

9. Notwithstanding anything contained in these rules, the Commissioner may prepare in consultation with the chairman of a supplementary list of business with respect to any urgent matter proposed by the Commissioner or the Chairman of any of the committees constituted under the Act, and circulate that list to the members of the Municipal Council for consideration at the ensuing meeting whether ordinary or adjourned.

QUESTIONS.

10. (1) No question shall be asked except on the first day of an ordinary monthly meeting of the municipal council and which does not satisfy the following conditions, namely:—

(a) it shall not contain any name or statement not strictly necessary to make the question intelligible;

(b) if a question contains a statement, the member asking it shall make himself responsible for the accuracy of the statement;

(c) it shall not contain arguments, inferences, ironical expressions or defamatory statement;

(d) it shall not ask for the expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;

(e) it shall not ask about the character or conduct of any person except in his official or public capacity;

(f) it shall not be of excessive length; and

(g) a question once fully answered shall not be asked again.

(2) Notice of any question shall also specify the monthly meeting at which it is intended to ask such question. The member who wishes to ask the question shall give at least forty-eight hours notice to the commissioner, of his intention and shall together with the notice submit a copy of the question which he wishes to ask.

(3) The Chairman shall decide on the admissibility of a question and either allow or disallow it before the date fixed for the next meeting. He may disallow any question, when, in his opinion, it is an abuse of the right of questioning or is in contravention of these rules or on the ground that it cannot be answered in the public interest and in such case, the question shall not be entered in the list of all questions admitted and prepared under rule 11.

(4) Not more than half an hour at every such meeting shall be available for the asking and answering of questions. Such questions as cannot be answered within the allotted time shall be kept over for the next adjourned meeting.

(5) No councillor shall ask more than six questions at any meeting.

(6) The order in which questions are desired to be answered shall be indicated by the members and if no such order is indicated the question shall be placed in the list in the order in which notices are received in point of time.

List of questions.

11. (1) The Commissioner shall prepare a list of all questions admitted in the order hereunder indicated and circulate the same to the members of the Municipal Council along with the list of business under section 72.

(2) Questions in the name of each members in the list shall be entered in six rounds or less according to the number of questions admitted in his name. All members who have questions in the list will have one question each entered in the first round and after completing the first question of all the members on the list their second, third, fourth, fifth and sixth questions, if any, will in the like order be placed in the second, third, fourth, fifth and sixth rounds respectively.

(3) Priority of questions in each round shall be determined in accordance with the order indicated in sub-rule (5) or rule 10.

Mode of asking questions.

12. (1) When the time for asking questions arrives, the chairman shall call successively each councillor in whose name a question appears on the list of questions.

(2) The councillor so called shall rise in his place and unless he states that it is not his intention to ask the question standing in his name, ask the question by reference to its number on the list of questions.

Questions of absent members.

13. If a councillor who has given notice of a question is not present when he is called upon by the chairman, the question may

be asked by any other councillor, if so authorised in writing by such councillor. If the question is not thus asked it shall be deemed to have been dropped,

Answers to questions.

14. (1) A written reply to every question in the list shall be supplied to the members before the reply is given at a meeting of the Municipal Council.

(2) All questions shall be answered orally at the meeting by the chairman and, as far as possible, in the order in which they appear in the list. The Commissioner may also with the permission of the chairman answer any question.

Supplementary questions.

15. (1) No discussion shall be permitted in respect of any question or of any answer given to the question.

(2) Any member may ask a supplementary question for the purpose of further elucidation of any matter of fact regarding which an answer has been given.

(3) Ordinarily not more than three supplementary questions shall be allowed in respect of each question.

(4) The member tabling the main question shall be entitled to ask the first supplementary question in preference to other members.

(5) The chairman shall disallow any supplementary question if in his opinion it infringes the provisions regarding question.

Discussion on a matter of public importance.

16. (1) The chairman may allot half an hour on the first day of an ordinary monthly meeting for raising discussion on a matter of sufficient public importance.

(2) A member wishing to raise such matter shall give notice in writing to the commissioner at least two clear days before the meeting and shall briefly specify the points that he wishes to raise:

Provided that the notice shall also be accompanied by an explanatory note stating reasons for raising discussion on the matter in question.

(3) The Chairman shall decide whether the matter is of sufficient public importance and decision of the Chairman shall be final.

(4) The Chairman may allow such notice or notices but if any matter put down for discussion on a particular day is not disposed of on that day it shall not be set down for any further day.

(5) The member who has given notice shall make a short statement and the Chairman or the Commissioner with the permission of the Chairman shall reply. Any other member may with the permission of the Chairman ask question for the purpose of further elucidation of the matter in question.

(6) If the member who has given notice is absent, any other member authorised by him in writing may take initiatives.

Postponement of questions.

17. If the Chairman declares that the answer to any question is not ready, the question shall stand over to any other meeting to be fixed by the Chairman and at such meeting the Chairman or the Commissioner with the permission of the Chairman shall give his answer.

Resolutions under sub-section (2) of section 96.

Notice, condition of admissibility etc., of resolution.

18. (1) A member who wishes to move a resolution shall give at least forty-eight hours' notice to the commissioner of his

intention and shall together with the notice submit copy of the resolution which he wishes to move

(2) No member shall be permitted to send in notice of more than three resolutions for a monthly meeting.

(3) The chairman shall admit a resolution if it satisfies the following conditions, namely:

(1) it must relate to a matter of general public interest concerning the functions of the Municipal Council under the Act;

(ii) it shall be clearly and precisely expressed;

(iii) it shall raise substantially one definite issue; and.

(iv) it shall not contain arguments, inferences, ornate expressions, imputations or defamatory statements.

(4) The chairman may in consultation with the member concerned, amend the form of a resolution so as to bring it in conformity with these rules.

(5) The chairman may instead of disallowing a resolution on the ground that it does not relate to a matter of general public interest refer it to the committee concerned with the subject matter thereof.

Resolutions to be circulated

19. The Commissioner shall prepare a list of the resolutions admitted by the chairman and circulate the same along with the list of business or as soon as thereafter.

Moving of resolution.

20. (1) A member in whose name a resolution stands in the list of business or any other member whom he may have

authorised in writing to move it on his behalf shall, except when he wishes to withdraw, when called upon, move the resolution and shall commence his speech by a formal motion in the terms appearing in the list of business.

(2) After a resolution has been moved in shall be seconded by another member.

(3) A resolution not moved or not seconded after it is moved shall be considered as dropped.

Amendments.

21. After a resolution has been moved and seconded, any member may move an amendment to the resolution and such amendment too shall be seconded by another member.

Effect of amendment not seconded.

22. An amendment which has not been seconded shall fall through.

Discussion on resolution.

23. The discussion on a resolution shall be strictly relevant to and within the scope of the resolution

Withdrawal of resolution.

24. A member who has moved a resolution or an amendment to a resolution shall not withdraw the same except with the leave of the meeting.

Voting of resolution.

25. When a resolution involving several points has been discussed, the Chairman may divide the resolution and put each or any point separately to the vote as he may deem fit.

Lapse of resolution.

26. Any resolution appearing in the list of business for any month which does not come up for consideration within the next three following months shall lapse.

Provided that nothing herein contained shall prevent any member from giving a fresh notice of the same resolution to the Commissioner under sub-section (2) of section 96.

Application of rules 28 to 56 (both inclusive) to resolutions.

27. Save as expressly provided in rules 18 to 26 (both inclusive) the provisions relating to motions contained in rules 28 to 56 (both inclusive) shall also apply to resolutions.

General rules of procedure.

Language, to be used at meeting of the Municipal Council.

28. The business at a meeting of the Municipal Council shall be transacted in the regional language or in English.

Chairman's powers to expunge objectionable matter from notice of resolution.

29. (1) The Chairman shall be at liberty to expunge from a notice of resolution any matter which he may consider to be defamatory or grossly offensive, and if he deems proper, he may disallow the resolution altogether on these grounds. If a resolution containing any such objectionable matter is actually proposed at a meeting, it shall be competent to the Chairman with the consent of the meeting obtained on the occasion, to expunge such objectionable matter from the minutes of the proceedings of the meeting.

(2) If the Chairman is of the opinion that words have been used by any member in any meeting which are defamatory or indecent or unparliamentary or undignified he may, in his

discretion, order that such words be withdrawn by the member and the member shall comply with the order.

Procedure at special meetings of the Municipal Council

30. At a meeting convened under sub-section (3) of section 72 or for a discussion of budget estimates, no business shall be transacted and no motion shall be moved or discussed which does not directly relate to the business for which the meeting was convened or to the budget estimates, as the case may be, and no motion suggesting any change in a tax or an increase or decrease of any item of expenditure in a budget estimate, shall be moved or discussed at any meeting at which such budget estimate is under consideration, unless such motion is specified in the notice of the meeting issued under section 72 or in the supplementary notice, if any, or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to rule 35 has been fulfilled.

Adjourned meetings.

31. Any meeting of the Municipal Council may, with the consent of a majority of the members present, be adjourned to a later hour on the same day or to any other day, but no business shall be transacted at an adjourned meeting other than the business remaining undisposed of at the meeting from which the adjournment took place or the urgent business referred to in rule 9:

Provided that at an adjourned meeting at which a budget estimate is under consideration, a motion involving any change such as is described in rule 30 may be made and discussed, notwithstanding that such motion is not one remaining undisposed of at the meeting from which adjournment took place, if each of the following conditions has been fulfilled, namely:—

- (i) that written notice of such motion has been given at the meeting from which the adjournment took place;

- (ii) that the adjournment has been for not less than two clear days; and
- (iii) that a special notice of the motion has been given by the Commissioner.

Motions in respect of certain matters.

32. (1) A resolution of the standing committee or other committee, shall be moved by the chairman of that committee if he so desires, or if he does not desire to move it or is absent, by any member of the concerned committee present, or failing him by any other member of the Municipal Council.

(2) Any of the matters referred to in clause (c). (e) or (f) of rule 7 shall be moved at the meeting by the chairman of the committee concerned with the subject matter thereof or in his absence by any other member of that committee or failing both by any other member of the Municipal Council.

Copy of motion to be delivered to the Chairman.

* 33. Each motion shall be legibly written or printed in the regional language or in English and shall be read by the mover who may, if he so desires, speak in favour of the motion which shall then be delivered to the chairman.

A question once disposed of not to be reopened within three months.

34. No motion shall be entertained in regard to a question once disposed of except after lapse of three months from the date of such disposal.

Explanation 1.— A motion which falls through for want of a seconder shall be deemed to have been disposed of within the meaning of this rule.

Explanation 2.— A resolution appearing on the agenda but not moved shall not be considered as disposed of.

Procedure in case of resolutions previously notified not
being moved by members entitled to do so.

35. Any motion appearing the list of business for any month which does not come up for consideration within the next three following months shall lapse:

Provided that nothing herein contained shall prevent any member to give a fresh notice of the same resolution to the Commissioner under sub-section (2) of section 96.

Motion and amendment to be seconded.

36. (1) After a member has moved any motion, it shall be seconded by another member.

(2) Any member may move an amendment to a motion which has been moved and seconded and such amendment also shall be seconded by another member after it has been moved.

(3) A motion or an amendment thereto, which has not been seconded shall fall through.

Member's right to speak on amendment.

37. A member who has already spoken on a motion before the meeting is not thereby debarred from speaking on the amendment to the motion, provided that in so doing he confines himself strictly to the fresh matter introduced by the amendment.

Amendment to motions.

38. (1) An amendment shall be relevant to and within the scope of the motion to which it is proposed.

(2) An amendment which has the effect of a negative vote to the motion to which it is proposed shall not be allowed.

(3) An amendment on a substantive motion, which is inconsistent with the previous decision on the same motion shall not be allowed or put to vote.

(4) Amendments shall be put to vote in the reverse order in which they have been moved as against the original motion, that is to say, the motion and the last amendment shall be put to the meeting first, whichever of these two is carried shall then become the substantive motion, which again shall be placed before the meeting as against the last but one amendment and so on.

Duration of speeches.

39. Ordinarily a member moving a motion shall be allowed to speak for fourteen minutes and a member moving an amendment or taking part in the debate, to speak for seven minutes;

Provided that the Chairman may reduce or increase the time prescribed therein according as the occasion demands.

Rules to be observed while speaking

40. The following procedure shall be observed at a meeting of the Municipal Council:—

- (a) a member desiring to make any speech or observation on any matter under discussion in the meeting shall speak from his place, shall rise when he speaks and shall address the chairman;
- (b) if at any time the chairman rises to speak, the member speaking or offering to speak shall resume his seat forthwith;
- (c) all questions from one member to another, relating to the business of the meeting shall be put through the chair;
- (d) no member shall speak more than once on any matter but the proposer may speak in conclusion also after hearing all others who wish to speak;

- (e) written speeches shall not be read without the permission of the chairman:
- (f) the matter of every speech shall be strictly relevant to the matter under discussion before the meeting and a member while speaking shall not: —
 - (i) refer to any matter or fact on which a judicial decision is pending;
 - (ii) make a personal charge against member or officer or other employee of the Government or the Municipal Council;
 - (iii) make use of offensive expression regarding the Parliament or any state legislature or any public institution.
 - (iv) reflect upon the conduct of the President of India or any Governor, Minister or Administrator, or of any court of law acting in the exercise of its judicial functions;
 - (v) utter treasonable, seditious or defamatory words or
 - (vi) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Municipal Council;
- (g) the chairman after having called the attention of the meeting to the conduct of a member who acts in contravention of clause (f) or persists in irrelevance or in tedious repetition either of his own arguments or of arguments used by any other member in debate, may direct him to discontinue his speech, and he shall discontinue it forthwith.

Points of order.

41. Any member may at any time during the meeting of the Municipal Council submit a point of order for the decision of the chairman, but in doing so shall confine himself to stating the point and the chairman shall decide all points of order which may arise or be referred to him and his decision shall be final.

Closure.

42. It shall be competent for any member at the close of any speech on any item other than a budget item to move without debate. "That the question be now put" and the motion if seconded shall, unless it shall appear to the chairman that such motion is an abuse of these rules or an infringement of the rights of the minority, be put forthwith. Should the motion be carried, the mover shall be entitled to reply but he shall bring his reply to a close within five minutes. Thereafter the motion or amendment under debate shall be at once put.

Permission required for withdrawal of motions and amendments.

43. A motion or an amendment cannot be withdrawn save with the leave of the meeting.

Motion may be put in parts.

44. (1) The Chairman shall have power to divide into two or more distinct parts any motion or amendment which in his opinion is so complicated as to be likely to lead to confusion or inconvenience by being debated on as one motion.

(2) When by virtue of sub-rule (1) a motion or amendment is divided, it shall not be necessary, unless the Chairman decides to the contrary, for the second and following parts of such motion or amendment to be again separately moved and seconded, but the parts of the motion so divided shall be put to the vote by the Chairman one after another.

Dropping an item in certain cases.

45. Any member may, at the close of the speech of any other member, move that the Municipal Council do proceed to the next business and if the motion be seconded it shall be put to the vote forthwith without debate and if such a motion is carried the question under discussion shall be considered as dropped.

Priority to an item of business.

46. (1) With the consent of the majority of the members present at any meeting the chairman may give priority to any item of business, irrespective of the order in which such item stands on the list of business.

(2) No motion for giving priority to an item on the list of business, shall be put to the meeting unless atleast one clear day's notice of such motion has been given to the Commissioner, who shall communicate the same to the members.

(3) Every such notice shall specify the date on which the motion shall be moved. If the motion is not made on the specified date, a fresh notice shall be required in respect of that motion.

(4) Notwithstanding anything contained in sub-rule (1), (2) or (3) the chairman may allow any business with respect to any urgent matter included in the supplementary list of business under rule 9 to be taken up for consideration at any stage of the proceedings of the Municipal Council.

Power of Chairman to group items of business.

47. It shall be competent to the chairman, with the consent of the majority of the members present to submit for consideration as one subject any two or more items of business relating to the same subject although such items may not have been grouped

together on the list of business. It shall also be competent to the chairman when more than one meeting have been called for the same day, to submit, with the consent of the majority of the members present for consideration as one subject, and for disposal by one of such meetings any two or more items of business relating to the same subject notwithstanding that such items may on the appear respective list of business for separate meetings to be held on that day.

Motion for adjournment of debate or meeting.

48. When a member moves a motion for adjourning the debate or the meeting, the chairman may at once put it to the vote after giving members such reasonable opportunity as he thinks proper to state the reasons for or against such motion.

Definition of an adjournment motion.

49. A motion for adjournment of the debate or the meeting under rule 48 shall be simpliciter but may be made subject to a specified limit of time, or the occurrence of a specified event, such as receipt of a report from the Commissioner or a committee. If it includes any other qualification, it shall be treated as an amendment under rule 36.

Adjournment motion not to be moved in the middle of speech.

50. No motion for adjournment of the debate or the meeting shall be moved while a member is speaking:

Provided that the chairman may at any time adjourn the meeting with the consent of the majority of the members present.

Second motion of adjournment.

51. A subsequent motion for the adjournment of the debate or the meeting shall not be moved until after the lapse of such time after the last previous motion as the chairman deems to be reasonable.

Voting how to be counted.

52. (1) Save as otherwise provided in these rules, when voting is demanded by atleast four members, the Chairman shall direct those who desire to vote for a motion and those who desire to vote against such motion to form themselves into two groups.

(2) Two tables having respectively placards "Yes" and "No" shall be placed at the end of the two corners of the hall permanently and as soon as voting is demanded, the Commissioner shall place a list of members on each table and members will go and initial before their names in the presence of tellers appointed by the Chairman.

(3) The vote of each member present and voting upon the motion shall be taken by the tellers in the manner stated above and the names of the members voting respectively for or against the motion as well as of those abstaining from voting, shall be recorded in the minute book.

Meeting to be open to public.

53. Every meeting of the Municipal Council shall be open to the public, unless a majority of the members present thereat decide by a resolution, which shall be put by the Chairman of his own motion or at the request of any member present, without any discussion, that the deliberation of the Municipal Council be held in private.

Admission of public.

54. The Chairman may regulate the admissson of the public to witness the proceedings of the Municipal council in accordance with such orders as he may from time to time make in this behalf.

Removal of members of the public from meetings.

55. The chairman may at any time cause any member of the public admitted to a meeting to be removed, if necessary by

force, if such person interrupts or disturbs the proceedings of the meeting.

Powers of persons presiding in the absence of chairman and

Vice-Chairman.

56. The person presiding over a meeting of the Municipal Council in the absence of the chairman and the vice-chairman shall, when so presiding, have the same powers as the chairman when so presiding and all reference to the chairman in these rules shall in those circumstances be deemed to be references to any such persons so presiding.

CHAPTER III

CONSTITUTION POWERS AND PROCEDURE OF THE
STANDING COMMITTEE

Constitution of the standing committee.

57. (1) The standing committee shall consist of four members who shall be elected by the councillors from among themselves at the first meeting of the Municipal Council after each general election or as soon as possible at any other meeting subsequent thereto.

(2) On and from the date of such election the standing committee shall be deemed to have been constituted.

(3) One-half of the members of the standing committee shall retire on the expiration of one year from the date of its constitution and for that purpose they shall be selected by lot before the said expiration in such manner as the chairman of the standing committee may determine.

(4) During each succeeding year the members who have been longest in office shall retire therefrom.

Provided that in the case of a member who has been re-elected the term of his office shall for the purpose of the sub-section be computed from the date of his re-election.

(5) The Municipal Council shall in an ordinary meeting held before the occurrence of the vacancies caused by the retirement of the members under sub-rule (3) or sub-rule (4) elect the requisite number of members from amongst the councillors to fill up those vacancies.

(6) Any councillor who ceases to be a member of the standing committee shall be eligible for re-election.

Casual vacancies.

58. (1) When a casual vacancy occurs in the office of a member of the standing committee, the Municipal Council shall fill up the vacancy as soon as may be after, and in any case within one month of, the occurrence of the vacancy, by the election of another councillor.

(2) A member elected to fill a casual vacancy shall be elected to serve for the remainder of his predecessor's term of office.

Chairman and Vice-Chairman of the standing committee.

59. (1) The standing committee shall at its first meeting in each year elect one of its members to be the Chairman and another member to be Vice-Chairman.

(2) The Chairman or the Vice-Chairman of the standing committee shall hold office from the date of his election until the election of his successor in office unless in the meantime he resigns his office as Chairman or Vice-Chairman or his term of office as member of the standing committee is in any manner

determined or unless in the case of the vice-chairman he is elected as chairman.

(3) On the occurrence of any casual vacancy in the office of the chairman or the vice-chairman, the standing committee shall within one month of the occurrence of such vacancy elect one of its members as chairman or vice-chairman, as the case may be, and the chairman or the vice-chairman so elected shall hold office for the remainder of his predecessors's term.

Resignation of chairman and members of the standing committee

60. (1) Any member of the standing committee may resign his office by writing under his hand addressed to the chairman; and the chairman may resign his office by writing under his hand addressed to the chairman of the Municipal Council.

(2) A resignation under sub-rule (1) shall take effect from the date specified for the purpose in the notice in writing referred to in that sub-rule, or if no such date is specified, from the date of its receipt by the chairman of the standing committee or the chairman of the Municipal Council, as the case may be.

Functions of the standing committee.

61. The standing committee shall exercise such powers and perform such functions as are specifically conferred or imposed upon it by or under the Act or the rules, regulations or bye-laws made thereunder.

Election of members of the standing committee.

62. (1) Every candidate for election as a member of the standing committee shall be nominated in writing and the nomination paper shall be signed by two of the members of the municipal Council as proposer and seconder. The proposer shall, when proposing the name of any candidate, deliver to the

Commissioner between the hours of eleven o'clock in the forenoon and five o'clock in the afternoon at least three clear days before the date of meeting at which the election is to be held, a declaration in writing expressing the candidate's willingness to be elected as member of the standing committee, signed by the candidate and by the proposer and the seconder.

(2) No member of the Municipal Council shall sign as proposer or seconder the nomination-paper of more candidates than the number of vacancies to be filled. Any nomination paper subscribed in contravention of this sub-rule shall be invalid and shall be declared as such by the chairman.

(3) Any candidate may withdraw his candidature at any time before the election is proceeded with in the meeting.

(4) When the number of valid nominations is the same as or less than, the number of members to be elected, the Chairman shall declare such candidate or candidates to be duly elected as member or members of the standing committee.

(5) Where the number of nominations exceeds the number of vacancies the election shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be held by secret ballot.

(6) The Commissioner shall provide at the meeting:—

- (a) a ballot box;
- (b) a sufficient number of ballot papers;
- (c) materials sufficient for the purpose of enabling members of the municipal council to mark ballot papers.

7. (a) Every member of the Municipal Council shall have one vote only,

- (b) A member in giving his vote:—

(i) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he votes; and

(ii) may, in addition, place on his ballot paper the figure 2 or the figures 2 and 3, or the figure 2, 3 and 4 in the spaces opposite the names of other candidates in the order of his preference.

(8) (a) Every member of the Municipal Council on receiving a ballot paper shall proceed into one of the polling compartments provided for the purpose of recording votes and shall there record his vote in accordance with the instructions set out on the ballot paper,

(b) The member shall then before quitting the polling compartment fold up his ballot paper so as to conceal his vote and put the ballot paper so folded into the ballot box in the presence of the chairman.

(c) Every member shall record his vote and quit the polling compartment without undue delay.

9. The ballot box shall remain open for the casting of votes for such period as may be fixed by the chairman.

(10) (a) As soon as the period fixed for casting of votes is over, the chairman shall:—

(i) open the ballot box and take out the ballot papers contained therein

(ii) count the number of ballot papers so taken out or cause it to be counted and record such number in a statement

(iii) scrutinise the ballot papers and separate the ballot papers which he deems valid from those which he rejects as invalid by endorsing thereon the word "Rejected" and the ground of such rejection.

(iv) arrange the valid ballot papers in parcels according to the first preference recorded for each candidate ;

(v) count the votes in the meeting in the presence of such of the member as may be present with the assistance of such persons as may be appointed by the chairman in this behalf.

(11) Upon the completion of the counting of votes, the chairman shall prepare and certify a return setting forth:—

(i) the names of the candidates for whom valid votes have been given;

(ii) the number of valid votes given to each candidate;

(iii) the number of votes declared invalid and rejected; and

(iv) the names of the persons declared elected.

(12) The ballot papers shall be kept by the Commissioner for three months from the date of election and may then be destroyed by him.

Election of members of other committees.

63. The provisions of rule 62 shall apply, as far as may be, to the election of members of other committee constituted under the Act.

Convening of meetings of standing committees.

64. (1) The date, time and place of the first meeting of the standing committee after its constitution shall be fixed by the Commissioner.

(2) The date, time and place of every subsequent meeting of any such committee shall be fixed by the committee itself:

Provided that a meeting of the standing committee shall be held when necessary. If the standing committee omits to fix the

date, time and place of the meeting, it shall be fixed by the chairman of the committee.

Election of chairman and vice-chairman of the standing committee.

65. The chairman of the municipal council shall nominate a member of the standing committee referred to in sub-rule (1) of rule 64 who is not a candidate for election as chairman or vice-chairman, to preside at its first meeting in each year.

Special meetings.

66. The chairman of a standing committee shall, whenever he thinks fit, or on a written requisition signed by the Commissioner, or by not less than two members of the standing committee, within 24 hours of the receipt by him of the requisition, call a special meeting of the standing committee for the transaction of any business.

Quorum.

67. No business shall be transacted at a meeting of the standing committee unless at least two members are present.

Resolutions.

68. A member who desires to move any resolution shall give notice of his intention to the Commissioner at least two clear days before the day of the meeting of the standing committee at which such resolution is to be brought forward.

List of business.

69. The Commissioner shall send to each member on the day previous to the meeting, the list of business for the meeting and except in special circumstances and with the assent of the members present, no business not entered on such list shall be transacted at a meeting of the committee.

Members right to ask postponement of certain items of list of business.

70. The consideration of any item in the list of business of which two days notice has not been given shall at the request of any two members of the standing committee made, before discussion thereon begins either orally or if absent, by letter, be postponed until the next meeting.

Seconding of resolutions and amendments.

71. All resolutions, motions or amendments shall be duly proposed and seconded.

Certain motions or amendments to be voted in parts.

72. The chairman shall have power to divide into two or more distinct parts any motion or amendment, which, in his opinion, is so complicated as is likely to lead to confusion or inconvenience by being voted upon as a whole.

Amendments

73. (1) When a motion has been put to the meeting any member may propose an amendment thereto. No second amendment, except for the adjournment of the debate, shall be proposed until the first has been disposed of.

(2) The first amendment, if carried, shall be put as a substantive motion to which other amendments may be proposed.

(3) A motion to adjourn a meeting or to postpone the consideration of a particular item of list of business shall always take precedence.

Points of order

74. The chairman shall decide summarily all points of order raised at a meeting of the standing committee.

Voting

75. (1) Voting shall be by show of hands,

(2) Every question shall be decided by a majority of votes of the members of the standing committee present and voting, the Chairman having a second or casting vote when there is an equality of votes.

Powers of person presiding in the absence of Chairman.

76. The person presiding over a meeting of a standing committee in the absence of the Chairman shall when so presiding have the same powers as the Chairman when so presiding and all reference to the Chairman in these rules shall in those circumstances be deemed to be reference to any person so presiding.

Procedure for the conduct of business of a meeting of a standing committee.

77. Save as otherwise provided in these rules the procedure laid down for the conduct of business of a meeting of the Municipal Council shall, as far as may be, be followed for the conduct of business at a meeting of any standing committee.

[G-O- Ms. No. 127/74/LAD dated 29-5-1974-LAD]

CHAPTER II BUDGET

24. THE PONDICHERRY MUNICIPALITIES (PREPARATION AND PRESENTATION OF BUDGET ALLOTMENT AND TRANSFER OF FUNDS) RULES, 1974.

In exercise of the powers conferred by section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry, hereby make the following rules, namely:—

PRELIMINARY.

Short title, extent and commencement.

1. (1) These rules may be called the Pondicherry Municipalities (Preparation and Presentation of Budget Allotment and Transfer of Funds) Rules, 1974.
- (2) They shall extend to the whole of the Union Territory of Pondicherry.
- (3) They shall come into force at once.

Definitions.

2. In these rules, unless the context otherwise requires:—
 - (a) 'Act' means the Pondicherry Municipalities Act, 1973;
 - (b) 'section' means a section of the Act.

PREPARATION OF THE BUDGET.

3. The Commissioner shall in each year prepare a budget estimate showing the probable receipts and expenditure during the coming year. He shall consult the Director of Health and Family Planning Services, Senior Town Planner, Director of Public Works Department and Director of Electricity in respect of matters concerning their departments.
4. The working balance to be provided for in the budget shall not be less than five per cent of the estimated receipts of the year excluding those from endowments, State grants and debt heads.
5. The budget shall be prepared in Form 'A' appended to these rules.

PRESENTATION OF THE BUDGET.

6. (1) The budget prepared in the manner laid down above shall be circulated to the councillors sufficiently in advance

of the date fixed for the consideration of the budget by the council, so that the councillors may have a reasonable opportunity of examining it before the said date.

In the case of councillors who are not acquainted with English, separate copies of the budget in the language of the region shall be so circulated.

(2) The budget shall, after it has been circulated as provided in sub-rule (1) and after detailed scrutiny by the budget committee, if any, of the council, be placed before the council by the Commissioner, ordinarily not later than the 15th November each year.

7. An explanatory note on the budget with copies of the suggestions, if any, of the officers referred to in rule 3 and of the proceedings of the budget committee, if any, shall also be placed by the commissioner before the council along with the budget.

SANCTIONING OF THE BUDGET.

8. The council shall after satisfying itself on the following points sanction the budget with such modifications as it may deem necessary:—

(1) that the estimate of receipts is exhaustive and cautious;

(2) that the recommendations, if any, of the officers referred to in rule 3, and of the heads of departments working under the council, have been duly considered in preparing the budget;

(3) that due provision has been made for all obligatory charges;

(4) that provision has been made for the due discharge of all liabilities in respect of loans contracted by the council and for all other commitments; and

(5) that the working balance is not less than the minimum specified in rule 4.

GENERAL

9. The Commissioner shall submit a copy of the budget as sanctioned by the council to the Government not later than the 30th November each year.

10. The Commissioner shall also forward to the auditor appointed under section 205 of the Act a copy of the budget so sanctioned within fifteen days of such sanction. Any modification made in the budget with reference to the orders, if any, passed by the Government under section 203 of the act. shall be similarly, communicated to the auditor by the Commissioner.

11. The council shall not authorise any item of expenditure not included in the budget, or in excess of the budget allotment without indicating the source from which the money required for the proposed expenditure is to be formed whenever the sanction of any authority is required for any proposed expenditure, such sanction shall be obtained before the council considers the proposal.

12. The Commissioner shall pay prompt attention to the remarks if any made by the auditor in regard to expenditure as compared with the budget allotment.

13. All allotments made in the budget shall lapse at the end of the year and no part of any allotment remaining unexpended at the end of the year shall be reserved or appropriated by transfer to deposits or any other head or drawn in order to avoid lapse for disbursement after the end of the year except in respect of cases provided under Section 204 of the Act.

14. All expenditure during the course of a year shall be regulated in accordance with the allotments made in the budget for the year as sanctioned by the council and modified by the

Government. Where an additional allotment under any head of account is subsequently found necessary, such additional allotment shall be made by reappropriation from other heads, subject to the following conditions and limitation.

(1) All applications for reappropriation shall be made in Form 'B' appended to these rules and shall be submitted to the council by the Commissioner in time to admit of the council passing orders on them before the end of the year; and

(2) the Commissioner shall, within a week of the date on which the council sanctions any such application forward a copy thereof to the auditor.

15. Where it is found necessary to find additional allotments from balances of any kind-general, endowment, or other-they may be sanctioned by the council subject to the following conditions and limitations:—

(1) the working balance shall not be reduced below the minimum specified in rule 4;

(2) application for allotments shall be made in Form 'C' appended to these rules and shall be submitted to the council by the Commissioner in time to admit of the council passing orders on them before the end of the year; and

(3) the Commissioner shall within a week of the date on which the council sanctions any such application. forward a copy thereof to the auditor,

FORM 'A'

(See rule 5)

Part I - ABSTRACT OF THE BUDGET ESTIMATE OF THE
 MUNICIPAL COUNCIL
 FOR 19... - 19...

Ordinary				
Description of account	Opening balance	Receipts	Charges	Closing balance
(1)	(2)	(3)	(4)	(5)

Opening balance	Capital			Closing balance both ordinary and capital
	Receipts	Charges	Closing balance	
(6)	(7)	(8)	(9)	(10)

N. B. - The heads of account laid down in the abstract of the monthly account form should be adopted here.

FORM 'A' (continued)
 Part II - BUDGET ESTIMATE OF THE
 MUNICIPAL COUNCIL FOR 19 - 19

Head of Account (1)	Budget Estimate for (2)	Revised Estimate for (3)	Estimated deficit or excess for (4)	Budget Estimate for (5)
Actuals for (6)	Actuals from April to October (7)	Actuals from April to October (8)	Explanation for variations (9)	

N. B. - The heads of account laid down in the monthly account from should be adopted here.

Columns (2), (3) and (4) will give the figures for the current year.

Column (5) will give the estimated figure for the coming year.

Column (6) will give the figure relating to the previous year.

Column (7) will give the figure for the first seven months of the previous year.

Column (8) will give the figure for the first seven months of the current year.

Column (9) will explain the variations between-

(a) columns (2) and (3); and

(b) columns (7) and (8).

FORM 'B'

APPLICATION FOR ALLOTMENT OR ADDITIONAL ALLOT-
MENT OF FUNDS BY REAPPROPRIATION REQUIRED BY
THE MUNICIPAL COUNCIL

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	
	Particular work or purpose	Head of account in which or name of work, etc., for which additional allotment is required.	Amount provided for the work or purpose in the budget.	Amount subsequently allotted or transferred.	Amount spent up to date.	Amount required to meet probable expenditure up to the end of year.	Total of columns (5) and (6)	Amount now required to be transferred, that is, column (7) minus columns (3) plus (4)	Reasons for exceeding the original allotment.	Head of account or source from which transfer is applied for.	Anticipated savings from which funds may be allotted.	Remarks.

Commissioner

Sanctioned in

Subject to the modifications.

Commissioner.

FORM C

[See rule 15 (2)]

APPLICATION FOR ALLOTMENT OR ADDITIONAL
ALLOTMENT OF FUNDS FROM THE BALANCE
REQUIRED BY THE MUNICIPAL
COUNCIL.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Particular work or purpose.	Head of account in which or name of work and for which additional allotment is required	Amount provided for the work or purpose in the budget.	Amount subsequently allotted or transferred.	Amount spent up to date.	Amount required to meet probable expenditure up to the end of the year.	Amount now required by transfer from the balances.	Reasons for exceeding the original allotment.	Reference to previous correspondence and the number and date of the council's sanction.	Amount of closing balance provided in the budget as revised with reference to the actual opening balance of the year.	Total of all allotments made from such balance including those now applied for.	Net balance available.	Five per cent of estimated receipts.	Remarks.

Commissioner.

Note:— It should be explained in the remarks column how the difference between columns (6) and (7) is proposed to be met.

Sanctioned in _____ subject to the modifications
Commissioner.

25. THE PONDICHERRY MUNICIPALITIES
(MAINTENANCE OF DEPOSITS, LOANS AND
INVESTMENTS ACCOUNTS) RULES, 1974.

In exercise of the powers conferred by section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry, hereby makes the following rules namely:—

PRELIMINARY

Short title, extent and commencement.

1. (1) These rules may be called the Pondicherry Municipalities (Maintenance of Deposits, Loans and Investments Accounts) Rules, 1974.

(2) They shall extend to the whole of the Union territory of Pondicherry.

(3) They shall come into force at once.

Definitions.

2. In these rules, unless the context otherwise requires,

(a) 'Act' means the Pondicherry Municipalities Act, 1973;

(b) 'section' means a section of the Act.

MAINTENANCE OF DEPOSITS, LOANS AND INVESTMENT
ACCOUNTS.

Deposits.

3. (1) Deposits of Municipal Councils shall be of one of the following kinds, namely:—

(a) contractors, deposits for the due fulfilment of their contracts;

- (b) earnest money deposits of tenderers;
- (c) security deposits of municipal servants;
- (d) unclaimed contractors' dues;
- (e) surplus sale-proceeds of distrained property;
- (f) fidelity bonds of insurance companies approved by the Government; and
- (g) other miscellaneous items.

(2) The deposits referred to in clause (a) of Sub-rule (1) may be made—

- (i) in cash,
- (ii) in savings bank deposits,
- (iii) in Government promissory notes,
- (iv) in municipal or local boards' debenture bonds approved by the Municipal Council,
- (v) in post office 19 year defence savings certificates,
- (vi) in fixed deposits of the State Bank of India, or
- (vii) in fixed deposits of the Central/State Co-operative Bank Approved by the Registrar of Co-operative Societies for the purpose.

(3) When a person in the service of a Municipal Council gives a fidelity bond of an insurance company approved by the Government for the full amount of the required security, guaranteeing the council against losses through dishonesty, negligence or disregard of the rules on his part, the following procedure shall be observed;

- (a) the fidelity bond shall be accepted only if it is in the form approved by the Government.

(b) the employee concerned shall pay by the due date the premia to keep the bond alive, until the expiry of a period of atleast six months from the date of vacation of office by him, and shall deliver the receipts to his superior officer, having custody of the bond. If he fails to do so, he shall at once be removed from service.

(4) The deposits referred to in clause (c) of sub-rule (1) may be made in any one of the forms approved by the Government.

4. The following items shall not be credited to any deposit head of account:—

(a) sums that can be clearly brought to account under any revenue head;

(b) pay, pension, leave salary or other allowances; and

(c) fines.

5. No item shall be credited to any deposit head of account except on the written order of the Commissioner.

6. (1) Two registers, one to record transactions relating to deposits made in cash and the other to record transactions relating to other deposits, shall be maintained in the office of every Municipal Council. The registers shall be in such form as may be laid down by the Government from time to time.

(2) A certificate that the entries in each register are maintained up to date shall be recorded therein at the end of each quarter by the Commissioner.

7. (1) Where any deposit is received whether in cash or otherwise, the Commissioner shall cause the necessary entries to be made in the appropriate register maintained under sub-rule (1) of rule 6.

(2) The Commissioner shall remit every deposit received in each to the treasury or bank in which the moneys of the council are lodged.

(3) Deposits received otherwise than in cash shall be kept by the Commissioner in safe custody. At the end of every half-year a certificate regarding the verification of the balance of such deposits as are then on hand shall be recorded by the Commissioner.

8. No deposit made in cash shall be refunded except on the written order of the commissioner or other passing officer. The order for refund shall be made on a deposit/refund voucher, which shall be in such form as may be laid down by the Government from time to time, after the Commissioner or other passing officer has satisfied himself by a reference to the appropriate register of deposits that the deposit is actually outstanding and that the Accounts Officer has certified to that effect.

9. At the end of each year, any deposit or balance thereof shall be credited to a revenue head of account, if it has remained unclaimed for a period of three years from the date on which it become repayable or in case the deposit has been received in cash and the deposit or balance thereof does not exceed one rupee, if it has remained unclaimed for a period of one year, from the date on which it became repayable.

10. (1) No deposit credited to a revenue head of Account under rule 9 shall be refunded except with the sanction of the council obtained on an application preferred by the person entitled to the refund.

(2) Such sanction shall not be granted unless the Commissioner certified—

- (i) that the deposit was actually received;
- (ii) that it was credited to a revenue head of account;
- (iii) that it had not been previously refunded: and

(iv) that he is satisfied as regards the claimant's identity and title to the refund.

(3) Refunds of deposits under sub-rule (1) shall be drawn on refund vouchers which shall be in such form as may be laid down by the Government from time to time.

Investments.

11. Every Municipal Council shall maintain in such form as may be laid down by the Government from time to time a register showing the Government and other securities as well as any other investments held by it as its property.

12. No security or other investment entered in the register referred to in rule 11 shall be written off, unless and until it has been disposed of absolutely by sale or otherwise.

13. The amount of every such security and other investment shall be verified annually by the auditor appointed under section 205 of the Act at the time of the audit.

Loans.

14. Every municipal council shall maintain, in such form as may be laid down by the Government from time to time, the following accounts in respect of loans raised by it:—

- (i) an account showing the receipts from the loans, the repayment thereof and the payment of interest, if any, thereon;
- (ii) an account showing the manner of appropriation of the loans; and
- (iii) a sinking fund account, where a sinking fund has been created for the liquidation of any non-Government loan.

Explanation:— In this rule “non-Government” loan means any loan raised, with the sanction of Government otherwise than from Government funds.

Appropriation of endowments and other funds.

15. In order to ensure that the funds derived from special contributions or endowments are appropriated to the purpose for which they are received, an appropriation register shall be maintained in such form as may be laid down by the Government from time to time.

Diversion of earmarked funds.

16. Where for a specific purpose any loan has been raised, any contribution has been received or any fund has been earmarked, such loan, contribution or fund shall not be diverted permanently or temporarily to any purpose other than that for which the same has been raised, received or earmarked, as the case may be, without the previous sanction of the Government.

Expenditure on water supply and drainage works.

17. No Municipal Council which levied a water and drainage tax shall, without the previous sanction of the Government, spend annually more than Rs 2,000/- of its general revenues towards the expenses connected with the maintenance and repair of its water supply and drainage works, including the charges on account of loans contracted for such works.

Expenditure on lighting by electricity.

18. No Municipal Council which levied a lighting tax shall, without the previous sanction of the Government spend annually more than Rs. 2,000/- of its general revenues towards the expenses connected with the lighting of the municipality by electricity, including the charges on account of loans contracted for such purposes.

26. THE PONDICHERRY MUNICIPALITIES (PURCHASE OF ACCOUNT FORMS AND MAINTENANCE OF STOCK ACCOUNT) RULES, 1974.

In exercise of the powers conferred by Section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:—

PRELIMINARY

Short title, extent and commencement.

1. (1) These rules may be called the Pondicherry Municipalities (Purchase of Accounts Forms and Maintenance of Stock Account) Rules, 1974.
- (2) They shall extend to the whole of the Union Territory of Pondicherry.
- (3) They shall come into force at once.

Definitions.

2. In these rules unless the context otherwise requires 'Act' means the Pondicherry Municipalities Act, 1973.

PURCHASE OF ACCOUNTS FORMS

Forms

3. No Municipal Council shall obtain its supply of any of the account forms laid down by the Government under the powers vested in them by the Act or the rules made thereunder except from such source or sources as may be specified by the Government from time to time.
4. The indent for the supply of forms shall be in such form as may be laid down by the Government from time to time.
5. No account forms other than those laid down by the Government under the powers vested in them by the Act or the

rules made thereunder shall be used by municipal councils without the previous sanction of the Government.

MAINTENANCE OF STOCK ACCOUNT

Stock account of forms.

6. The commissioner shall arrange for the proper maintenance of a stock account in such form as may be laid down by the Government from time to time and for such forms as may be specified in the headings therein as well as for all forms of tickets printed for use in departmental collection of revenue. The correctness of the stock account of forms shall be verified at the end of every half-year by the commissioner or the manager if there is one.

Records.

7. (1) All accounts and registers shall be maintained in English:

Provided that any subsidiary account or register may, with the previous approval of the Examiner of Local Fund be maintained in the language or languages of the region.

(2) All corrections and alterations in accounts shall be neatly made in red ink and attested by the Commissioner, or a Responsible Officer of the Municipal Council. Alterations and corrections in bills shall likewise be authenticated by the drawer.

(G. O. Ms. No. 13 dated 29-5-1974 LAD)

27. THE PONDICHERRY MUNICIPALITIES (TEMPORARY DIVERSION OF EARMARKED FUNDS) RULES, 1974.

In exercise of the powers conferred by section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all

other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:--

Short title, extent and commencement

1. (1) These rules may be called the Pondicherry Municipalities (Temporary diversion of earmarked funds) Rules, 1974.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

Temporary diversion of earmarked funds

2. The Municipal Councils shall not divert the following earmarked funds even temporarily for other purposes without the previous sanction of the Government ; namely:—

- (1) Water and drainage tax funds;
- (2) Deposits including provident funds
- (3) Lighting tax fund;
- (4) Loans funds;
- (5) Special Government grants;
- (6) Capital receipts from sale of capital assets ; and
- (7) Endowments.

[G. O. Ms. No. 135 Dated 29-5-1974 LAD]

CHAPTER-III ESTABLISHMENT

28. THE PONDICHERRY MUNICIPALITIES (RECRUITMENT)

RULES, 1979.

In exercise of the powers conferred by sub-section (2) of section of the Pondicherry Municipalities Act. 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the

Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

Short title and commencement.

(1) These rules may be called Pondicherry Municipalities (Recruitment) Rules, 1979.

(2) They shall come into force at once.

Application. 2.

These rules shall apply to recruitment and appointment to posts borne on ministerial, technical and executive establishments of the Municipalities as detailed in Appendix I to these rules.

Method of recruitment, age limit, educational and other qualifications.

(1) The method of recruitment, age limit educational and other qualifications for the posts mentioned rule 2 shall be as specified in Appendix II to those rules.

(2) Except the posts of midwife and Ayah, all other posts shall be classified as selection posts.

EXPLANATION:— 'Selection posts, means the posts to which recruitment is made on grounds of merit and ability, the seniority being counted where merit and ability are approximately equal.

Disqualification 4

(1) No person, who has more than one wife living, or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse shall be eligible for appointment to any post.

(2) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to the said post.

Provided that the Government, may if satisfied that there are special grounds for so ordering, exempt any person from the operation of these rules.

(3) No person shall be eligible for appointment to any post unless he is a citizen of India.

Authorities for 5
making selection
and appointment
etc.

(1) Selection for appointment to the posts specified in Appendix, III to these rules shall be made by a selection committee constituted by the Municipal Council.

(2) A selection committee consisting of the Director of Rural Development as Chairman and Deputy Director (Municipal Administration) and the Commissioner of the Municipality concerned as the members shall make selection of candidates to the posts other than the posts mentioned in sub-rule (1).

(3) Whenever vacancies arise in the posts specified in sub-rule (2) the Commissioner shall send necessary proposals to the Director of Rule Development for selecting suitable candidate for filling up the post.

Selection through
competitive
examination.

6. Selection by Direct Recruitment in respect of posts specified in appendix IV shall be made through competitive examination as

- may be prescribed and conducted by the Director of Rural Development and viva voce test conducted by the selection committee.
- Appointing Authority. 7. On the recommendation made by the Selection Committee specified under rule 5, the Commissioner shall issue orders of appointment to the persons selected.
- Special provision for appointment of appointment of existing members. 8. Notwithstanding anything contained in these rules, persons who are holding the posts specified in Appendix. I to these rules immediately before the commencement of these rules shall be deemed to be full members of the grade to which the posts so held by them belong.
- Power to relax. 9. Notwithstanding anything contained in these rules, when the government is of opinion, that it is necessary or expeditent so to do, it shall have the power to relax any of the provisions of these rules in respect of any person or any class of persons.

APPENDIX-I

(See rule 2)

- (a) Ministerial establishment:—
- (i) Office Manager Grade. I.
 - (ii) Office Manager Grade. II
 - (iii) Officer Manager Grade. III.
 - (iv) Senior Assistant.
 - (v) Manager. (I. B.)
 - (vi) Stenographer.
 - (vii) Junior Assistant.
 - (viii) Cooyist.
 - (ix) Driver.
 - (x) Peon.

- (xi) Watchmen.
- (xii) Midwife.
- (iii) Cleaner.
- (xiv) Ayah.
- (b) TECHNICAL ESTABLISHMENT:—
- (i) Assistant Engineer.
- (ii) Junior Engineer.
- (iii) Junior Engineer (works).
- (iv) Junior Engineer (Electrical).
- (v) Overseer Grade I.
- (vi) Draughtsman Grade III.
- (vii) Electrician Grade I.
- (viii) Electrician Grade II.
- (ix) Mechanic.
- (x) Carpenter.
- (c) EXECUTIVE ESTABLISHMENT:—
- (i) Supervisor (Mahimai).
- (ii) Supervisor (Market)
- (iii) Karnam.
- (iv) Garden Superintendent.
- (v) Sanitary Inspector Grade I.
- (vi) Sanitary Inspector Grade II.
- (vii) Sanitary Inspector Grade III.
- (viii) Maistry Grade I.
- (ix) Maistry Grade II.
- (x) Maistry Grade III.
- (xi) Bill Collector Grade I.
- (xii) Bill Collector Grade II.
- (xiii) Sanitary Maistry.
- (xiv) Gardener.
- (xv) Sanitary worker.
- (xvi) Gangman.
- (xvii) Grave digger.
- (xviii) Boatman.
- (xix) Plumber.
- (xx) Helper.

APPENDIX-II
(See rule 3 (1))

Sl. No.	Name of the post (Scale of pay)	Method of recruitment (whether direct recruitment or by promotion, or by transfer on deputation from Government).	Age limit for direct recruits.
(1)	(2)	(3)	(4)
1.	Assistant Engineer (Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200)	By promotion failing which by direct recruitment; failing both by transfer on deputation.	30 years and below (Relaxable for Government servants and Municipal and Commune panchayat servants)
2.	Junior Engineer, Junior Engineer (Works). (Rs. 425-15-500-EB-15-560-20-700.)	By promotion failing which by direct recruitment, failing both by transfer on deputation.	30 years and below.

Educational and other Qualifications required for direct recruits.	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	In case of recruitment by promotion or by transfer on deputation, the grades from which promotion/transfer on deputation to be made.
(5)	(6)	(7)
Degree in Civil Engineering of a recognised University or equivalent; or Diploma in Civil Engineering from a recognised institution or equivalent with about 3 years professional experience.	Age--No qualification As indicated in col. 7.	By <u>promotion</u> :- Junior Engineer and Junior Engineer (works) possessing a recognised degree in Civil Engineering or equivalent with 3 years service or holding diploma in Civil Engineering with 6 years service in the grade. By transfer on deputation (without deputation allowance from the grade of Assistant Engineer of Public Works Department of the Government)
<ol style="list-style-type: none"> 1. A degree in Civil Engineering of any recognised University; or 2. A diploma in Civil Engineering College, Guindy, or 	Age:-No. Qualifications;-As indicated in column (7)	By Promotion:-Overseer Grade I and Draughtsman Grade III, possessing a recognised degree in Civil Engineering

(1)	(2)	(3)	(4)
-----	-----	-----	-----

- | | | | |
|----|--|--|-----------------|
| 3. | Overseer Grade I/
Draughtsman
Grade III
(Rs. 336-10-380-EB-
12-500-EB-I5-560.) | By direct recruitment
failing which by
transfer on deputation. | 30 years
and |
|----|--|--|-----------------|

(5)	(6)	(7)
<p>3. The L. E. C. Diploma awarded by the Technological Examination Boards recognised by the Government; or</p> <p>4. A pass in Section A & B of the A. M. I. E. (Ind.) Examination with Geodesy as an optional or additional subject with the following further conditions:</p> <p>a) should furnish evidence of having undergone practical training in surveying for not less than one year; or</p> <p>b) should have put in a service of one year in P. W. D. as Overseer; or</p> <p>c) should hold the Upper Subordinate or L. E. C. Diploma awarded by the Technological Diploma Examination Board, Madras.</p>		<p>or equivalent with 3 years service or holding a diploma in Civil Engineering with 6 years service in the grade.</p> <p>By transfer on deputation (without deputation allowance) from the grade of Junior Engineer of Public Works Department of the Government.</p>
<p>1. A degree in Engineering (Civil / Mechanical / Electrical) of the Madras or Annamalai University or the B.Sc. (Engineering) or any other equivalent degrees; or</p> <p>2. A Diploma in Engineering (Civil/Mechanical/ Electrical) of the College of Engineering, Guindy Madras; or</p> <p>3. A Upper Subordinate or L. C. E. Diploma of the College of Engineering, Guindy, or the L. C. E. Diploma awarded by the</p>	<p>Not applicable</p>	<p>By transfer on deputation (without deputation allowance) from the grade of Draughtsman Grade III or analogous post in Public Works Department of the Government.</p>

(1)	(2)	(3)	(4)
3.	Overseer Grade I/ Draughtsman Grade III (Rs. 330-10-380-EB- 12-500-EB-15-560.)	By direct recruitment failing which by transfer on deputation.	30 years and

(5)

(6)

(7)

- Technological Diploma Examination Board, Madras; or
4. A pass in Sections A&B of the A. M. I. E. (Ind.) Examination in the following subject with practical experience in Engineering Works for a period of not less than one year:— Properties and strength of Materials and Elementary structural; theory of Structures Papers and (b) under Section A; Hydraulics and Hydraulics Machinery; Geodesy Sanitary Engineering (papers(f), (j) and (e) under Section B); or
 5. A Lower Subordinate Diploma of the College of Engineering, Guindy; or
 6. A pass in the examination prescribed for the Engineering Subordinate of the Overseer class or the Draughtsman class in the College of Engineering, Guindy; or
 7. A new overseer Diploma of the College of Engineering, Guindy, or
 8. A pass in the Special Examination for Group certificate in the Building Drawing Group prescribed for Draughtsman; or
 9. A pass in the Special Examination for the group certificate in Civil Engineering in the Government Technical Examination.

(1)	(2)	(3)	(4)
4.	Junior Engineer (electrical) (Rs. 425-15-500- EB-15-560- 20-700)	By direct recruit- ment failing which by transfer on deputation.	Between 18 years and 30 years of age.
5.	Office Manager Grade. I. (Rs. 550-25-750- EB-30-900)	By promotion failing which by direct recruitment failing both by transfer on deputation.	Between 18 years and 30 years of age.
6.	Office Manager Grade, II (Rs. 425-15-500- EB-15-560 -20-700)	By promotion failing which by direct recruitment.	Between 18 years and 30 years of age.
7.	Senior Assistant Office Manager Grade. III Manager(T.B.) (Rs. 330-10- 380-EB-12-500- EB-15-560)	By direct recruit- ment 50%. By promo- tion 50 % failing which by direct recruitment.	Between 18 years, and 30 years, of age.

(5)	(6)	(7)
Diploma in Electrical Engineering or its equivalent qualifications as approved by Government.	Does not arise.	By transfer on deputation (without deputation allowance) from the grade of Junior Engineer or an analogous post in Electricity Department of the Government.
A degree in Arts or Science or Commerce of an Indian University or equivalent with 5 years experience in a Supervisory Capacity in a government department or public undertaking.	Not applicable.	By promotion from the grade of Office Manager Grade. II with 5 years experience in the grade. By transfer on deputation (without deputation allowance) from the grade of Superintendent Grade. I/ Tahsildar of the Government.
A Degree in Arts or Science or Commerce of an Indian University or equivalent with 3 years experience in a supervisory capacity in a Government department or public undertaking.	Not applicable.	By promotion from the grade of Office Manager Grade. III/ Senior Assistant/ Manager (T. B.) Stenographer who have passed S.S.L.C. or equivalent examination with 5 years of service in the grade.
Baccalaureat or a degree of a recognised University.	Not applicable.	By promotion from the grade of Junior Assistant/ Supervisor (Mahimai)/ Supervisor Market/ Karnam who have passed S.S.L.C. or equivalent examination with five years of service. in the grade.

(1)	(2)	(3)	(4)
8.	Stenographer. (330-10-380- EB-12-500- EB-15-560)	By direct recruitment.	Between 18 years and 30 years of age.
9.	Junior Assistant/ Supervisor (Mahimai) Supervisor (Market) Karnam (Rs.260- 6-290-EB-6-326- 8-366-EB-8-390- 10-400)	By direct recruitment 75.1 By promotion 25.1 failing which by direct recruitment.	Between 18 years and 30 years of age.
10	Garden Superinten- dent (Rs. 425-15-500-EB-15- 560-25-700)	By direct recruit- ment.	Between 18 years and 30 years of age.
11.	Sanitary Inspector. Gr. I (Rs. 330-10- 380-EB-12-500- EB-15-560)	By promo- tion failing which by direct recruitment	Between 18 years & 30 years of age.

(5)	(6)	(7)
1. A pass in Brevet, S. S. L. C. or Matriculation or any other equivalent examination.	Does not arise.	Does not arise.
2. Should have passed atleast the Lower Grade Examination in English Stenography and Typewriting conducted by a State Government.	Not applicable	By promotion from the grade of Bill Collector Grade. I with three years of service in the grade.
A pass in Brevet or S. S. L. C. or Matriculation or any other equivalent examination.		
1. Bachelor's Degree in Agriculture.	Does not	Does not
2. Must possess at least two years previous experience in gardening or in horticulture.	arise.	arise.
1. A pass in Brevet or S. S. L. C. (eligible for college course) or Matriculation or any other equivalent examination.	Age - No Educational qualifications -Yes-	By promotion from the grade of Sanitary Inspector Gr. II with the year of service in the grade and from the grade of Sanitary Inspector Gr. III with years of service in the grade.
2. A Diploma in Sanitary Inspector with 3 years' practical experience in the type of work.		

(1)	(2)	(3)	(4)
12.	Sanitary Inspector. Gr. II (Rs. 290-8-330- EB-8-370-10-400- EB-10-480)	By promo- tion failing which by direct recruitment.	Between 18 years and 30 years of age.
13.	Sanitary Inspector. Gr. III (Rs. 260-6- -290-EB-6-326-8- 366-EB-8-390-10-400)	By direct recruit- ment.	Between 18 years & 30 years of age.
14.	Maistry Grade. I (Rs. 260-6-290- EB-6-326-8-366- EB-8-390-10-400)	By promotion failing which by direct recruitment.	Between 18 years and 30 years of age
15.	Maistry Grade. II (Rs. 225-5-260-6-290- EB-6-308)	By promotion failing which by direct recruitment.	Between 18 years and 30 years of age.
16.	Maistry Grade. III (Rs. 200-3-206-4-234- EB-4-250)	By promotion failing which direct recruitment.	Between 18 years and 30 years of age.

(5)	(6)	(7)
1. A pass in Brevet or S. S. L. C. (eligible for college course) or Matriculation or any other equivalent examination. 2. A Deploma in Sanitary Inspector with 2 years, practical experience in the type of work.	Age-No. Educational qualifications -Yes-	By promotion from the grade of Sanitary Inspector Gr. III, with two years of service in the grade,
1. A pass in Brevet or S. S. L. C. (eligible for college course) or Matriculation or any other equivalent examination. 2. A Diploma in Sanitary Inspector.	Does not arise.	Does not arise.
1. A pass in Brevet or S. S. L. (or Matriculation or any other equivalent examination). 2. Must possess practical experience of 2 years in the type of work.	Age-No- Educational qualifications. -Yes-	By promotion from the grade of Maistry Gr. II with 5 years of service in the grade.
A pass in Brevet or S. S. L. C. or Matriculation or any other equivalent examination.	Not applicable.	By promotion from the Grade of Maistry Gr. III, with five years of service in the grade.
A pass in Brevet or S. S. L. C. or Matriculation or any other equivalent examination.	Not applicable.	By promotion from the grade of Sanitary Maistry with 5 years of service in the grade.

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(1)	(2)	(3)	(4)
17.	Electrician Grade. I (Rs. 260-6-290-EB- 6-326-8-366-EB-8- 390-10-400)	By promotion failing which by direct recruitment.	Between 18 years and 30 years of age.
18.	Electrician Grade. II (Rs. 260-6-326-EB 8-350)	By direct recruitment.	Between 18 years and 30 years of age.
19.	Bill Collector. Gr. I (Rs. 260-6-326-EB 8-350)	By promotion failing which direct recruitment.	Between 18 years and 30 years of age.
20.	Bill Collector. Gr. II/ Copyist (Rs. 220-5 260-6-290-EB-6-308)	By direct recruitment.	Between 18 years and 30 years of age.
21.	Driver. (260-6-326 EB-8-350)	By promotion, failing which by direct recruitment	Between 18 years and 30 years of age.
22.	Mechanic. (Rs. 260-6-326- EB-8-350)	By direct recruitment.	Between 18 years and 30 years of age.

(5)	(6)	(7)
Diploma in Electrical Engineering or its equivalent qualification as approved by Government.	Not applicable.	By promotion from the Grade of Electrician Grade II with 3 years of service in the grade.
Craftsmanship certificate in the trade of wireman or lineman issued by the Ministry of Labour and Employment, Government of India with two years experience in the type of work concerned.	Does not arise.	Does not arise.
A pass in Brevet or S. S. L. C. or Matriculation or any other equivalent examination.	Age - No. Educational qualifications. Yes.	By promotion from the grade of Bill Collector Gr. II/ Copyist with 3 years of service in the grade.
A pass in Brevet or S. S. L. C. or Matriculation or any other equivalent examination.	Not applicable.	Not applicable.
<ol style="list-style-type: none"> 1. A pass in VIII standard or its equivalent examination. 2. Must possess a valid driving licence. 	Age - No, Educational & other qualifications. Yes.	By promotion from the grade of peon/cleaner/watchman with five years of service in the grade.
Diploma in Mechanical Engineering or its equivalent qualification as approved by the Government.	Does not arise.	Does not arise.

231 (c)

(1)	(2)	(3)	(4)
23.	Midwife. (Rs. 260-6-326- EB-8-350)	By transfer on deputation.	Does not arise.
24.	Carpenter. (Rs. 210-4-250- EB-5-270)	By direct recruitment.	Between 18 years and 30 years of age.
25.	Sanitary Maistry (Rs. 196-3-208-4-220- EB-4-232)	By direct recruitment	Between 18 years and years of 30 age.
26.	Peon/watchman (Rs. 196-3-208-4-220- EB-4-232)	By direct recruitment.	Between 18 years and 30 years of age.
27.	Gardener/Gangman Sanitary Worker/ Grave digger/Boatman (Rs. 196-3-208-4-220- EB-4-232)	By Direct recruitment.	Between 18 years and 30 years of age.
28.	Plumber/Helper Cleaner (Rs. 196-3-208-4-220- EB-4-232)	By Direct recruitment.	Between 18 years and 30 years of age.
29.	Ayah (Rs. 196-3-208-4-220- EB-4-232)	By transfer on deputation.	Does not arise.

(5)	(6)	(7)
Does not arise.	Does not arise.	By transfer on deputation (without deputation allowance) from analogous posts in the Dept. of Health and family Welfare Services of this Administration.
Craftsmanship certificate in the trade carpentry issued by the Ministry of Labour and Employment, Government of India.	Does not arise.	Does not arise.
A pass in VIII Standard or its equivalent examination.	Does not arise.	Does not arise.
Should have passed VIII Standard or its equivalent examination.	Does not arise.	Does not arise.
Should have experience of one year in the type of Work.	Does not arise.	Does not arise.
Should have two years of experience in the type of work.	Does not arise.	Does not arise.
Does not arise.	Does not arise.	By transfer on deputation (without deputation allowance) from the analogous post in the Department of Health and Family Planning Services of this Administration.

APPENDIX. III

(See rule 5)

- (i) Bill Collector Grade, II.
- (ii) Copyist.
- (iii) Carpenter.
- (iv) Sanitary Maistry.
- (v) Peon.
- (vi) Watchman.
- (vii) Gardener.
- (viii) Gangman.
- (ix) Sanitary worker.
- (x) Boatman.
- (xi) Grave digger.
- (xii) Plumber.
- (xiii) Helper.
- (xiv) Cleaner.

APPENDIX - IV

(See rule 6)

- (i) Office Manager Grade. I
- (ii) Office Manager Grade. II.
- (iii) Office Manager Grade. III.
- (iv) Senior Assistant.
- (v) Manager. (T. B.)
- (vi) Junior Assistant.
- (vii) Supervisor (Mahimai).
- (viii) Supervisor (Market).
- (ix) Stenographer.

REDESIGNATION OF POST-AMENDMENT

In exercise of the powers conferred on me by rule 9 of the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1975, J. R. S. Chari, Director, hereby determine that the existing posts of the Municipal servants of the Pondicherry Municipality mentioned in column (2) of the Table below shall hence forth be designated as mentioned in the corresponding entry in column (3) of the said Table.

TABLE

Sl. No. (1)	Existing designation of post (2)	Redesignation (3)
1	Junior Engineer (Works)- 5 posts	Junior Engineer (Civil) ... 4 posts. Junior Engineer (Mechanical) ... 1 post.
2	Supervisor (Mahimai) ...	Inspector (Octroi)
3	Maistry Grade-I (Mason) ...	Sanitary Maistry, Grade-I ... 3 posts. Building Maistry Grade-I... 2 posts.
4	Supervisor (Mahimai) ...	Inspector (Octroi)
5	Mechanic ...	Mechanic (Fitter) 5 posts. Mechanic (Blacksmith) ... 1 post. Mechanic (Tinker) ... 3 posts. Mechanic (Auto) ... 2 posts. Electrician Grade-II ... 3 posts.
6	Receveur Municipal ...	Superintendent, Grade-I
7	Bill Collector, Grade-I ...	Octroi Barrier Officer

(1)	(2)	(3)
8	Maistry Grade-II	... Building Maistry, Grade-II ... 1 post. Sanitary Maistry, Grade-II ... 32 posts.
9.	Sanitary Worker	... Sanitary Assistant ... 229 posts. Drain Cleaner ... 37 posts. Sanitary Helper ... 84 posts.

[Order No. 22/289/B1/80. Dated 16th July, 1980.]

29. (a) THE PONDICHERRY MUNICIPAL SUBORDINATE SERVICES (REVISED PAY) RULES, 1975.

G. S. R. No. 3: — In exercise of the powers conferred by sub-section (2) of section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant - Governor, Pondicherry hereby makes the following rules, namely:—

Short title, extent and commencement.

1. (1) These rules may be called the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1975.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall be deemed to have come into force on the 1st day of January, 1975.

Categories of municipal servants to whom the rules apply.

2. (1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to municipal services and posts in connection with the affairs of the municipality.

(2) These rules shall not apply to—

- (a) Government servants borne on provincialised common cadre;
- (b) persons not in whole-time employment;
- (c) persons paid out of contingencies;
- (d) persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;
- (e) persons employed on contract except where the contract provides otherwise;
- (f) persons re-employed in municipal services after retirement;
- (g) any other class or category of persons who the Government may by order specifically exclude from the operation of all or any of the provisions contained in these rules.

Definitions.

3. In these rules, unless the context otherwise requires:—

(a) "basic pay" means the amount drawn monthly by a municipal servant as the pay other than special pay or compensatory allowance or ad hoc increase or dearness allowance which has been sanctioned for a post held by him substantively or in a temporary capacity as per the 'Statut Personnel';

(b) "existing emoluments" includes

(i) the basic pay as on the 1st day of January, 1975 of a Municipal servant in existing scale:

(ii) special pay if any drawn in addition to pay in the existing scale excluding those allowances which may not be treated as addition to pay or special pay like fixed travelling allowance, cycle allowance, washing allowance and other allowances

which are in the nature of allowance intended to compensate for expenses incurred or arising out in the discharge of the official duty of the Municipal servant.

(iii) dearness pay, dearness allowance, compensatory allowance, ad hoc increase and such interim reliefs as were drawn by the Municipal servant as per orders issued by the Municipal Council or by the Government before the commencement of these rules; and

(iv) family allowance drawn in addition to pay in the existing scale or a maximum of Rs. 50/- whichever is lower ;

(c) "existing scale in relation to a Municipal servant" means the present scale applicable to the post held by the Municipal servant as on the 1st day of January, 1975 whether in a substantive or temporary capacity ;

(d) "present scale in relation to any post specified in column (2) of the First Schedule" means the scale of pay specified against that post in column (3) thereof ;

(e) "revised scale" in relation to any post specified in column (2) of the First Schedule means the scale of pay specified against that post in column (4) thereof ;

(f) "Schedule" means a Schedule annexed to these rules;

(g) "municipal servant" includes an officer or servant holding a post under a municipal council but not a part-time employee or staff or person paid from contingencies ;

(h) "statut personnel" means the arrêté or order governing the terms and conditions of service of municipal servant.

Scale of pay of post

4. As from the date of commencement of these rules, the scale of pay of every post specified in column (2) of the First Schedule shall be as specified against it in column (4) thereof.

DRAWAL OF PAY IN THE REVISED SCALE,

5. Save as otherwise provided in these rules, a municipal servant shall draw pay in the revised scale applicable to the posts to which he is appointed:

Provided that a municipal servant may elect to continue to draw pay in the existing scale until the date on which he earns his next or any subsequent increment in the existing scale or until he vacates his post or ceases to draw pay in that scale.

Exercise of option.

6. (1) The option under the proviso to rule 5 shall be exercised in writing in the form appended to the Second Schedule so as to reach the authority mentioned in sub-rule (2) within three months of the date of publication of these rules;

Provided that:

(i) in the case of a municipal servant who is on the date of such publication out of India on leave, the said option shall be exercised in writing so as to reach the said authority within three months of the date of his taking charge of his post in India; and

(ii) Where a municipal servant is under suspension on the date of such publication the option may be exercised within three months of the date of his return to his duty if that day is later than the date prescribed in this sub-rule.

(2) The option shall be intimated by the municipal servant to the Commissioner.

(3) If the intimation regarding option is not received within the time mentioned in sub-rule (1), the municipal servant shall be deemed to have been elected to be governed by the revised scales of pay with effect on and from the first day of January, 1975.

(4) The option once exercised shall be final.

Fixation of initial pay in the revised scale.

7. The initial pay of a municipal servant who elects or is deemed to have elected under sub-rule (3) of rule 6, to be governed by the revised scale from the first day of January, 1975, shall, unless in any case of the Government by special order otherwise direct, be fixed in the following manner, namely—

After the existing emoluments have been computed as specified in clause (b) of rule 3, the pay shall be fixed in the revised scale at the stage next above the amount so computed:

Provided that:

(i) if the amount so computed is less than the minimum of the revised scale, the pay shall be fixed at the minimum of that scale;

(ii) if the amount so computed is more than the maximum of the revised scale, the pay shall be fixed at the maximum of that scale and the difference, if any, shall be allowed as personal pay to be absorbed in future increases in pay or dearness allowance;

Provided further that in the fixation of pay, if there is any loss in the existing emoluments, the loss in emoluments shall be protected by sanctioning personal pay to be absorbed in future increases in pay or allowances.

Note:— Such personal pay if any due to fixation of pay shall not be taken into account for the purpose of calculation of house rent allowance.

Date of next increment in the revised scale.

8. The next increment of a municipal servant whose pay is fixed in the revised scale in accordance with rule 7 shall be granted on the completion of qualifying service of 12 months from the date of switching over to the revised scale.

Designation of municipal servant.

9. The designation of every municipal servant shall be determined by an order made in this behalf by the Director.

Repeal and savings.

10. Save as otherwise provided these rules shall have effect and force notwithstanding anything contained in the corresponding provisions of any Ex-French 'arretes' 'deliberations', rules and orders regulating the grant of pay compensatory allowance, dearness allowance, ad hoc increases, interim relief or reliefs of any such kind;

Provided that it shall not affect the operation of any such arrete, deliberation, rule and order in regard to municipal servants who elect to continue to draw pay in the existing scale.

Power to relax.

11. Where the Government is satisfied that the operation of all or any of the provisions of these rules causes undue hardship in any particular case, it may by order dispense with or relax the requirement of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

Interpretation

12. If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Government for decision.

THE FIRST SCHEDULE

[See rule (4)]

PART—A

PONDICHERY MUNICIPALITY

Sl. No.	Designation of posts	Present scale Rs.	Revised scale Rs.
(1)	(2)	(3)	(4)
PONDICHERY AREA			
1.	Secretary	200-44/3-376- 62/3-562	550-25-750-EB-30- 900
2.	Assistant Secretary	124-20/3-204-34/ 3-306	425-15-500-EB-45- 560-20-700
3.	Commis	102-14/3-166-22/3- 232	330-10-380-EB-12- 500-EB-15-560
4.	Expeditionnaire	92-10/3-132-16/3- 180	260-6-290-EB-6- 326-8-366-EB-8- 390-10-400
5.	Dactylographe	92-16/3-156-20/3-215	Do.
6.	Typist	90-4-110 (Madras Scale)	Do.
7.	Ecrivains	74-6/3-98-10/3-128	Do.
8.	Copyist	Fixed pay Rs. 74/- plus allowances.	225-5-260-6-290- EB-6-308
9.	Chauffeur	78-8/3-126	260-6-326-EB-8- 350
10.	Aide-de- chauffeur	Fixed pay of Rs. 70/- plus allowances.	196-3-208-4-220- EB-4-232

(1)	(2)	(3)	(4)
11.	Homme de Peine	65-5/3-85	196-3-208-4-220- EB-4-220
12.	Planton and Chef Planton	68-4/3-84-6/3-102	Do.
13.	Concierge	74-6/3-92-10/3-122	Do.
14.	Agent Voyer	182-20/3-262-32/3- 358	425-15-500-EB-15- 560-20-700
15.	Section Officer	150-5-175-10-225 15-375 (Madras scale)	Do.
16.	Ovesseer	120-3-150-5-175 (Madras scale)	330-10-380-EB-12- 500-EB-15-560
17.	Dessinateur	96-10-3-136-16/3- 184	Do.
18.	Surveillant general	Do.	290-8-330-EB-8-370 10-400-EB-10-480
19.	Surveillant	68-6/3-92-10/3- 122	225-5-260-6-290-EB- 6-308
20.	Controlleur	78-6/3-102-8/3- 118	260-6-290-EB-6- 326-8-366-EB-8- 390-10-400
21.	Regisseurs	70-6/3-106	260-6-326 EB 8 350
22.	Inspecteur	84 6/3-108-10/3- 138	260-6-290-EB 6- 326-8-366-EB 8- 390-10 400

(1)	(2)	(3)	(4)
23.	Maitre-Macon	94-6/3-118-10/3- 138	260-6-290-EB6- 326-8-266-EB8- 390-10-400
24.	Mecanicien Ouvrier Special	74-6/3-110	260-6-326-EB-8 -350
25.	Charpentier	Fixed Pay	210-4 255 EB-5- 270
26.	Gardien	65-5/3-85	196-3-208-4- 220-EB-4-232
27.	Sage femme	Fixed pay of Rs. 92/- plus allowances	260-6-326-EB-8- 350
28.	Dame visiteuse	Fixed pay of Rs. 68/- plus allowances.	Do.
29.	Sanitary Inspector	100-5-200 (Madras scale)	330-10-380-EB- 12-500-EB-15- 560
30.	Mid-wife	80-3-110-2-120 (Madras scale)	260-6-326-EB-8- 350
31.	Health Assistants	90-3-105-4-125 (Madras scale)	260-6-290-EB-6- 326-8-366-EB- 8-390-10-400.
32.	Electricien	82-6/3-106-10/3-136	Do.
33.	Electrical Supervisor	160-7½-190-10-240 (Madras scale)	425-15-500-EB-15- 560-20-700
34.	Chef Vidangeur	Fixed pay of Rs. 60/- plus allowances	196-3-208-4-220- EB-4-232
35.	Mesureur	Fixed pay of Rs. 40/- plus allowances	Do.

(1)	(2)	(3)	(4)
36.	Balayers	65-5/5-85	Do.
37.	Nettoyeurs	Do.	Do.
38.	Vidangeurs	Do.	Do.
39.	Jardinier	Do.	Do.
40.	Gardien	Do.	Do.
41.	Fossoyeurs	Do.	Do.
42.	Ayah	Do.	Do.
43.	Homme de peine	Do.	Do.
44.	Equipiers	Do.	Do.
45.	Cantonniers	Do.	Do.
46.	Plombier	Do.	Do.
47.	Manager T. B.	125-5-175 (Madras scale)	330-10-380-EB- 12-500-EB-15- 560

MUDALIARPET AREA

(1)	(2)	(3)	(4)
1.	Secretary	90-20/3-170- 32/3-266	330-15-380-EB-12 500-EB-15-560 plus Rs. 30/- special pay
2.	Commis	60-10/3-100- 16/3-148-20/ 3-168	260-6-290-EB-6- 326-8-366-EB-8- 390-10-400
3.	Overseer	120-3-150-5-175 (Madras scale)	330-10-380-EB- 12-500-EB-15- 560

(1)	(2)	(3)	(4)
4.	Agent de Poursuite	50-10/3-120	225-5-260-6- 290-EB-6-308
5.	Special Agent	Do.	Do.
6.	Peon	50-10/3-100-16/3- 108-20/3-168.	196-3-208-4-220-EB- 4-232
7.	Concierger	Fixed pay of Rs. 50/-plus allowances	Do.
8.	Boatman	Fixed pay of Rs. 45/-plus allowances	Do.
9.	Cantonnier	Fixed Pay of Rs. 65/-plus allowances	Do.
10.	Surveillant	Fixed pay of Rs. 60/-plus allowances	Do.
11.	Gardener	Fixed pay of Rs. 60/-plus allowances	Do.
12.	Sweeper	Do.	Do.
13.	Scavenger	Fixed pay of Rs. 65/-plus allowances	Do.

PART - B

KARAIKAL MUNICIPALITY

(1)	(2)	(3)	(4)
1.	Secretary	126-20/3-206- 26/3-258	425-15-500- EB-15-560- 20-700
2.	Commis	80-12/3-128-20/3- 168	260-6-290- EB-6-326-8- 366-EB-8- 390-10-400

(1)	(2)	(3)	(4)
3.	Dactylographe	70-10-3-110-18-3-148	Do.
4.	Ecrivain	64-8-3-96-16-3-128	Do.
5.	Section Officer	On deputation of Jr. Engineer from P.W.D.	425-15-500-EB-15-560-20-700
6.	Chauffeur	68-8/3-116	260-6-326-EB-8-350
7.	Consiierge	56-6-3-92	196-3-208-4-220 EB 4-232
8.	Planton	50-4-3-74	Do.
9.	Agent auxiliaire	46-4-3-66	Do.
10.	Electricien	68-8-3-116	260-6-326 EB-8-350
11.	Surveillant (Maistry)	65-5-5-85	200-3-206-4-234-EB-4-250
12.	Sanitary worker	Do.	196-3-208-4-220-EB-4-232
13.	Street light Supervisor	Daily Rs. 3/- plus allowance	Do.
14.	Gardener	65-5/5-85	Do.
15.	Lighter	Do.	Do.
16.	Commis auxiliaire	Rs. 130/- p. m., fixed	200-6-290-EB-6-326-8-366-EB-8-390-10-400

PART C

MAHE MUNICIPALITY

(1)	(2)	(3)	(4)
1.	Secretary	102-278	330-10-380-EB-12-500-EB-15-560 plus Rs. 30/- special pay

(1)	(2)	(3)	(4)
2. Commis		60-148	260-6-290-EB-6- 326-8-366-EB- 8-390-10-400
3. Ecrivain		60-148	Do.
4. Surveillant		50-8/3-82-10/3-112	196-3-208-4-220- EB-4-232
5. Concierge		Do.	Do.
6. Planton		Do.	Do.
7. Cantonnier		Do.	Do.
8. Electricien		Fixed pay of Rs. 75-00	260-6-326-EB-8- 350
9. Plumber		Fixed pay of Rs. 75-00	196-3-208-4-220- EB-4-232
10. Helper to Plumber		Fixed pay of Rs. 50-00	Do.
11. Sweepers		Fixed pay of Rs. 69-00	Do.
12. Sweepers		Fixed pay of Rs. 55-00	Do.
13. Scavengers		Fixed pay of Rs. 75-00	Do.
14. Typist		60-148	260-6-290-EB-6- 326-8-366-EB-8- 390-10-400

PART D

YANAM MUNICIPALITY

(1)	(2)	(3)	(4)
1.	Secretary	112-20-3-192- 30-3-282	330-10-380-EB- 12-500-15-560 plus Rs. 20- special pay.
2.	Commis Dactylo/ Commis Etat. Civil/Commis Provisoire.	60-10/3-100- 16/3-148	260-6-290-EB-6- 326-8-366-EB- 8-390— 10.400.
3.	Concierge	56-10/3-66-103- 127	196-3-208-4-220- EB-4-232.
4.	Surveillant General	56-6/3-74-10/3- 114	Do.
5.	Regisseur	* 50-10/3-120	225-5-260-6-290-EB- 6-308.
6.	Planton	Do.	196-3-208-4-220-EB- 4-232.
7.	Sweepers	Daily wage of Rs. 3-25 per day	Do.
8.	Scavengers	Daily wage of Rs. 3-25 per day.	Do.

THE SECOND SCHEDULE

Form of Option

[See rule 6 (1)]

*I, (i) hereby elect the revised scale(s)
with effect from 1st January, 1975.

*I, (ii) * hereby elect to continue on
the existing scale of pay mentioned below until
... * the date of my next increment

the date of my subsequent increment raising my pay to Rs.

I vacate or cease to draw pay in the existing scale.

Existing scale

Signature

Name

Designation

Municipality in which employed

Station:

Date:

* To be scored out if not applicable.

[G. O. Ms. No. 4 dated 17-1-1975 L A D]

29. (b) THE PONDICHERRY MUNICIPAL SUBORDINATE SERVICES (REVISED PAY) (FIRST AMENDMENT) RULES, 1976.

In exercise of the powers conferred by sub-section (2) of section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules further to amend the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1975, namely:—

1. Short title and commencement— (1) These rules may be called the Pondicherry Municipal Subordinate Services (Revised Pay) First amendment Rules, 1976.

(2) They shall be deemed to have come into force on the First day of January, 1975.

2. Amendment of the first Schedule:— For the entry in Serial number 10 relating to the "Mudaliarpeta Area" of the First Schedule appended to the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1976, the following entry shall be substituted, namely:—

(1)	(2)	(3)	(4)
10.	Surveillant	Fixed pay of Rs. 60/- plus allowances.	Rs. 275-5-260-6 290-EB-6-308.

(G. O. Ms. No. 2 dated, 29th January, 1976 of the Local Administration Department)

29. (c) THE PONDICHERRY MUNICIPAL SUBORDINATE SERVICES (REVISED PAY SECOND AMENDMENT) RULES, 1976

In exercise of the powers conferred by sub-section (2) of section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules further to amend the Pondicherry Municipal Subordinate Services (Revised pay) Rules 1975, namely:—

1. Short title and commencement: (1) These rule may be called the Pondicherry Municipal Subordinate Services (Revised Pay) Second Amendment Rules, 1976.

(2) They shall be deemed to have come into force on the first day of January, 1975.

2. Amendment to the first Schedule:

After the entry in Sl. No. 8 relating to "Part D. Yanam Municipality" of the First Schedule appended to the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1975, the following entries shall be inserted, namely;—

(1)	(2)	(3)	(4)
		Rs.	Rs.
9.	Jardinier	50-103-120	
10.	Cantonniers	50-103-120	196-3-203-4-220-EB-4-232

(G. O. Ms. No. 155- 6-LAD-D-2 dated 22-5-1976-LAD)

29. (d) REDESIGNATION OF POSTS IN MUNICIPALITIES.

In exercise of the powers conferred on me by rule 9 of the Pondicherry Municipal Subordinate Services (Revised pay) Rules, 1975 and rule 9 of the Pondicherry Commune Panchayat

Subordinate Services (Revised pay) Rules, 1975, I, T. T. Joseph, Director, hereby determine that the existing posts of the Municipal servants and Commune Panchayat servants mentioned in Col. 3 of the Table below shall henceforth be designated as mentioned in the corresponding entry in col. 4 of the said Table:

TABLE

S. No.	Name of the Municipality/ Commune Panchayat to which the post mentioned in col. 13 attached.	Designation of post	Redesignation
1	2	3	4
<u>I 550-25-750-EB-30-900</u>			
1.	Pondicherry Municipality	Secretary	Office Manager Grade - I
<u>II. 425-15-500-EB-15- 560-20-700.</u>			
1.	Pondicherry Municipality	Garden Superin- tendent	Garden Superin- tendent
2.	Pondicherry Municipality	Assistant Secretary	Office Manager Grade - II
3.	Karaikal Municipality	Secretary	
4.	Pondicherry Municipality	Electrical Supervisor	Junior Engineer (Electrical)

(1)	(2)	(3)	(4)
5.	Pondicherry Municipality	Junior Engineer	
6.	-do-	Agent voyer	
7.	-do-	Section Officer	Junior Engineer
8.	Yanam Municipality	Junior Engineer	(works)
9.	Karaikal Municipality	Section officer	

III 330-10-380-EB-12-500-EB-15-560-plus special pay of Rs. 30/-

1.	Pondicherry Municipality (Mudaliarpet area)	Secretary (abolished w. e. f. 20--9--1975).	
2.	Mahe Municipality	Secretary	
3.	Qulgaret Commune Panchayat	Secretary	
4.	Ariankuppam	-do-	Office Manager
5.	Villianur	do	Grade II.
6.	Mannadipet	do	
7.	Nettappakkam	do	
8.	Bahour	do	

IV. 330+10-380- EB-15-560 plus special pay of Rs. 20/-
EB-12-500/-

1.	Thirunallar Commune Panchayat	Secretary	
2.	Kottusherry	do	
3.	Neravy	do	Office
4.	Nedungadu	do	Manager
5.	T. R. Pattinam	do	Grade III.
6.	Yanam Municipality	do	

(1)	(2)	(3)	(4)
V. 330-10-380-EB-12-500-EB-15-560			
1.	Pondicherry Municipality	Overseer	
2.	Pondicherry Municipality (Mudaliarpeta area)	-do-	
3.	Ariankuppam Commune Panchayat	-do-	Overseer
4.	Villianur	-do-	Grade I
5.	Bahour	-do-	
VI. 330-10-380-EB-12-500-EB-15-560			
1.	Pondicherry Municipality	Dessinateur	Draughtsman Gr. III
2.	-do-	Draughtsman	Gr. III -do-
3.	-do-	Commis	Senior Assistant
4.	-do-	Stenographer	Stenographer
5.	Karaikal Municipality	-do-	-do-
6.	Pondicherry Municipality	Sanitary Inspector	Sanitary Inspector Gr. I
7.	-do-	Manager	Manager (Travellers Bungalow)
VII. 290-8-330-EB-8-370-10-400-EB-10-480			
1.	Pondicherry Municipality	Surveillant General	Sanitary Inspector Gr. II
VIII. 260-8-300-EB-8-340-10-380-EB-10-430			
1.	Oulgaret Commune Panchayat	Agent Voyer	
2.	Ariankuppam	-do-	
3.	Mannadipet	-do-	Overseer
4.	Nettapakkam	-do-	Grade II
5.	Bahour	-do-	

(1)	(2)	(3)	(4)
6.	Thirunallar Commune Panchayat		Surveilland des Tsavaux Overseer Grade.II.
7.	Neravy	-do-	-do-
8.	Nedungadu	-do-	-do-
9.	T. R. Pattinam	-do-	-do-
10.	Mannadipet Commune Panchayat		Chief de Brigade
11.	Kottucherry	do.	Overseer(Garde Champetre
IX. 260-6-290-EB 6-326-8-366-EB-8-390-10-400			
1.	Pondicherry Municipality		Datcylographe
2.	Karaikal Municipality		do.
3.	Villiaur Commune Panchayat		do.
4.	Pondicherry Municipality		Ecrivains
5.	Karaikal Municipality		do.
6.	Mahe Municipality		do.
7.	Thirunallar Commune Panchayat		do.
8.	Kottucherry	do.	do.
9.	Neravy	do.	do.
10.	T. R. pattinam	do.	do.
11.	Nedungadu	do.	Ecrivain Comptable
12.	Nedungadu	do.	Ecrivain Etat-Civil
13.	Oulgaret	do.	Commis Comptable
14.	Ariankuppam	do.	do.
15.	Nettapakkam	do.	do.
16.	Bahour	do.	do.
17.	Neravy	do.	do.

(1)	(2)	(3)	(4)
18.	Oulgaret	Commune Panchayat	Commis Etat Civil
19.	Ariankuppam	do.	Commis-Civil
20.	Mannadipet	do.	do.
21.	Bahour	do.	do.
22.	Pondicherry Municipality (Mudlalarpet area)		Commis
23.	Karaikal Municipality		Commis
24.	Mahe Municipality		"
25.	Villianur Commune Panchayat		"
26.	Mannadipet	do.	" Junior
27.	Nettapakkam	do.	" Assistant
28.	Thirunallar	do.	"
29.	T. R. Pattinam	do.	"
30.	Pondicherry Municipality		Typist
31.	Mahe Municipality		"
32.	Pondicherry Municipality		Expeditionnaire
33.	Karaikal Municipality		Commis Auxiliaire
34.	Thirunallar Commune Panchayat		do.
35.	Mannadipet	do.	Commis Dactylo
36.	Yanam Municipality		Commis Dactylo/ Commis Etat-Civil/ Commis Prévisoire

X. 260-6-290-EB-6-326-3-360-EB-3-390-10-400

1.	Pondicherry Municipality	Controleur (Mahmai)	Supervisor (Mahimai)
2.	-do-	Inspector (Roads)	Maistry Grade-I
3.	-do-	Inspector (Market)	Supervisor (Market)

(1)	(2)	(3)	(4)
4.	Pondicherry Municipality	Inspector (Mahimai)	Supervisor (Mahimai)
5.	do.	Maitre Macon	*[Maistry Gr. I]
6.	do.	Health Assistant	Sanitary Inspector Grade. III
7.	do.	Electricien	Electricien Grade, I
XI. 260-6-290-EB-6-326-EB-8-390-10-400			
1.	Mahe Municipality	Maistry Grade-I	Maistry Grade-I
2.	Yanam Municipality	Maistry Grade-I	Maistry Grade-I
XII. 260-6-326-EB-8-360			
1.	Pondicherry Municipality	Chauffeur	
2.	Karaikal Municipality	do.	
3.	Thirunallar Commune Panchayat	Tractor Driver	Driver
4.	Neravy do.	do.	
XIII. 260-6-326-EB-8-350			
1.	Pondicherry Municipality	Regisseur	Bill Collector Grade-I
XIV. 260-6-326-EB-8-350			
1.	Pondicherry Municipality	Mecanicien Ouvrier Special Mechanic	
XV. 260-6-326-EB-8-350			
1.	Pondicherry Municipality	Sage Femme	
2.	-do-	Dame Visiteurs	Midwife
3.	.do.	Midwife	

* Amended Vide order No. 9122/76/DL/LAD dated 14-7-1977 of the Local Admn Department.

(1)	(2)	(3)	(4)
<u>XVI. 260-6-326-EB-8-350</u>			
1.	Karaikal Municipality	Electricien	Electricien
2.	Mahe Municipality	.do.	Grade-II
<u>XVII. 225-5-260-6-290-EB-6-308.</u>			
1.	Pondicherry Municipality	Coyist	
2.	Pondicherry Municipality (Mudaliarpeta area)	Agent de poursuite	
3.	Oulgalet Commune Panchayat	-do-	
4.	Ariankuppam -do-	-do-	
5.	Nettapakkam -do-	-do-	
6.	Bahour -do-	-do-	
7.	Nedungadu -do-	-do-	Copyist
8.	Villianur -do-	Surveillant de plantation	
9.	Bahour -do-	-do-	
10.	Pondicherry Municipality	Surveillant	
11.	-do- (Mudaliarpeta area)	-do-	Maistry Grade-II
12.	-do-	Special Agent	
13.	Villianur Commune Panchayat	Surveillant des Balayeurs	
14.	Mahe Municipality	Surveillant	
15.	Yanam Municipality	Regisseur	Bill Collector
16.	Villianur Commune	Surveillant des huiles minerales	Grade III -do-
17.	-do-	Bill Collector	-do-

(1)	(2)	(3)	(4)
<u>XVIII. 210-4-250-EB-5 270.</u>			
1.	Pondicherry Municipality	Charpentier	Carpenter
2.	Mannadipet Commune Panchayat	Garde Magasin	Stores Assistant
3.	Neravy do.	Magassinier	do.
<u>XIX. 200-3-206-4-234-EB-4-250.</u>			
1.	Karaikal Municipality	Surveillant (Maistry)	Maistry Grade-III.
<u>XX. 196-3-208-4-220-EB-4-232.</u>			
1.	Yanam Municipality	Surveillant General	Sanitary
2.	Ariankuppam Commune Panchayat	Surveillant de Plantation	Maistry
3.	Oulgaret do.	Sanitary Maistry	do.
4.	Ariankuppam do.	Controller de Marche	do.
5.	Thirunallar do.	Garde Champetre	do.
6.	T.R.Pattinam do. *	Employe	do.
7.	Pondicherry Municipality	Homme-depeine	Peon
8.	do.	Mesureur	Peon
9.	Kottucherry Commune Panchayat	do.	
10.	Pondicherry Municipality	Homme de Peine	Peon
11.	do.	Equipers	
12.	Pondicherry Municipality (Mudaliarpet area)	Peon	Peon
13.	Oulgaret Commune Panchayat	Peon	

(1)	(2)	(3)	(4)
14.	Villianur Commune Panchayat	Peon	Peon
15.	Mannadipet	do.	Peon
16.	Bahour	do.	Peon
17.	Thirunallar	do.	Peon
18.	Neravy	do.	Peon
19.	Nedungađu	do.	Peon
20.	Karaikal Municipality	Planton	
21.	Mahe do.	do.	
22.	Mahe do.	Peon	
23.	Yanam Municipality	Planton	
24.	Ariankuppam Commune Panchayat	Planton	
25.	Nettapakkam do.	Planton	
26.	Pondicherry Municipality	Planton and Chef Planton	
27.	Karaikal Municipality	Street light Supervisor	peon
28.	do.	Lighter	peon
29.	do.	Agent Auxiliaire	peon
30.	Oulgaret Commune Panchayat	Agent Charges de recherches des Actes	peon
31.	Kottucherry Commune Panchayat	Mesureur	peon
32.	Pondicherry Municipality	Concierge	Watchman
33.	Pondicherry Municipality (Mudaliarpet area)	do.	
34.	Karaikal Municipality	do.	
35.	Mahe "	do.	
36.	Yanam Municipality	do.	
37.	Oulgaret Commune Panchayat	do.	
38.	Ariankuppam do.	do.	

(1)	(2)	(3)	(4)
39.	Villianur Panchayat	Conciiege	Watchman
40.	Mannadipet do.	do.	do.
41.	Bahour do.	do.	do.
42.	Kottucherry do.	do.	do.
43.	Pondicherry Municipality	Gardien	do.
44.	do.	do.	do.
45.	Oulgaret Commune Panchayat	Watchman	do.
46.	Pondicherry Municipality (Mudaliarpeta area)	Gardener	Gardener
47.	Karaikal Municipality	do.	do.
48.	Mahe Municipality	Gardener-cum Watchman	Gardener
49.	Pondicherry Municipality	Jardinier	Gardener
50.	do.	Cantonniers	Gangman
51.	Pondicherry Municipality (Mudaliarpeta area)	do.	
52.	Mahe Municipality	do.	
53.	Oulgaret Commune Panchayat	do.	
54.	Ariankuppam Commune Panchayat	Gangman	
55.	Villianur do.	Cantonnier	
56.	Bahour do.	do.	
57.	Bahour do.	Chief Cantonnier	
58.	Thirunallar do.	Cantonnier	do.
59.	Pondicherry Municipality (Mudaliarpeta area)	Sweeper	Sanitary worker
60.	Mahe Municipality	do.	
61.	do.	do.	
62.	do.	Sweeper-cum-Water carrier	
63.	Yanam Municipality	Sweeper	
64.	Ariankuppam Commune Panchayat	do.	
65.	Villianur do.	do.	

(1)	(2)	(3)	(4)
66.	Villianur do.	Scavenger	Sanitary Worker
67.	Mahe Municipality	do.	
68.	Pondicherry Municipality (Mudaliarpet area)	Scavenger	
69.	Yanam Municipality	do.	
70.	Oulgaret Commune Panchayat	do.	
71.	do.	do.	
72.	Ariankuppam do.	do.	
73.	Pondicherry Municipality	Chef Vidangeur	
74.	Pondicherry Municipality (Mudaiaripet area)	Scavenger	
75.	Pondicherry Municipality	Balayeur	
76.	do.	Nettoeur	
77.	do.	Vidangeurs	
78.	Karaikal Municipality	Sanitary Worker	
79.	Bahour Commune Panchayat	Totty	
80.	Pondicherry Municipality	Aide-de-Chauffour	Cleaner
81.	do.	Fosseyeurs	Grave digger
82.	do.	Ayah	Ayah
83.	do.	Plembier	Plumber
84.	Mahe Municipality	Plumber	do.
85.	do.	Helper to Plumber	Helper
86.	Pondicherry Municipality (Mudaliarpet area)	Boatman	Boatman

(Order No. 912/289/D1/76, dated 3-12-1976 of Local Administration Department).

29. (e) FIXATION OF PAY UNDER THE REVISED PAY SCALES CLARIFICATORY INSTRUCTIONS.

I am directed to refer to your letter cited on the above subject and to clarify that while fixing the pay of the Municipal/Commune Panchayat employees under the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1975 and the Pondicherry Commune Panchayat Services (Revised Pay) Rules, 1975, the typing allowance (Indemnité Dactylographe), Store keeping allowance (Indemnité Garde-Magasin) special pay granted to Typist, may be treated as addition to pay as defined in rule 3 (b) (ii) of the said rules and pay in the revised scale fixed accordingly. Regarding responsibility allowance given to compensate for expenses incurred or arising out in the discharge of the official duty of the Municipal/Commune Panchayat employees it may not be treated as addition to pay. However, it can be included in the total emoluments and any drop in the emoluments after fixation of pay in the revised scale may be protected by grant of a personal allowance equal to the difference between the emoluments in the old scale and those in the revised scale after 1-1-1975. This personal allowance will be absorbed in further increase in D. A. or other compensatory allowance.

2. I am further to clarify that the washing allowance, fixed Travelling Allowance and Cycle allowance drawn with the old pay are to be allowed separately even after fixation of pay in the revised scale with effect from 1-1-1975.

[Letter No. 8270/237/D1/75/LAD dated 30-12-1975 LAD]

29 (f) GRANT OF INCREMENT-CLARIFICATORY INSTRUCTIONS.

It was noticed that the Commissioner, Nedungadu Commune Pauchayact has drawn 'Decision' for the grant of periodical increments under the revised pay scales to the employees working under his control and submitted to the Director of Rural Development for his approval, as was the practice followed prior to 1-1-1975, i. e; the date of coming into force of the Pondicherry

Municipal Subordinate Service (Revised Pay) Rules, 1975 and the Pondicherry Commune Panchayat Subordinate Services (Revised Pay) Rules, 1975. This has been examined by the Department in consultation with the Pay and Accounts Officer, Pondicherry whether the Commissioners may grant increments to their staff or have to follow the procedure adopted prior to 1-1-1975.

2. After careful examination of the matter, it is hereby clarified that the Commissioners of the Municipalities and Commune Panchayats may themselves grant periodical increments to the employees who are getting pay under the revised scales of pay adhering strictly to the procedure followed in Government in the matter. It may be noted that such increments should be sanctioned by the Commissioners only after opening service books in respect of all employees as in Government, and also recording all particulars in the said books.

3. It is further clarified that in respect of employees who have not come over to the revised pay scales of pay, the procedure which was adopted prior to 1-1-1975 may continue to be followed in the matter of grant of triennial increments to such employees.

[Memorandum No. 1169/940/76/LAD/D1 dated 12-3-1976 LAD].

29. (g) REVIEWING OF CASES OF CROSSING EFFICIENCY BAR

In continuation of this Department's Memorandum of even number dated 12-3-1976, it is further clarified that order for crossing efficiency bar should be issued by the Commissioners of the Municipalities/Commune Panchayats, only after obtaining clearance from the Director of Rural Development.

2. It may be noted that the proposals for reviewing the cases of crossing of efficiency bar should be sent to this Department by 5th of every month along with the Confidential Reports of the Municipal/Commune Panchayat servant and of the performance report of the Commissioner on every such Municipal/Commune Panchayat servant.

3. This Memorandum will take immediate effect and the cases reviewed prior to the issue of this Memorandum need not be re-opened.

(Memorandum No. 1169-940-76-LAD-DI dated 27-4-1976(LAD))

29(h) GRANT OF INCREMENTS TO THE EMPLOYEES ON THE 1ST OF MONTH

The Lieutenant-Governor, Pondicherry hereby orders that the employees of Municipalities and Commune Panchayats including workers who are on regular scales of pay are eligible to get their annual increments on the 1st of the month in which it would fall due, as in the case of Government Employees, under the operation of normal rules and orders regulating increments.

2. This order will take effect from the 1st September, 1978.

[G. O. Ms. No. 235 dated 23-8-78 L A D]

29. (i) EXERCISE OF FRESH OPTION TO COME OVER TO THE REVISED SCALES- RELAXATION OF RULES:

In G. Os. read above, Government have notified the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1975 and the Pondicherry Commune Panchayat Subordinate Services (Revised Pay) Rules, 1975. As per rule 6 (1) of the said rules, every municipal/commune panchayat servant who desires to come over to the revised scales with effect from 1-1-1975 or to continue on the scale of pay which was in existence prior to 1-1-1975, has to exercise option in writing within three months from the date of publication of the rules, in the prescribed form and the option once exercised shall be final.

2. The Commissioner, Pondicherry Municipality, has now brought to the notice of the Government that some of the employees who have not opted for the revised scales at that time, have come forward to opt for the revised scales and therefore the Commissioner has requested the Government to give a

opportunity to such of those employees to exercise fresh option to come over to the revised scales.

3. After careful examination of the matter in detail, the Government have come to the conclusion that an opportunity may be given to such of those employees in the Municipalities and Commune Panchayats to exercise fresh option to come over to the revised scales.

4. Accordingly, in exercise of the powers conferred by rule 11 of the Pondicherry Municipal Subordinate Services (Revised pay) Rules, 1975 and the Pondicherry Commune Panchayat Subordinate Services (Revised pay) Rules, 1975, the Lieutenant Governor Pondicherry is pleased to relax the rule 6(1) of the said rules for a period of one month from 1-1-1977 to 31-10-1977 subject to the condition that the Municipall Commune Panchayat employees, who have not opted for the revised scales prescribed under the aforesaid rules, may opt for the same in writing within that period (viz , 1-10-1977 to 31-10-1977) electing the revised scales from 1-10-1977 or from a date thereafter.

(G. O. Ms No. 238 dated 30-9-1977 LAD)

30. THE PONDICHERRY MUNICIPAL SUBORDINATE SERVICES (HOUSE RENT ALLOWANCE) RULES, 1976.

In exercise of the powers conferred by section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:—

PRELIMINARY

Short title, extent and commencement.

1. (1) These rules may be called the Pondicherry Municipal Subordinate Services (House Rent Allowance) Rules, 1975.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall be deemed to have come into force on the 1st day of January, 1975.

Definitions.

2. In these rules, unless the context otherwise requires, Municipal servant includes an officer or servant holding a post under a Municipal Council but not a part time employee or staff or person paid from contingencies.

Extension of house rent allowance.

3. Every municipal servant shall, in respect of house rent allowance be governed by the same rules and orders as are for the time being applicable to the corresponding category or classification of Government servants of the Union Territory of Pondicherry.

4. For the purpose of entitlement of house rent allowance, 'pay' shall be pay as determined in accordance with rule 7 of the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1975.

5. The orders issued by the Government from time to time, regulating the grant of house rent allowance shall mutatis mutandis be applicable to municipal servants.

[G. O. Ms. No. 6 dated 17-1-1975 LAD]

31. THE PONDICHERRY MUNICIPALITIES (RESERVATION OF POSTS FOR SCHEDULED CASTES AND SCHEDULED TRIBES) RULES, 1975.

In exercise of the powers conferred by section 114 read with section 440 of the Pondicherry Municipalities Act, 1973 (No 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:—

1. Short title, extent and commencement:— (1) These rules may be local the Pondicherry Municipalities (Reservation of posts for Scheduled Castes and Scheduled Tribes) Rules, 1975.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) 'Act' means the Pondicherry Municipalities Act, 1973;

(b) 'Schedule' means a Schedule appended to these rules;

(c) 'Section' means a section of the Act.

3 (1) In making appointments to the following category of posts under Municipal Councils with reference to section 114 of the Act, out of every 100 vacancies sixteen shall be reserved for the members of the Schedule Castes and five shall be reserved for the members of Scheduled Tribes:—

(i) Posts filled by direct recruitment.

(ii) Posts filled by promotion provided that the element of direct recruitment does not exceed 50 per cent.

(2) The claims of members of the Scheduled Caste and Scheduled Tribes shall also be considered for the remaining 79 appointments which shall be filled up on the basis of merit and when a candidate belonging to Scheduled Castes or Scheduled Tribes is selected on the basis of merit the number of posts reserved for Scheduled Castes and Scheduled Tribes shall in no way be affected.

(3) Appointments shall be made in the order of a 100 points rotation roster. The points 1, 7, 13, 20, 26, 32, 38, 45, 50, 56, 62, 68, 74, 80, 85 and 92 of the roster shall be reserved for the members of the Scheduled Castes and the points 4, 24, 43, 64 and 84 of the roster shall be reserved for the members of Scheduled Tribes.

(4) The castes, races or tribes or parts of or groups within castes, races or tribes specified in the Schedule I to these rules shall, for the purposes of these rules be deemed to be

Scheduled Castes in relation to the Union Territory of Pondicherry so far as regards members thereof resident in the Union Territory.

4. Reservation for the members of Scheduled Castes and Scheduled Tribes shall invariably be made in all posts of the Municipality by the Municipal Council:

Provided that the Director may by general or special order exempt any post from the reservation of the Scheduled Castes and Scheduled Tribes:

Provided further that the Municipal council may not reserve seats for the members of Schedules Castes and Scheduled Tribes to—

- (i) vacancies filled by transfer or deputation ;
- (ii) temporary appointments of less than 45 days duration;
- (iii) purely temporary establishment such as work charged staff including daily rated and monthly rated staff.

5. The maximum age limit prescribed for appointment to a post shall be increased by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes.

6. (1) All vacancies reserved for Scheduled Castes and Scheduled Tribes should be notified to the local employment exchange for sponsoring candidates. When a local employment exchange is unable to nominate any suitable candidate, the Municipal Council will refer the vacancy or vacancies to the Central Employment Exchange, Directorate General of Employment and Training, New Delhi. If sufficient number of Scheduled Castes or Scheduled Tribes candidates as the case may be are not available through the Central Employment Exchange also, the Municipal Council shall advertise the vacancies in the Official Gazette as well as in such newspapers as may be considered suitable for the purpose.

(2) If qualified and suitable candidate or candidates belonging to any of the Scheduled Castes or Scheduled Tribes, as the case may be, are not available even after following the method of filling up of reserved vacancies under sub - rule (1), for appointment in the turn allotted to them, the municipal council may, with the previous approval of the Director and subject to such conditions and restrictions as may be prescribed by him in this behalf, fill up the vacancy or vacancies, otherwise than by a candidate belonging to the Scheduled Castes or Scheduled Tribes, as the case may be, and thereafter the post shall be treated as unreserved.

7. (1) If sufficient number of reserved candidates fit for appointment against reserved vacancies are not forthcoming such vacancies can be dereserved by the Director and thereafter they can be filled by candidates of other communities, but the reservations shall be carried forward to subsequent three years of recruitment, provided that, in any recruitment year the number of normal reserved vacancies and the carried forward, reserved vacancies together shall not exceed 50% of the total number of vacancies. Nevertheless, if there be only two vacancies, one of them may be treated as a reserved vacancy. But if there be only one vacancy it shall be treated as unreserved. With any year of recruitment, the conditions of eligibility by age or otherwise should remain the same even if recruitment is made more than once in that year i. e., a person who was eligible on the 1st January, of a particular year shall not be disqualified on the ground that he was no longer eligible by the time the relevant vacancy (against which he could be appointed) arose later in that year. The allocation of the 'carried forward' vacancies within the aforesaid limit, among the Scheduled Castes/Scheduled Tribes candidates shall be in proportion to the total 'carried forward' reserved vacancies of the two classes.

(2) The surplus above 50% shall be carried forward to the subsequent year of recruitment, subject however to the condition

that the particular vacancies carried forward do not lapse due to their becoming more than three years old.

Note:— Recruitment year shall mean a 'calendar year' and for purposes of the three years limit for carry forward of reserved vacancies shall mean the year in which recruitment is actually made.

(3) While vacancies reserved for the Scheduled Castes and Scheduled Tribes may continue to be treated as reserved for the respective community only, Scheduled Tribes candidates may also be considered for appointment against a vacancy reserved for Scheduled Caste candidates where such a vacancy could not be filled by Scheduled Caste candidate even in the third year to which the vacancy is carried forward. While advertising or notifying such a vacancy which has been carried forward to the third year, it should be made clear in the advertisement/ requisition that while the vacancy is reserved for Scheduled Castes Scheduled Tribes candidates would also be a eligible for consideration in the event of non-availability of suitable Scheduled Caste candidates. This arrangement will likewise apply also in the case of vacancies reserved for Scheduled Tribes.

8. (1) In the case of posts filled by direct recruitment, isolated individual posts and small cadres may be grouped with posts in the same class for purpose of reservation orders taking into account the status, salary and qualifications prescribed for the posts in question. A cadre or a grade or a division of a service consisting of less than 20 posts may be treated as a small cadre for this purpose. A group so formed should not ordinarily consist of less than 25 posts. The isolated posts also may be grouped with a cadre, grade or division of service consisting of more than 20 post. Reservation for Scheduled Castes and Scheduled Tribes would be made according to the group, subject to the condition that the total reservation in any of the posts/services so grouped does not exceed 50 % of the

vacancies to be filled in it, i. e., in the particular post/service, in a recruitment year. Thus, the carried forward reservations would be utilised in any one of the grouped posts subject to the total number of reserved vacancies in a post/service not exceeding 50 % of the vacancies to be filled in that post/service during the year.

(2) The municipal council shall obtain the prior approval of the Director for grouping of any posts under sub-rule (1).

9. (1) Where it is necessary in the public interest to fill up immediately a vacancy and there would be undue delay in filling such vacancy in accordance with rule 3, the appointing authority of a municipal council concerned may appoint a person otherwise than in accordance with rule 3 temporarily without the right of probation until a person is appointed in accordance with that rule but such temporary appointments shall in no case exceed three months on each occasion.

(2) A person appointed under sub-rule (1) shall be replaced, as soon as possible, by a person selected in accordance with rule 3.

10. (1) A register shall be maintained in the form in Schedule II.

(2) Immediately after an appointment has been made, the particulars of the person appointed shall be entered in the register in the appropriate columns. The entry shall be signed by the commissioner or any other officer duly authorised by him in this behalf.

(3) No gap should be left in completing the roster and points of the register. If a reserved vacancy has to be treated for want of a suitable Scheduled Caste or Scheduled Tribe candidate as unreserved, the candidate actually appointed shall be shown against the point itself.

SCHEDULE—I

[See rule 3 (4)]

List of Scheduled Castes

1. Adi Andhra
2. Adi Dravida
3. Chakkiliyan
4. Jambuvulu
5. Kuravan
6. Madiga
7. Mala, Mala Masti
8. Paky
9. Pallan
10. Parayan, Sambavar
11. Samban
12. Thoti
13. Valluvan
14. Vetan
15. Vettiyan

SCHEDULE—II

See rule 9 [1]

Form of register to be maintained to give effect to the roaster for reservation for Scheduled Castes/Scheduled Tribes.

Name of Municipality:

Name of post:

Reservation brought forward from previous years		Particulars of		
Scheduled Castes	Scheduled Tribes	Recruitment year	Roaster and point number	Unreserved or reserved for Scheduled Castes/Scheduled Tribes according to the roaster
(1)	(2)	(3)	(4)	(5)

<u>recruitment made</u>					
Name of person appointed and date of appointment.	Whether he is Scheduled Caste/ Scheduled Tribe, if not say "neither"	Reservations carried forward Scheduled Castes	carried forward Scheduled Tribes	Signature of the Commissioner.	Remarks.
(6)	(7)	(8)	(9)	(10)	(11)

[G. O. Ms. No. 250, dated 6-12-1975 : LAD]

32. THE PONDICHERRY MUNICIPALITIES (LEAVE) RULES, 1974.

In exercise of the powers conferred by section 114, read with section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

Preliminary

1. Short title, extent and commencement:— (1) These rules may be called the Pondicherry Municipalities (Leave) Rules, 1974.

(2) They shall extend to the whole of the Union territory of Pondicherry.

(3) They shall be deemed to have come into force on the 26th day of January, 1974.

2; Definitions.— In these rules, unless the context otherwise requires —

(a) 'leave' means any variety or kind of leave recognised by the Central Civil Services (Leave) Rules, 1972 as are applicable to Government servants.

(b) 'servant' includes an officer or servant holding a post under a Municipal Council but not a part-time employee or staff paid from contingencies.

Extension of leave

3. (1) (a) Every servant of a Municipal Council shall, in respect of leave and leave allowance, be governed by the same rules and orders as are for the time being applicable to the corresponding category or classification of Government servants of the Union territory of Pondicherry.

(b) Every such servant shall, in addition, be eligible to casual leave in accordance with the rules or orders applicable to Government servants from time to time.

(2) In granting leave or leave allowances under sub-rule (1) the powers exercisable by the Government and the Head of the Department/Office under the Central Civil Services (Leave) Rules, 1972, shall respectively be exercised by the municipal council and its commissioner.

4. Leave shall be admissible in respect of any servant, whether permanent or temporary, substantive or officiating.

5. Subject to the provisions of sub-section (3) of section 114 of the Pondicherry Municipalities Act, 1978, every servant who has put in not less than 3 years of continuous service including the period spent on authorised leave prior to the commencement of these rules shall be entitled to have an initial credit of 30 days of earned leave.

33. (a) THE PONDICHERRY MUNICIPALITIES
(MEDICAL ATTENDANCE) RULES, 1974.

In exercise of the powers conferred by section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

Preliminary

1. Short title, extent and commencement.— (1) These rules may be called the Pondicherry Municipalities (Medical Attendance) Rules, 1974.

(2) They shall extend to the whole of the Union territory of Pondicherry.

(3) They shall be deemed to have come into force on the 26th day of January, 1974.

2. Definitions.— In these rules, unless the context otherwise requires:—

(a) 'Director' means the Director appointed under the Pondicherry Municipalities Act, 1973;

(b) 'servant' includes an officer or servant holding a post under a municipal council but not a part-time employee or staff paid from contingencies.

Extension of medical facilities

3. Every servant of a Municipal Council shall in respect of reimbursement of medical expenses, be governed by the same rules and orders as are for the time being applicable to the corresponding category or classification of Government servants of the Union territory of Pondicherry.

4. The Director or any other officer duly authorised by him in this behalf shall be the controlling officer for the purpose of admitting the claims for reimbursement of medical expenses.

5. The orders issued by the Government from time to time under Medical Attendance Rules prescribing the authorised medical attendants, scale of fees for consultation, injection, etc., shall mutatis mutandi be applicable to servants.

[G. O. Ms. No. 146 dated 26-6-1974-LAD]

33. (b) APPOINTMENT OF CONTROLLING OFFICER
UNDER RULE 4.

In partial modification of this Department Order No. 8096/75 LAD/C2 (I), dated 23-6-1975 and in exercise of the Powers conferred on me by rule 4 of the Pondicherry Municipalities (Medical Attendance) Rules, 1974, I, T. T. Joseph, Director hereby authorises the Commissioners of the respective Municipalities to be the Controlling Officer for the purpose of admitting the claims for reimbursement of medical expenses in respect of Municipal servants subordinate to the Commissioner with immediate effect.

[No. 10636/309/D/75/ LAD dated 6-12-1975 LAD]

34. THE PONDICHERRY MUNICIPAL SUBORDINATE
SERVICES (HOUSE BUILDING ADVANCES) RULES,
1976.

In exercise of the powers conferred by Sub-Section (2) of Section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

(1) Short title, extent and commencement;— (1) These rules may be called the Pondicherry Municipal Subordinate Services (House Building Advances) Rules, 1976.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Categories of municipal servants to whom the rules apply:— (1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to municipal services and posts in connection with the affairs of the municipality.

(2) These rules shall not apply to—

(a) Government servants borne on provincialised common cadre;

(b) persons not in whole-time employment;

(c) persons paid out of contingencies;

(d) persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;

(e) persons employed on contract except where the contract provides otherwise;

(f) persons re-employed in municipal services after retirement;

(g) any other class or category of persons whom the Government may by order specifically exclude from the operation of all or any of the provisions contained in these rules.

3. Definitions.— In these rules, unless the context otherwise requires:—

(a) 'Director' means the Director appointed under the Pondicherry Municipalities Act, 1973 (No. 9 of 1973);

(b) 'municipal servant' includes an officer or servant holding a post under a Municipal Council but not a part-time employee or staff or person paid from contingencies;

(c) 'statut personnel, means the arrete or order governing the terms and conditions of service of municipal servant.

4. Application of house building advances rules as applicable to Government servant to municipal servants.— Every municipal servant shall, in respect of grant of house building advance, be governed by the house building advances rules and orders as are for the time being applicable to the corresponding category or classification of Government servants of the Union Territory of Pondicherry.

5. For the purpose of entitlement of house building advance 'pay' means the amount draw monthly by a municipal servant as the pay other than special pay or pay granted in view of his personal qualifications or compensatory allowance or *ad hoc* increase or dearness allowance or additional dearness allowance which has been sanctioned for a post held by him substantively or in a temporary capacity as per the "Statut Personnel" or the "pay" as determined in accordance with rule 7 of the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1975.

6. For the purposes of these rules the powers exercisable by the Head of Department under the house building advances rules shall be exercised by the Director. The Commissioner with the previous approval of the Municipal Council shall recommend applications to the Director for the grant of house building advances to the municipal servants from municipal funds under these rules, subject to the availability of funds in the budget of the Municipality.

7. The orders, decisions and instructions issued by the Government from time to time under House Building Advances Rules relating the grant of such advances to the Government

servants after the commencement of these rules shall mutatis mutandis be applicable to municipal servants.

8. If any question arises relating to the interpretation of any of the provisions of these rules or to the interpretation of house building advances rules for the purposes of these rules, it shall be referred to the Director whose decision shall be final.

[G. O. Ms. No. 78 dated 9-3-1976 LAD]

35. (a) THE PONDICHERRY MUNICIPAL SUBORDINATE SERVICES (GRANT OF CYCLE ADVANCE) RULES, 1976.

G. S. R. No. 11:— In exercise of the powers conferred by sub-section (2) of section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

1. Short title, extent and commencement:— (1) There rules may be called the Pondicherry Municipal Subordinate Services (Grant of Cycle Advance) Rules, 1976.

2. They shall extend to the whole of the Union Territory of Pondicherry.

3. They shall come into force at once.

2. Categories of Municipal servants to whom the rules apply:— (1) Save as otherwise provided by or under these rules, these shall apply to persons appointed to Municipal services and posts in connection with the affairs of the Municipality.

(2) These rules shall not apply to—

(a) Government servants borne on provincialised common cadre;

(b) persons not in whole-time employment;

- (c) persons paid out of contingencies;
- (d) persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;
- (e) persons employed on contract except where the contract provides otherwise;
- (f) persons re-employed in municipal services after retirement;
- (g) any other class or category of persons whom the Government may by order specifically exclude from the operation of all or any of the provisions contained in these rules.

3. Definitions:— In these rules, unless the context otherwise requires:—

(a) "pay" means the amount drawn monthly by a Municipal servant as the pay other than special pay or pay granted in view of his personal qualifications or compensatory allowance or ad hoc increase or dearness allowance or additional dearness allowance which has been sanctioned for a post held by him substantively or in a temporary capacity as per the "Statut Personnel" or "pay" as determined in accordance with rule 7 of the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1975 :

(b) "Municipal Servant" includes an officer or servant holding a post under a Municipal Council but not a part-time employee or staff or person paid from contingencies ;

(c) "Statut Personnel" means the arrete or order governing, the terms and conditions of service of Municipal servant.

4. (1) A Municipal Servant, who is in receipt of pay not exceeding six hundred rupees per mensem may be granted an advance not exceeding rupees Four hundred for the purchase of a bicycle.

10. A municipal servant who is under suspension shall not be eligible for the grant of advance. In case the advance has already been sanctioned to him before he was placed under suspension, he shall not be permitted to draw such advance during the period of his suspension.

11. If an advance is granted to a municipal servant who is due to retire or whose services are likely to be terminated within the maximum period prescribed for its repayment, the number of instalments shall be so regulated that the repayment of advance with interest, if any, is completed before retirement, or termination of service, as the case may be.

12. Instalments on repayment:— Each instalment on account of repayment of an advance except the last one shall be a number of whole rupees; the amount of last instalment being raised or reduced, if necessary, to admit of the fixation of such instalment and recovery of the balance including any fraction of a rupee.

13. Availability of funds:— No sanction for the payment of an advance shall be issued unless the Commissioner is satisfied himself with the availability of funds in the budget of the year in which the amount of the advance is to be sanctioned. Every such sanction should clearly indicate that funds are available in the budget under relevant head of account.

14. Detailed accounts of individual advance:— Subject to such general or special orders as may be issued by the Auditor of Accounts of receipts and expenditure of the municipal fund, detailed accounts of advance should be maintained by the Commissioner who will watch their recovery and see that the conditions attached to each advance are fulfilled.

15. Irrecoverable advance.— (1) The Commissioner who is responsible for the detailed control, accounting and supervision of advance shall, as soon as any advance is found to be irrecoverable, take necessary steps to get the advance written off

5 (2) The amount of such advance shall be recovered in equal monthly instalments not exceeding twenty - five.

(1) The Commissioner with the previous approval of the Municipal council and of the Director of Rural Development may grant advances to the Municipal servants from municipal funds for the purchase of bicycle in accordance with the provisions of these rules

2. The maximum limit of the loan amount may be prescribed by the Commissioner with the previous approval of the Municipal Council and of the Director of Rural Development.

6. A Municipal servant may be granted an advance for the purchase of a bicycle if the Commissioner is satisfied that the possession of a bicycle will add to the efficiency of the Municipal servant.

7. An advance from the Municipal funds shall not be granted to a Municipal servant in temporary capacity except as provided in rule 8 and the grant of the advance shall be subject to such general or special instructions as may be issued from time to time by the Director of Rural Development.

8. A municipal servant in temporary capacity may be granted an advance from the municipal funds provided he furnishes along with his application for the grant of such advance, a surety bond in a form as may be prescribed by the Director of Rural Development from time to time, from a permanent municipal servant having a status comparable to or higher than that of the municipal servant who applies for the advance.

9. If a municipal servant in temporary capacity is granted an advance for the purchase of a bicycle, but ceases to be in municipal service before the amount of the advance and the interest thereon is completely repaid, the balance shall, to the extent possible be adjusted against the pay and allowances due to municipal servant. Any amount, as then remains unpaid, shall be recovered forthwith from the surety.

the accounts under the sanction of the municipal council and of the Director of Rural Development.

(2) A record of advances so written off in order that any possible recovery may be eventually effected, shall be maintained by the Commissioner.

16. A advance for the purchase of a bicycle shall not, except with the prior approval of the Director of Rural Development, be sanctioned unless the outstanding balance in respect of an advance previously granted together with interest thereon, has been fully repaid.

17. Interest:— (1) Simple interest of such rates as may be fixed by the Director of Rural Development from time to time shall be charged on advances granted to servants for the purchase of bicycles. Such interest shall be calculated on balances outstanding on the last day of each month.

(2) In case where pay bills for a month are disbursed before the end of a month, an instalment in repayment of an advance received through the pay bill will be taken as having been refunded on the first of the following month, the normal date for disbursement of pay.

18. Recovery of advance:— The recovery of the amount of an advance shall commence with the first issue of pay, leave salary or subsistence allowance, as the case may be after the advance is drawn.

19. Recovery of interest.— (1) The amount of interest calculated under rule 17 shall be recovered in the minimum number of monthly instalments; the amount of each such instalment being not greater than the amount of the instalment fixed under sub-rule (2) of rule 4.

(2) The recovery of the amount of interest shall commence from the month immediately following the one in which the repayment of the advance is completed.

20. (1) Advance for the purchase of bicycle should be granted after close scrutiny of the applications with a view to ensuring that they are granted only in genuine cases.

(2) Such advance should not ordinarily be granted within three years of the grant of a previous advance unless satisfactory evidence is produced by the municipal servant concerned to the effect that the bicycle purchased with the help of the earlier advance has been lost or has become unserviceable. In the latter type of cases, the Commissioner should while issuing sanction include a certificate that it has been satisfied that the bicycle possessed by the servant has been lost or has become unserviceable. as the case may be.

21. Where a municipal servant who has drawn an advance for the purchase of a bicycle, is transferred from one municipality to another municipality or commune panchayat, after completion of the recovery of the advance with interest thereon, and applies to the latter for the grant of a similar advance, he should furnish in his application for the grant of such an advance, a certificate to the effect that he had not drawn the advance applied for prior to his transfer within the period of three years. Such a certificate may be test-checked by the Commissioner of that municipality or commune panchayat, as the case may be, where it is considered necessary.

22. (1) A municipal servant who is granted an advance under these rules shall submit to the Commissioner within one month from the date of the drawal of the advance, the cash receipt along with details of the bicycle purchased.

(2) In case the municipal servant who is granted the advance under these rules, fails to produce the cash receipt along with the details of the bicycle purchased, within the period of one month specified in sub-rule (1), he shall refund forthwith the full amount of the advance drawn together with interest on that amount.

(3) The Director of Rural Development may, in an exceptional case, extend the period of one month prescribed under sub-rule (1) upto two months.

(4) In case the actual price of the bicycle inclusive of sales-tax paid by the municipal servant is less than the amount of the advance sanctioned, the municipal servant should refund the balance amount of the advances to the municipality forthwith.

23. The bicycle purchased by a municipal servant from the cycle advance granted under these rules shall be considered as property of the municipal council till the advance together with interest thereon has been fully repaid by such municipal servant.

(G. O. Ms. No. 143, dated 22-4-1976; LAD)

35. (b) FORM OF SURETY BOND FOR THE GRANT OF CYCLE ADVANCE TO THE TEMPORARY EMPLOYEES.

Rules 8 of the Pondicherry Municipal Subordinate Services (Grant of Cycle Advance) Rules, 1976 and Rule 8 of the Pondicherry Commune Panchayat Subordinate Services (Grant of Cycle Advance) Rules, 1976 provides that a Municipal/Commune Servant in temporary capacity should furnish along with the application for the grant of cycle advance, a surety bond in a form as may be prescribed by the Director of Rural Development from time to time. Accordingly the undersigned prescribes the forms of surety bond to be furnished by the temporary Municipal and Commune Panchayat servants and sent herewith.

FORM OF SURETY BOND

(See rule 8 of the Pondicherry Municipal Subordinate Services (Grant of Cycle Advance) Rules 1976.

KNOW ALL MEN BY THESE PRESENTS THAT I
son of resident of

in the district of at present employed as a permanent in the (hereinafter called "the surety") am held and family bound to the Municipal Council of (hereinafter called "the Municipal Council" which expression shall include his successors and assignees) in the sum of Rs. (Rupees only) with interest as hereinafter specified and all costs between attorney and client and all charges and expenses that shall or may have been incurred by or occasioned to the Municipal Council to be paid to the Municipal Council FOR WHICH PAYMENT to be well and truly made I hereby bind myself, my heirs, executors, administrators and representatives firmly by these presents. As witness my hand this day of one thousand nine hundred and ; WHEREAS the Municipal Council has agreed to grant to son of a resident of in the district of at present employed as temporary in the Municipality (hereinafter called "the borrower") at the borrower's own request an advance of Rs. (Rupees only) for the purchase of a bicycle AND WHEREAS THE BORROWER HAS undertaken to repay the said amount in equal monthly instalments with interest as calculated at the rate and in the manner prescribed under rule 17 of the Pondicherry Municipal Subordinate Services (Grant of Cycle Advance) Rules 1976 or on so much thereof as shall for the time being remain due and unpaid calculated at the rate fixed by the Director of Rural Development from time to time.

AND WHEREAS in consideration of the Municipal Council having agreed to grant the aforesaid advance to the Borrower the Surety has agreed to execute the above bond with such condition as hereunder is written.

NOW THE CONDITION OF THE ABOVE WRITTEN Bond is that if the if the said borrower shall while employed in the said Municipality DULY and regularly pay or cause to be

paid to the Municipal Council the amount of the aforesaid advance owing to the Municipal Council by instalments with interest as calculated in the aforesaid manner thereon or on so much thereof as shall for the time being remain due and unpaid calculated at the rate fixed by the Director of Rural Development from time to time from the day of the advance until the said sum of Rs. (Rupees only) with interest as calculated in the aforesaid manner shall be duly paid, then this bond shall be void otherwise the same shall be and remain in full force and virtue.

BUT SO NEVERTHELESS that if the Borrower shall die or become insolvent or at any time cease to be in Municipal service, the whole or so much of the said principal sum of Rs. (Rupees only) thereof as shall then remain unpaid and the interest due on the said principal sum calculated in the aforesaid manner from the day of the advance shall immediately become due and payable to the Municipal Council and be recoverable from the surety in one instalment by virtue of this bond.

The obligation under taken by the surety shall not be discharged or in any way affected by an extension of time or any other indulgence granted by the Municipal Council to the said borrower whether with or without the knowledge of consent of the Surety.

The Municipal Council have agreed to bear the stamp duty, if any, for this document.

Signed &
delivered

by the said (Designation)

(Signature of Surety)
(Designation)

... .. Office to which
 at attached
 this In the presence of:—
 of (i)
 19 (ii)
 Signature
 Address and occupation
 of the witness.

ACCEPTED

For and on behalf of the Municipal Council of
 (Memorandum No. 18 223/75/D1/LAD dated 22—5—1976 LAD)

36. (a) THE PONDICHERRY MUNICIPAL SUBORDINATE SERVICES (FESTIVAL ADVANCE) RULES, 1976:

G. S. R. No. 13:— In exercise of the powers conferred by sub-section 2 of section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

1. Short title, extent and commencement:— (1) These rules may be called the Pondicherry Municipal Subordinate Services (Festival Advances) Rules, 1976.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Categories of Municipal servants to whom the rules apply:— (1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to municipal services and posts in connection with the affairs of the municipality.

(2) These rules shall not apply to:—

- (a) Government servants borne on provincialised common cadre;
- (b) persons not in whole time employment;
- (c) persons paid out of contingencies;
- (d) persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;
- (e) persons employed on contract except where the contract provides otherwise;
- (f) persons re-employed in municipal services after retirement;
- (g) any other class or category of persons whom the Government may by order specifically exclude from the operation of all or any of the provisions contained in these rules.

3. Definitions:- In these rules unless the context otherwise requires:-

- (a) "important festival" means such festival as the Director may, from time to time, by an order, declare;
- (b) "pay" means the amount drawn monthly by a municipal servant as the pay other than special pay or pay granted in view of his personal qualifications or compensatory allowance or ad hoc increase or dearness allowance or additional dearness allowance which has been sanctioned for a post held by him substantively or in temporary capacity as per the 'Statut Personnel' or 'pay' as determined in accordance with rule 7 of the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1975;
- (c) "municipal servant" includes an officer or servant holding a post under a municipal council but not a part-time employee or staff or person paid from contingencies;

(d) "Statut Personnel" means the arrete or order governing the terms and conditions of service of municipal servant.

4. (1) The Commissioner may sanction an advance, on the eve of an important festival, to a municipal servant who is in receipt of pay not exceeding six hundred rupees per mensem, from the municipal funds.

Provided that the amount of such advance which may be granted to a municipal servant shall not exceed one hundred rupees.

(2) If the Commissioner is satisfied that the advance is required by a municipal servant in connection with a festival, it can be sanctioned without reference to the religion or faith to which the municipal servant belongs.

(3) The amount of advance granted under sub-rule (1) shall be recovered in not more than five equal monthly instalments.

(4) No interest shall be charged on advance granted to a municipal servant under sub-rule (1)

(5) The recovery of the amount of advance shall commence with the issue of pay for the month in which such amount is drawn.

5. An advance from the municipal funds shall not be sanctioned to a municipal servant in temporary capacity except as provided in rule 6 and the sanction of the advance shall be subject to such general or special instructions as may be issued from time to time by the Director.

6. (1) A municipal servant in temporary capacity may be sanctioned an advance from the municipal funds provided he furnishes along with his application for the grant of such advance, a surety bond in a form as may be prescribed by the Director from time to time, from a permanent municipal servant

having a status comparable to or higher than that of the municipal servant who applies for the advance.

(2) An advance shall not be sanctioned to a Municipal servant in temporary capacity unless he is likely to continue in Municipal service for a period of at least six months beyond the month in which the advance is disbursed.

7. If a Municipal servant in temporary capacity is granted in advance, but ceases to be in Municipal service before the amount of the advance is completely repaid, the balance shall, to the extent possible be adjusted against the pay and allowances due to that Municipal servant. Any amount, as then remains unpaid, shall be recovered forthwith from the surety.

8. No sanction for the payment of an advance shall be issued unless the Commissioner is satisfied himself with the availability of funds in the budget of the year in which the amount of the advance is to be sanctioned. Every such sanction should clearly indicate that funds are available in the budget under relevant head of account.

9. Subject to such general or special orders as may be issued by the Auditor of Accounts of receipts and expenditure of the municipal fund detailed accounts of advance of should be maintained by the Commissioner.

10. An advance under sub-rule (1) of rule 4 shall not be granted to a municipal servant more than once in a calendar year even if the festival qualifying for advance falls twice in a year. No advance shall be granted to a municipal servant unless an advance already granted to him has been fully recovered.

11. An advance may be granted to a municipal servant, if he is on duty or on leave on average pay or any other leave equivalent thereto including maternity leave, but excluding leave preparatory to retirement on the date on which the advance is disbursed. A municipal servant who is under suspension shall

not be eligible for the grant of advance. In case the advance has already been sanctioned to him before he was placed under suspension, he shall not be permitted to draw such advance during the period of his suspension.

12. Whether a municipal servant who has drawn an advance is transferred from one municipality to another Municipality or commune Panchayat, after completion of the recovery of the advance if any, applies to the latter for the grant of a similar advance, he should furnish in his application for the grant of such an advance, a certificate to the effect that he had not drawn an advance applied for prior to his transfer within the same calendar year. Such a certificate may be checked by the Commissioner of that Municipality or Commune Panchayat, as the case may be, where it is considered necessary.

13. The Commissioner or any other officer duly authorised by him to be the drawing and disbursing officer shall draw the amount of advance sanctioned under these rules before the festival in respect of which the advance is sanctioned. The date of drawal of the advance should be the date on which the amount of advance is actually disbursed to the municipal servant. The time-lag between dates of drawal and disbursement should be reduced to the minimum.

(G. O. Ms. No, 145 dated 22-4-1976- LAD)

36. (b) TAE PONDICHERRY MUNICIPAL SUBORDINATE SERVICES (FESTIVAL ADVANCE) (AMENDMENT) RULES, 1978.

In exercise of the powers conferred by sub-section (2) of section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following amendments to the Pondicherry Municipal Subordinate Services (Festival Advances) Rules, 1976 namely:—

1 Short title, extent and commencement:—(1) These rules may be called the Pondicherry Municipal Subordinate Services (Festival Advances) (Amendment) Rules, 1978.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Amendment to rule 4:— In the Pondicherry Municipal Sub-ordinate Services (Festival Advances) Rules, 1976.

(i) for the words “one hundred rupees” occurring under the proviso to sub-rule (1) of rule 4, the words “two hundred rupees” shall be substituted.

(ii) for the word “five” occurring in sub-rule 3, of rule 4 the word “ten” shall be substituted.

[G. O. Ms. No. 305 dated 7--12--1978 LAD]

36. (c) THE PONDICHERRY MUNICIPAL SUBORDINATE SERVICES (FESTIVAL ADVANCES) (AMENDMENT) RULES, 1979.

In exercise of the powers conferred by sub-section (2) of section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following amendment to the Pondicherry Municipal Subordinate Services (Festival Advances) Rules, 1976, namely:—

1. Short title and commencement:— (1) These rules may be called the Pondicherry Municipal Subordinate Services (Festival Advances) (Amendment) Rules, 1979.

(2) They shall come into force from the date of their publication in the official gazette.

2. Amendment to rule 4.— In the Pondicherry Municipal Subordinate Services (Festival Advances) Rules, 1976, for sub-rule (5) of rule 4, the following shall be substituted, namely:—

“(5) The recovery of the amount of advance shall commence with the issue of pay for the month following that in which such amount is drawn”.

[G. O. Ms. No. 207 dated 22nd August, 1979]

36. (d) IMPORTANT FESTIVALS PRESCRIBED UNDER RULE 3(a) FOR DRAWING FESTIVAL ADVANCES.

In exercise of the powers conferred by Rule 3(a) of the Pondicherry Municipal Subordinate Services (Festival Advances) Rules, 1976 and rule 3(a) of the Pondicherry Commune Panchayat Subordinate Services (Festival Advances) Rules, 1976, I. T. C. A Rangadurai Director of Rural Development, Pondicherry hereby declares the following festivals as “important festivals” for the purposes of the aforesaid rules:

1. Tamil New year's Day
2. Deepavali
3. Pongal
4. Onam
5. Vishu
6. Vishnu (Telugu) Festival
7. Christmas
8. Easter
9. Epiphany
10. Ramzan
11. Bakrid
12. Republic Day
13. Independence Day.

[No. 4727/96/D1/76/L A D dated 22-5-19 6 of the L A D]

36. (e) FORM OF SURETY BOND TO BE FURNISHED BY THE TEMPORARY MUNICIPAL EMPLOYEES FOR THE GRANT OF FESTIVAL ADVANCE.

As required under rule 6 (1) of the Pondicherry Municipal Subordinate Services (Festival Advances) Rules, 1976 and the Pondicherry Commune Panchayats Subordinate Services (Festival Advances) Rules, 1976, the undersigned prescribes the forms of surety bond to be furnished by the Municipal/Commune Panchayat servants and sent herewith.

FORM OF SURETY BOND

(See rule 6: (1) of the Pondicherry Municipal Subordinate Services (Festival Advance Rules, 1976)

KNOW ALL MEN BY THESE PRESENTS THAT I, son of resident of in the District of at present employed as a permanent - in the Municipality (Hereinafter called "the surety") am held and firmly bound to the Municipal Council of (hereinafter called "the Municipal Council", which expression shall include its successors and assignees) in the sum of Rs. (Rupees only) and all costs between attorney and client and all charges and expenses that shall or may have been incurred by or occasioned to the Municipal Council to be paid to the Municipal Council FOR WHICH PAYMENT to be well and truly made I hereby bin myself, my heirs, executors, administrators and representatives firmly by these presents. As witness my hand this day of one thousand nine hundred and

WHEREAS the Municipal Council has agreed to grant to son of a resident of in the district of at present employed as temporary in the Municipality (hereinafter called "the borrower") at the borrower's own request an advance of Rs. (Rupees only) for the Festival. AND WHEREAS THE BORROWER has

undertaken to repay the said amount in equal monthly instalments.

AND WHEREAS IN CONSIDERATION OF THE MUNICIPAL Council having agreed to grant the aforesaid advance to the Borrower the Surety has agreed to execute the above bond with such condition as hereunder is written.

NOW THE CONDITION OF THE ABOVE WRITTEN bond is that if the said borrower shall while employed in the said Municipality DULY and regularly pay or cause to be paid to the Municipal Council the amount of the aforesaid advance owing to the Municipal Council by instalments then this bond shall be void otherwise the same shall be and remain in full force and virtue.

BUT SO NEVERTHELESS THAT if the Borrower shall die or become insolvent or at any time cease to be in Municipal Service the whole or so much of the said sum of Rs. (Rupees only) as shall then remain unpaid shall immediately become due and payable to the Municipal Council and be recoverable from the surety in one instalment by virtue of this bond.

The obligation undertaken by the Surety shall not be discharged or in any way affected by an extension of time or any other indulgence granted by the Municipal Council to the said borrower whether with or without the knowledge or consent of the surety.

The Municipal Council have agreed to bear the stamp duty, if any for this document.

Signed &
delivered
by the said (Designation)

... ..
(Signature of Surety)
Designation
Office to which
attached . . .

....
 at ...
 this ...
 of ...
 19 ...

In the presence of:—

i) ...

ii) ...

Signature

Address and occupation
 of the witness.

ACCEPTED

For and on behalf of the Municipal Council of . . .

[Memorandum No. 4727/76/D1/LAD dated 22--5--1976 LAD]

37. THE PONDICHERRY MUNICIPAL SUBORDINATE
 SERVICES PROVIDENT FUND) RULES 1979 .

G. S. R. No. 32:— In exercise of the powers conferred by Sub-section (2), section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

1. Short title, extent and commencement:— These rules may be called the Pondicherry Municipal Subordinate services (Provident Fund (Rules, 1976.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Categories of Municipal servants to whom the rules apply:— (2) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to Municipal Services and posts in connection with the affairs of the Municipality.

(2) These rules shall not apply to —

- (a) Government servants borne on provincialised common cadre;
- (b) Persons not in whole-time employment;
- (c) Persons paid out of contingencies;
- (d) Persons paid otherwise than on a monthly basis including those paid only a piece-rate basis;
- (e) Persons employed on contract except where the contract provides otherwise;
- (f) Persons re-employed in Municipal Services after retirement;
- (g) Any other class or category of persons whom the Government may by order specifically exclude from the operation of all or any of the provisions contained in these rules.

3. Definitions.— In these rules, unless the context otherwise requires,—

(a) "Director" means the Director appointed under sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973);

(b) "Local Fund Examiner," means the officer appointed by the Government as Local Fund Examiner to audit the accounts of the Municipal Councils;

(c) "Municipal Servant", includes an officer or servant holding a post under a Municipal Council but not a part-time employee or staff or person paid from contingencies;

(d) Statut Personnel, means the arrete or order governing the terms and conditions of service of Municipal servants.

4. Application of General Provident Fund (Central Services)

Rules, 1960 to Municipal Servants.- Every Municipal servant of a Municipal Council shall, in respect of Provident Fund benefits, be governed by the provisions of the General Provident Fund (Central Services) Rules, 1960 as are for the time being applicable to the Government servants of the Union Territory of Pondicherry subject to the rules hereinafter provided.

5. For the purposes of these rules, the clauses (a), (b) and (e) in rule 2 of the General Provident Fund (Central Services) Rules, 1960 shall be read as follows:--

- (a) The Local Fund Examiner shall be the "Accounts Officer";
- (b) 'Emoluments' means the amount drawn monthly by a Municipal servant as the pay other than special pay or pay granted in view of his personal qualifications or compensatory allowance or *ad hoc* increase or dearness allowance or additional dearness allowance which has been sanctioned for a post held by him substantively or in a temporary capacity as per the Statut Personnel, or the pay as determined in accordance with rule 7 of the Pondicherry Municipal Subordinate Services (Revised Pay) Rules, 1975 or leave salary or subsistence grant;
- (c) 'Leave' means any variety or kind of leave recognised by the Central Civil Services (Leave) Rules, 1972 as extended to the Municipal servants under the Pondicherry Municipalities (Leave) Rules, 1974.

6. (1) Every Municipal Council shall, in consultation with the Local Fund Examiner, open a Savings Bank Account in any

of the Scheduled Banks in the locality. All sums deducted from the pay bills of subscribers as provident fund deductions and other amounts relating to the provident fund shall be credited into the account.

(2) The Municipal Council may in consultation with the Local Fund Examiner, withdraw such portion of the amount at such intervals from the Savings Bank Account for investment of the said amount as deposit of any kind as may be decided by the Municipal Council from time to time.

(3) Any interest earned from the Savings Bank Account and the deposits shall be credited to the general fund of the Municipal Council once a year.

(4) The Savings Bank Account and the deposits shall be in the name of the Municipal Council but they shall be operated by the Local Fund Examiner.

7. The Municipal Council shall pay to the credit of the account of a subscriber, interest at such rate as may be determined for each year by the Local Fund Examiner in consultation with the Director.

8. (1) The Commissioner of the Municipality shall be the sanctioning authority for the purpose of sanctioning advances to the subscribers under sub-rule (1) of rule 12 of the General Provident Fund (Central Services) Rules, 1960.

(2) In respect of sanction of advances other than the cases falling under sub-rule (1) and for sanctioning withdrawals from provident fund to the subscribers, the Director or any other officer duly authorised by him in this behalf shall be the sanctioning authority.

9. The orders, decisions and instructions issued by the Government from time to time under the General Provident Fund (Central Services) Rules, 1960 after the commencement of these rules shall mutatis mutandis be applicable to the Municipal servants.

10. Power to relax:— Where the Director is satisfied that the operation of all or any of the provisions of these rules cause undue hardship in any particular case, he may by order dispense with or relax the requirement of that rule to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

11. Interpretation:— If any question arises relating to the interpretation of any of the provisions of these rules or to the interpretation of the General Provident Fund (Central Services) Rules, 1960 for the purposes of these rules, it shall be referred to the Director, whose decision shall be final.

[G. O. Ms. NO. 277 dated 16.9.76. LAD.]

38. (a) **THE PONDICHERY MUNICIPAL SUBORDINATE SERVICES (TRAVELLING ALLOWANCE) RULES, 1976.**

In exercise of the powers conferred by section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

1. Short title extent and commencement:— These rules may be called the Pondicherry Municipal Subordinate Services Travelling Allowance) Rules, 1976.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Categories of municipal servants to whom the rules apply:— (1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to municipal services and posts in connection with the affairs of the municipality.

- (2) These rules shall not apply to:
- (a) Government servants borne on provincialised common cadre;
 - (b) persons not in whole-time employment;
 - (c) persons paid out of contingencies;
 - (d) persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;
 - (e) persons employed on contract except where the contract provides otherwise;
 - (f) any other class or category of persons whom the Government may by order specifically exclude from the operation of all or any of the provisions contained in these rules.

3. Definitions:— In these rules, unless the context otherwise requires:—

(a) 'Direct' or means the Director appointed under the Pondicherry Municipalities Act, 1973:

(b) 'Municipal servant' includes an officer or servant holding a post under a Municipal Council but not a part-time employee or staff paid from contingencies.

4. Extension of Travelling Allowance:— Every municipal servant of a municipal council, shall in respect of claiming of travelling allowance be governed by the same rules and orders as are for the time being applicable to the corresponding category or classification of Government servants of the Union Territory of Pondicherry.

5. The orders issued by the Government from time to time under Travelling Allowance rules regulating the claims of

travelling allowance by the Government servants shall mutatis mutandis be applicable to Municipal servants.

6. The Director or any other officer duly authorised by him in this behalf shall be the controlling officer for the purpose of admitting the claims of travelling allowance of the municipal servants.

[G. O. Ms. No. 311 dated 29—10—76 LAD]

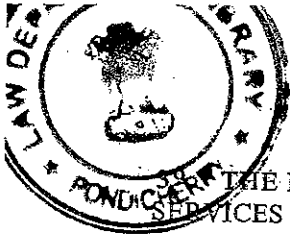
38. (b) APPOINTMENT OF CONTROLLING OFFICER
UNDER RULE 6.

In exercise of the powers conferred on me by rule 6 of the Pondicherry Municipal Subordinate Services (Travelling Allowance) Rules, I, R. Srivatsava Director hereby authorise each of the officers mentioned in col. (1) of the Table below to be the Controlling Officer for the purpose of admitting the claims of travelling allowance of the Municipal servants in the Municipalities noted against them in col. (2).

TABLE

Name of Officer (1)	Name of Municipality (2)
1. Commissioner, Pondicherry Municipality.	Pondicherry Municipality.
2. Commissioner, Karaikal Municipality.	Karaikal Municipality.
3. Deputy Director (Municipal Administration)	Mahe and Yanam Municipalities.

[No. 8245/D1/76/LAD/2 dated 16—5—1977-LAD]



THE PONDICHERRY MUNICIPAL SUBORDINATE SERVICES (RETIREMENT AND PENSION) RULES, 1976;

In exercise of the powers conferred by sub-section (2) of section 114 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:

1. Short title, extent and commencement:- (1) These rules may be called the Pondicherry Municipal Subordinate Services (Retirement and Pension) Rules, 1976.
 - (2) They shall extend to the whole of the Union Territory of Pondicherry.
 - (3) They shall come into force at once.
2. Categories of municipal servants to whom the rules apply-
 - (1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed Municipal services and posts in connection with the affairs of the municipality.
 - (2) These rules shall not apply to:-
 - (a) Government servants borne on provincialised common cadre;
 - (b) persons not in whole-time employment;
 - (c) persons paid out of contingencies;
 - (d) persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;
 - (e) persons employed on contract except where the contract provides otherwise;
 - (f) persons re-employed in municipal services after retirement.;
 - (g) any other class or category of persons whom the Government may by order specifically exclude from the

operation of all or any of the provisions contained in these rules.

3. Definitions:— In these rules, unless the context otherwise requires—

(a) "Municipal servant" includes an officer or servant holding a post under a Municipal Council but not a part-time employee or staff or person paid from contingencies ;

(b) "retirement" means any kind of retirement recognised by rule 56 of the Fundamental Rules as are applicable to Government servants;

(c) "retirement benefits" includes pension or service gratuity of family pension and death -cum-retirement gratuity or residuary gratuity as admissible to Government servants under the Central Civil Services (Pension) Rules, 1972 ;

(d) "statut personnel" means the arrete or order governing the terms and conditions of service of Municipal servant.

4. Application of rule 56 of the Fundamental rules and the Central Civil Services (Pension) Rules, 1972 to Municipal Servants.—(1) Every Municipal servant of a Municipal Council shall, in respect of retirement and retirement benefits, be governed by the provisions of Rule 56 of the fundamental Rules and the Central Civil Services (Pension) Rules, 1972 respectively as are for the time being applicable to the corresponding category or classification of Government servants of the Union Territory of Pondicherry subject to the modifications in sub-rule (3) :

Provided that a municipal servant may elect to continue to the same terms and conditions of retirement and pension or subsidy as the case may be, as were in force prior to the commencement of these rules.

(2) The orders, decisions and instructions issued by the Government from time to time under rule 56 of the Fundamental Rules and the Central Civil Services (Pension) Rules, 1972 after the commencement of these rules shall mutatis mutandis be applicable to municipal servants.

(3) For the purposes of these rules, the clauses (k), (l) and (p) in rule 3 of the Central Civil Services (Pension) Rules, 1972 shall be read as follows:—

(k) "Head of Department" means the Director appointed under sub-section (1) of section 106 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973);

(l) "Head of Office" means the Commissioner of a municipality appointed under section 14 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973);

(p) "Pension Sanctioning Authority" means the Commissioner of a municipality appointed under section 14 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973).

5. Exercise of option:— The option under the proviso to sub-rule (1) of rule 4 shall be exercised in writing in the form appended to these rules so as to reach the authority mentioned in sub-rule (2) within three months of the date of publication of these rules.

Provided that:—

(i) in the case of a municipal servant who is on the date of such publication out of India on leave, the said option shall be exercised in writing so as to reach the said authority within three months of the date of his taking charge of his post in India; and

(ii) where a municipal servant is under suspension on the date of such publication the option may be exercised within three months of the date of his return to his duty if that day is later than the date prescribed in this sub-rule.

(2) The option shall be intimated by the municipal servant to the Commissioner.

(3) If the intimation regarding option is not received within the time mentioned in sub-rule (1), the Municipal servant shall be deemed to have elected to be governed by these rules with-effect from the date of commencement of these rules.

(4) The option once exercised shall be final.

6. Repeal and saving:— Save as otherwise provided, these rules shall have effect and force not withstanding anything contained in the corresponding provisions of any Ex-French 'Arretes' 'deliberations, 'statut personnel' rules and orders regulating the retirement, pension and subsidy to the Municipal servants by the Municipal Councils.

Provided that it shall not effect the operation of any such arrete, deliberation, statut personnel, rule and order in regard to Municipal Servants who elect to continue to the same terms and conditions of retirement and pension or subsidy as the case may be, as were in force prior to the commencement of these rules.

7. Power to relax:— Where the Government is satisfied that the operation of all or any of the provisions of these rules caused undue hardship in any particular case, it may by order dispense with or relax the retirement of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

8. Interpretation:— If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Government for decision.

FORM OF OPTION

(See Rule 5 (1))

* (1) I, hereby elect the Pondicherry Municipal Subordinate Services (Retirement and Pension) Rules, 1976 with effect from for the purpose of retirement and retirement benefits.

* (2) I, hereby elect to continue to the same terms and conditions of retirement and pension or subsidy as the case may be, as were in force prior to the commencement of the Pondicherry Municipal Subordinate Services (Retirement and Pension) Rules, 1976.

Signature:

Name:

Designation:

Municipality to which attached:

Station:

Date:

* To be scored out if not applicable

(G. O. Ms. No. 348 dated 4-12-1976 LA'D)

40. THE PONDICHERRY MUNICIPAL SERVANTS
(CONDUCT) RULES, 1980.

In exercise of the powers conferred by sub-section (2) of section 114 of the Pondicherry Municipalities Act, 1975 (No. 9 of 1973) and, of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely: -

1. Short title, commencement and application: - (1) These rules may be called the Pondicherry Municipal Servants (Conduct) Rules, 1980.

(2) They shall come into force from the date of their publication in the official gazette.

(3) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to municipal services and posts in connection with the affairs of the Municipality

Provided that nothing in these rules shall apply to any municipal servant who is:—

- (a) borne on provincialised common cadre;
- (b) a person not in whole-time employment;
- (c) a person paid otherwise than on a monthly basis including those paid only on a piece-rate basis;
- (d) a person paid out of contingencies; and
- (e) any other category of persons whom the Government may by order specifically exclude from the operation of all or any of the provisions contained in these rules.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Commissioner” means the Commissioner of a municipality appointed under section 14;

(b) “Director” means the Director appointed under subsection (1) of section 106

(c) “Local Authority” means a municipality or village panchayat or commune panchayat council, as the case may be, constituted under the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) or the Pondicherry Village and Commune Panchayats Act, 1973 (No. 10 of 1973) as the case may be;

(d) “Members of family” in relation to a municipal servant includes—

(i) the wife or husband, as the case may be, of the municipal servant, whether residing with the municipal servant or not but

does not include a wife or husband, as the case may be, separated from the municipal servant by a decree or order of a competent court;

(ii) son or daughter or step-son or step-daughter of the municipal servant and wholly dependant on him, but does not include a child or step-child who is no longer in any way dependant on the municipal servant or of whose custody the municipal servant has been deprived by or under any law ;

(iii) any other person related, whether by blood or marriage to the municipal servant or to the municipal servant's wife or husband and wholly dependant on the municipal servant;

(e) "Municipal Servant" includes an officer or servant holding a post under a municipal council but not a part-time employee or staff or person paid from contingencies.

3. General:— (1) Every municipal servant shall at all times:—

- (i) maintain absolute integrity;
- (ii) maintain devotion to duty; and
- (iii) do nothing which is unbecoming of a municipal servant.

(2) (i) Every municipal servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all municipal servants for the time being under this control and authority.

(ii) No municipal servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his last judgment except when he is acting under the direction of his official superior and shall where he is acting under such direction obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon as thereafter as possible.

Explanation:— Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a municipal servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. Employment of near relatives of municipal servants in companies or firms:— (1) No municipal servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm.

(2) a municipal servant shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any company or firm, intimate such acceptance to the Commissioner and shall also intimate whether he has or has had any official dealings with that company or firm.

(3) No municipal servant shall, in the discharge of his official duties, deal with any matter or give or sanction any contract to any company or firm or any other person, if any member of his family is employed in that company or firm or under that person, or if he or any member of his family is interested in such matter or contract in any other manner and the municipal servant shall refer every such matter or contract to the Commissioner and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

5. Taking part in politics and elections:— (1) No municipal servant shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every municipal servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is or tends directly or indirectly to be, subversive of the municipality as by law established and where municipal servant is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Commissioner.

(3) If any question arises whether a party is a political part or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2) the decision of the Government thereon shall be final.

(4) No municipal servant shall canvass or otherwise interfere with or use his influence in connection with or take part in, an election to any legislature or local authority:

Provided that--

(i) a municipal servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) a municipal servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Provided that a municipal servant may take part in the registration, promotion or management of a co-operative society substantially for the benefit of municipal servants, registered under the Co-operative Societies Act, 1912 (Central Act No.2) of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (Central Act No. 21 of 1860), or any corresponding law in force.

(4) No municipal servant may accept any fee for any work done by him for any public body or any private person without the sanction of the municipal council.

17. Investment, lending and borrowing:— (1) No municipal servant shall speculate in any stock, share or other investment.

Explanation:— Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

(2) No municipal servant shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the Government thereon shall be final.

(4) (i) No municipal servant shall, save in the ordinary course of business with a bank or a public limited company, either himself or through any member of his family or any other person acting on his behalf,

(a) lend or borrow or deposit money as principal or an agent, to, or from, or with any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to such person or firm or private limited company; or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid;

Provided that a municipal servant may give to, or accept from a relative or a personal friend a purely temporary loan of a small amount free of interest, or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee;

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a municipal servant with the previous sanction of the municipal council.

(ii) When a municipal servant is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4) he shall forthwith report the circumstances to the Commissioner and shall hereafter act in accordance with such order as may be made by the Commissioner.

18. Insolvency and habitual indebtedness:— A municipal servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A municipal servant against whom any legal proceedings is instituted for the recovery of any debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceedings to the Commissioner.

Note:— The burden of providing that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the municipal servant could not have foreseen, or over which he no control and had not proceeded from extravagant or dissipated habits, shall be upon the municipal servant.

19. Movable, immovable and valuable property.— (1) Every municipal servant shall on his first appointment to any service or post submit a return of his assets and liabilities, in such form as may be prescribed by the Government giving the full particulars regarding—

(a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in the own name or in the name of any member of his family or in the name of any other person;

(b) Share, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him ;

(c) other, movable property, inherited by him or similarly owned, acquired or held by him and

(d) debts and other liabilities incurred by him, directly or indirectly.

(2) No Municipal servant shall except with the previous knowledge of the Commissioner acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family ;

Provided that the previous sanction of the Municipal Council shall be obtained by the Municipal servant, if any such transaction is—

(i) with a person having official dealings with the Municipal servant ; or

(ii) otherwise than through a regular or reputed dealer.

(3) Where a Municipal servant enters into a transaction in respect of movable property either in his own name or in the name of a member of his family, he shall, within one month from the date of such transaction, report the same to the Commissioner, if the value of such property exceeds Rs. 1,000/-

Provided that the previous sanction of the Municipal Council, shall be obtained if any such transaction is,

(i) with a person having official dealings with the Municipal servant or

(ii) otherwise than through a regular or reputed dealer

(4) The Director or the Commissioner may, at any time, by special order, require a municipal servant to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified

in the order. Such statement shall, if so required by the Director of the Commissioner include the details of the means by which or the source from which, such property was acquired.

Explanation I:— For the purposes of this rule, the expression “movable property” includes:—

- (a) jewellery, insurance policies the annual premia of which exceeds Rs. 2,000/- or one-sixth of the total annual emolument received from the municipality whichever is less, shares, securities and debentures;
- (b) loans advanced by such municipal servants whether secured or not;
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerators, radios, radiograms and television sets.

Explanation II:— For the purposes of this rule “lease” means except where it is obtained from, or granted to, a person having official dealings with the municipal servant, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.

20. Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners etc.:— Notwithstanding anything contained in sub-rule (2) of rule 19, no municipal servant shall except with the previous sanction of the municipal council.

- (a) acquire, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India;
- (b) dispose of, by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated

outside India which was acquired or is held by him either in his own name or in the name of any member of his family;

(c) enter into any transaction with any foreigner, foreign Government, foreign organisation or concern—

(i) for the acquisition, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family of any immovable property:

(ii) for the disposal of, by sale, mortgage, gift, or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

21. Vindication of acts and character of municipal servant:—

(1) No municipal servant shall except with the previous sanction of the municipal council, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of a defamatory character.

(2) Nothing in this rule shall be deemed to prohibit a municipal servant from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken the municipal servant shall submit a report to the Commissioner regarding such action.

22. Canvassing of non-official or other outside influence:—

No municipal servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the municipality.

23. Restriction regarding marriage:— (1) No municipal servant shall enter into or contract a marriage with a person having a spouse living; and

(2) No municipal servant having a spouse living shall enter into or contract, a marriage with any person.

(3) A municipal servant who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Commissioner.

Explanation:-- The display by a municipal servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

6. Joining of associations by municipal servants:-- No municipal servant shall join, or continue to be a member of an association, the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India, or public order or morality.

7. Demonstration and strikes:-- No municipal servant shall:

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the state and the local authorities, friendly relations with foreign states, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or

(ii) resort to or in any way abet any form of strike or coercing or physical duress in connection with any matter pertaining to his service or the service of any other municipal servant.

8. Connection with press or radia:-- (1) No municipal servant shall except with the previous sanction of the Government own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.

(2) No municipal servant shall, except with the previous sanction of the Government or except in the bona fide discharge of his duties:—

(a) publish a book himself or through a publisher, or contribute an article to a book or a compilation of articles, or

(b) participate in a radio broadcast or contribute an article or write a letter to a newspaper or periodical, either in his own name or anonymously or pseudonymously or in the name of any other person:

Provided that no such sanction shall be required:—

(i) if such publication is through a publisher and is of a purely literary, artistic or scientific character, or

(ii) if such contribution, broadcast or writing is of a purely literary, artistic, or scientific-character.

9. Criticism of Government and the local authority:—

No municipal servant shall in any radio broadcast or in any document published in his own name or anonymously, pseudonymously or in the name of any other persons or in any communication to the press or in any public utterance, make any statement of fact or opinion.

(i) which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government or any local authority; or

(ii) which is capable of embarrassing the relations between the Central Government and the Government of any State or between the Government and of any local authority; or

(iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State:

Provided that nothing in this rule shall apply to any statements made or views expressed by a Municipal servant in his

official capacity or in the due performance of the duties assigned to him.

10. Evidence before committee or any other authority.-

(1) Save as provided in sub-rule (3), no municipal servant shall, except with the previous sanction of the municipal council, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1), no municipal servant giving such evidence shall criticise the policy or any action of the Central Government or of a State Government or of any Local Authority.

(3) Nothing in this rule shall apply to,-

(a) evidence given at an enquiry before an authority appointed by the Central Government or a State Government or Parliament or a State Legislature or any local authority; or

(b) evidence given in any judicial enquiry; or

(c) evidence given at any departmental enquiry ordered by the Director or the Commissioner.

11. Unauthorised communication of information:— No municipal servant shall, except in accordance with any general or special order of the Government or in the performance many of in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any municipal servant or any other person to whom he is not authorised to communicate such document or information.

Explanation:— Quotation by a municipal servant (in his representation to the Commissioner or Director or any other officer of the Government or the Administrator or President) of or from any letter, circular or office memorandum or from the notes on any file to which he is not authorised to have access, or

which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this rule.

12. Subscription:— No municipal servant shall except with the previous sanction of the municipal council ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever.

13. Gifts:— (1) save as otherwise provided in these rules, no municipal servant shall accept, or permit any member of his family or any other person acting on his behalf to accept, any gift.

Explanation:— The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the municipal servant.

Note 1:— A casual meal, lift or other social hospitality shall not be deemed to be a gift.

Note 2:— A Municipal servant shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations, etc.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, a Municipal servant may accept gifts from his near relatives but he shall make a report to the Municipal Council if the value of any such gift exceeds Rs. 250/-.

(3) On such occasions as are specified in sub - rule (2) a Municipal servant may accept gifts from his personal

friends, having no official dealings with him, but he shall make a report to the Municipal Council if the value of any such gift exceeds Rs. 100/-

(4) In any other case, a municipal servant shall not accept or permit any member of his family or any other person acting on his behalf to accept, any gift without the sanction of the municipal council if the value thereof exceeds Rs. 25/-

14. Dowry:— No municipal servant shall

- (i) give or take or obet the giving or taking of dowry; or
- (ii) demand, directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation:— For the purpose of this rule "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961.)

15. Public demonstrations in honour of municipal servants:— No municipal servaut shall, except with the previous sanction of the Commissioner receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other municipal servant:

Provided that nothing in this rule shall apply to:—

- (i) a farewell entertainment of a substantially private and informal character held in honour of a municipal servant or any other municipal servant or any servant of any other local authority on the occasion of his retirement or transfer or any person who has recently quitted the service of any local authority; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

16. Private trade or employment:— (1) No municipal servant shall except with the previous sanction of the municipal council engage directly or indirectly in any trade or business or negotiate for or under take any other employment:

Provided that a municipal servant may, without such sanction undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer, but he shall not undertake, or shall discontinue, such work if so directed by the municipal council.

Explanation:— Canvassing by a Municipal servant in support of the business of insurance agency, commission agency, etc., owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

(2) Every municipal servant shall report to the Commissioner if any member of his family is engaged in a trade of business or owns or manages an insurance agency or commission agency.

(3) No Municipal servant shall, without the previous sanction of the Municipal Council except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company, which is required to be registered under the Companies Act, 1956 (Central Act No. 1 of 1956) or any other law for the time being in force, or any Co-operative society for commercial purposes :

Provided that the Commissioner may permit a municipal servant to enter into, or contract, any such marriage as is referred to in clause (1) or clause (2), if he is satisfied that—

(a) such marriage is permissible under the personal law applicable to such municipal servant and the other party to the marriage; and

(b) there are other grounds for so doing.

24. Consumption intoxicating drinks and drugs.— A municipal servant shall—

(a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug.

(c) refrain from consuming any intoxicating drink or drug in a public place ;

(d) not appear in a public place in a state of intoxication;

(e) not use any intoxicating drink or drug to excess.

Explanation:— For the purpose of this rule 'public place' means any place or premises (including a conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

25. Interpretation:— If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

26. Delegation of powers:— The Government may, by general or special order direct that any power exercisable by it under these rules (except the powers under rule 25 and this rule) shall subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

27. Repeal and savings:— Any Decree or Arrête or rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the municipal servants to whom these rules apply, are hereby repealed.

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules:

Provided further that such repeal shall not affect the previous operation of the rules so repealed and a contravention of any of the said rules shall be punishable as if it were a contravention of these rules.

(G. O. Ms. No. 98, dated 19th March, 1981.)

CHAPTER IV-TAXATION

41. THE PONDICHERY MUNICIPALITIES (DUTY ON TODDY TREES) RULES, 1976.

In exercise of the powers conferred by section 118 read with sub-section (3) of section 172 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely,—

1. Short title, extent and commencement:—(1) These rules may be called the Pondicherry Municipalities (Duty on Toddy Trees) Rules, 1976.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force in a Municipality on such date as the Municipal Council may, by resolution, determine.

2. Definitions:— In these rules unless there is anything repugnant in the subject or context:—

(1) 'Act' means the Pondicherry Municipalities Act, 1973 (No. 9 of 1973);

(2) 'Toddy tree' means any variety of toddy trees specified in Schedule IX appended to the Act;

(3) 'section' means a section of the Act;

(4) 'Excise Act' means the Pondicherry Excise Act, 1970 (No. 12 of 1970);

(5) 'Duty on toddy trees' means the duty on toddy trees leviable under section 172 of the Act; and

(6) all words and expressions not defined in these rules shall have the meanings respectively assigned to them by the Excise Act and the rules made thereunder.

3. Provisions of the Excise Act to apply to duty on toddy tree:— All the provisions of the Excise Act and the rules made thereunder shall, so far as may be, apply in relation to the duty leviable under these rules on toddy trees as they apply in relation to the tax/duty chargeable under that Act.

4. Duties of Excise Officers.— Whenever any application is presented for securing a tapping licence to any Excise Officer, he shall see that it is accompanied by the challan of having credited the duty on toddy trees along with the tree tax/duty payable under the Excise Act and shall also ensure that the Municipal Council within whose jurisdiction the toddy tree concerned is situated, is set forth clearly in the application.

5. Maintenance and consolidation of accounts in respects of duty on toddy trees.—(1) (a) Every Excise Officer shall maintain an account of the duty paid in respect of each toddy tree licensed by him showing separately the tax/duty imposed by the Excise Act and the duty on toddy trees. He shall also maintain a separate account for each Municipal Council within whose jurisdiction the toddy trees concerned are situated.

(b) The Excise Commissioner may issue executive instructions regarding the maintenance of accounts by Excise

Officers in this behalf and the form in which the consolidated accounts for each quarter are to be forwarded to the Treasury Officers concerned.

(2) In the case where toddy trees are tapped without licence the Excise Officer before whom any such case of toddy tree has come to notice and is dealt with under section 24 of the Excise Act, shall keep an account of the duty paid in respect of each such toddy tree showing separately the tax imposed by the Excise Act and the duty on toddy trees and forward to the Excise Commissioner within one month after the close of each quarter, a quarterly consolidated account with particulars in the case of each such toddy tree, regarding the names of the licensee and of the owner of the tree, the date from which toddy is extracted, the amount of duty on toddy trees levied the description of the toddy tree and the municipality within which the toddy tree is situated.

6. Excise Commissioner to send intimation to the treasury officers concerned in respect of the amount payable to local authorities.— (1) Intimation regarding the amounts payable quarterly to the municipal council and the amount of deduction on account of the expenses incurred in the collection of the duty on toddy trees to be credited to the Government in respect of the toddy trees referred to in rule 5 shall be sent by the Excise Commissioner to the Treasury Officers concerned within two months after the close of each quarter.

(2) The amounts payable to the municipal council shall be credited to the fund of the municipal council concerned. The amount shall represent the duty on toddy trees paid less a deduction of three per cent thereon on account of the expenses incurred in the collection of the duty on toddy trees.

(3) The statement of accounts sent by the Excise Commissioner shall contain particulars of the amount payable to the municipal council and that adjustable to the Excise Department distinctly and separately. A copy of the statement shall

also be sent to the Commissioner of the municipality concerned the Director, Local Administration Department, Pondicherry, and the Auditor of the accounts of receipts and expenditure of the municipal fund. The initial records based on which these statements are prepared will be opened to check by the Auditor of the accounts of receipts and expenditure of the municipal fund.

7. The deductions on account of collection of the duty on toddy trees shall be credited to the Government.

[G. O. Ms. No. 234, dated 1—8—1976 L A D]

42. THE PONDICHERRY MUNICIPALITIES (PROFESSION TAX) RULES, 1976.

In exercise of the powers conferred by section 118 read with section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

1. Short title and commencement:— (1) These rules may be called the Pondicherry Municipalities (Profession Tax) Rules, 1976.

(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 Pondicherry Municipalities Act, 1973 (No. 9 of 1973);

(b) 'Form' means a Form appended to these rules;

(c) 'profession tax' means the tax leviable under section 144 of the Act;

(d) 'section' means a section of the Act.

3. (1) The council shall determine the tax leviable on each class subject to the maximum specified in Schedule IV of the Act:

Provided that the proportion which the tax on any class bears to the minimum income of that class shall in no case be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class.

(2) The council may exempt any one or more of the classes in Schedule IV of the Act from liability to profession tax, but the class shall be exempted from liability when any lower class is liable to tax.

4. A company or person shall be deemed to have transacted business and a person shall be deemed to have exercised a profession, art or calling or held an appointment within a municipality if such company or person has an office or place of employment within such municipality.

5. (1) Where a company or person transacts any business other than money-lending in any half year exclusively in the area of a single municipality, the income of such company or person from the transaction of such business shall, for the purpose of levying profession tax under this Act during the half year, be deemed to be:—

(a) Where income-tax is assessed on such company or person under the Income-Tax Act, 1961 (Central Act, 43 of 1961), for the year comprising the half-year, one-half of the amount at which the profits and gains of such business are computed under section 28 of the Income-Tax Act, 1961 (Central Act 43 of 1961) for the purpose of assessing income-tax and

(b) Where the amount of the said profits and gains is not ascertainable or where such company or person is not assessed to income-tax, such percentage or percentages calculated with reference to rule 6, of the turnover of business transacted in the area of the municipality during the half year or where this is

also unascertainable, during the corresponding half-year of the previous year.

(2) Where a company or person transacts any business other than money-lending partly in the area of a municipality and partly outside such area, the income of such company or person from the transaction of such business in the area of the municipality shall, for the purpose of levying profession tax under this Act be deemed to be the percentage, calculated with reference to rule 6; of the turnover of such business transacted in such area during the half-year or the corresponding half-year or the previous year, as the case may be.

(3) For the purposes of clause (b) of sub-rule (1) and sub-rule (2), the turnover of business in any municipality means the aggregate money value of the goods produced, manufactured, purchased or sold or of any other business except money-lending transacted in such municipality.

Explanation:- In determining the turnover of business under this sub-rule.

(a) where the delivery of any goods on account of any purchase made by any company or person and the delivery on account of the sale thereof by the same company or person are both effected in the Union Territory of Pondicherry, only the latter transaction shall be taken into account.

(b) where the delivery of any goods on account of any purchase made by any company or person is effected in any place outside the said Union Territory and the delivery on account of the sale thereof by the same company or person is effected in any place in the said Union Territory, the latter transaction shall be taken in to account; and

(c) where the delivery of any goods on account of any purchase made by any company or person is effected in any place in the said Union Territory and the delivery on account of the sale thereof by the

same company or person is effected in any place outside the said Union Territory, the former transaction shall be taken into account.

6. For the purpose of calculating the income for levying profession tax, the percentage of turnover of business under clause (b) of sub - rule (1) and sub - rule (2) of rule 5 shall be as specified in columns (1) and (2) of the following table:

Provided that if in any case, the income so calculated is less than the minimum sum specified in column (3) of the said table, the percentage shall be enhanced to such a rate as would yield such minimum sum.

TABLE.

	Percentage	Minimum
(1)	(2)	(3)
		Rs.
Where the turnover of business exceeds 12 lakhs of rupees.	1	18,000
Where the turnover of business exceeds 6 lakhs of rupees but does not exceed 12 lakhs of rupees.	1.5	12,000
Where the turnover of business exceeds 3 lakhs of rupees but does not exceed 6 lakhs of rupees.	2	9,000
Where the turnover of business exceeds 1,50,000 rupees but does not exceed 3 lakhs of rupees.	3	6,000
Where the turnover of business does not exceed 1,50,000 rupees.	4	—

7. (1) If, in the opinion of the Commissioner, profession tax is or will be due from any company or person for any half-year, he shall serve a notice on such company or person either in that

half-year or in the succeeding half-year requiring the company or person to furnish within such period, not being less than thirty days as may be specified in the notice a return in Form I showing the income on the basis of which, according to such company or person, it or he is liable to be assessed to profession tax for the half-year in question. Thereupon it shall be open to such company or person to submit a return showing the income derived by it or him during the half-year for which profession tax is claimed or for the corresponding half-year of the previous year and produce any evidence on which the company or person may rely in support of the return made.

Explanation — Where, in pursuance of section 150 a statement regarding the income of a company or the salary or income of an employed person has been furnished to the Commissioner, nothing in this sub-rule shall be deemed to require the Commissioner to serve a notice on such company or person.

(2) If a return is made as required under sub-rule (1) or a statement regarding the income or salary is furnished section 150 and the Commissioner is satisfied that it is correct and complete he shall levy the profession tax from such company or person on the basis of such return or statement.

Explanation — In case not falling under clause (b) of sub-rule (1) or under sub-rule (2) of rule 5, if the company or person produces the notice of demand of income-tax served on it or him under section 156 of the Income-tax Act, 1961 (Central Act 43 of 1961), for the year comprising the half-year in question, the Commissioner shall be bound to take one-half of the income mentioned in such notice of demand as the income derived from the sources on which profession tax is leviable under this Act, as the income on the said sources for the purposes of levying profession tax.

(3) If no return is made as required under sub-rule (1) or if no statement is furnished under section 150 or if the Commissioner is satisfied that any return so made or any

statement so furnished is incorrect or incomplete, the Commissioner shall assign to the company or person the class in the scale appropriate to the half-yearly income of such company or person as estimated by him.

(4) The Commissioner may, when classifying any company or person under sub-rule (3) do so on general considerations with reference to the nature and reputed value of the business transacted, the size and rental of residential and business premises, the quantity and number of articles dealt with, the number of persons employed and the income-tax paid.

(5) The Commissioner shall not be entitled to call for the accounts of any company or person.

8. (1) Notwithstanding anything contained in these rules, every person commencing to exercise any profession, art, trade or calling or to hold any office or appointment within the municipality, shall within thirty days of such commencement give information of the fact to the Commissioner.

(2) Every person who is liable to the payment of tax, and who shall change either the designation of his firm or the nature of his profession, art, trade or calling or office or appointment, shall within thirty days of such change, give intimation thereof to the Commissioner.

9. (a) Every employer making the deduction under subsection (1) or sub section (2) of section 151 of the Act shall, at the time of payment of the salary or wages or sum, furnish to every person to whom such payment is made a certificate thereof signed by him or by some person duly authorised by him in that behalf.

(b) Such certificate shall specify.

- (i) the date of grant thereof.
- (ii) the name of the person to whom it is granted.
- (iii) the period for which payment has been made.
- (iv) the amount paid.

(c) any sum as deducted by an employer shall be paid to the credit of the Municipality within fifteen days from the date of such deduction.

10. Every employer making the deductions under sub-section (1) or sub-section (2) of section 151 of the Act shall prepare and within thirty days after the expiry of the half-year, deliver or cause to be delivered to the Commissioner, after verifying the correctness of the said deductions with reference to the requisition of the Commissioner a return in Form II

11. An appeal shall lie to the municipal council against any assessment of profession tax made by the Commissioner under the Act:

Provided that no such appeal shall be heard by the municipal council unless it is filed within thirty days from the date of issue of the Demand Notice by the Commissioner.

12. Whoever—

- (a) contravenes any provision of any of the rules, or
- (b) fails to comply with any of the provisions of the rules, shall be punishable with fine which may extend to one hundred rupees.

FORM I

[See Rule 7 (1)]

RETURN OF INCOME FOR ASSESSMENTS TO PROFESSION TAX DURING THE HALF-YEAR ENDING

- (1) Name of the company or person.
- (2) Description of business, profession, art or calling or appointment.
- (3) Income derived by the assessee during the half-year or the corresponding half - year of the previous year, from the

exercise of any profession, art or calling, or from holding any appointment, public or private, or from money-lending business—

(a) Within the municipality for not less than sixty days in the aggregate during the half-year:

(b) without the municipality if the assessee has resided within the municipality for not less than sixty days in the aggregate during the half-year;

(4) Where business other than money-lending is transacted exclusively within the municipality--

(a) where income-tax has been assessed on the company or person for the year comprising the half-year the amount at which the profits and gains of such company or person were computed under Section 2 of the Income Tax Act, 1961 (Central Act, 43 of 1961), for the purpose of assessing such income-tax;

(b) where the said profits and gains are not ascertainable or where income-tax has not been assessed for the year corresponding to the half-year--

(i) the turnover of the business transacted within the municipality during the half-year; or

(ii) where such turnover is not ascertainable, the turnover of the business during the corresponding half-year of the previous year.

(5) Where business other than money-lending is transacted by the company or person partly in the municipality and partly outside such municipality--

(a) the turnover of business transacted in the municipality, during the half-year, or

(b) where such turnover is not ascertainable, the turnover of business in the municipality during the corresponding half-year of the previous year.

(6) Income derived by the assessee--

(a) from the business transacted outside the municipality,
and

(b) from any pension or investments during the half-year,
if the assessee has resided within the municipality for not less
than sixty days in the aggregate during the half-year.

(7) The aggregate income on the basis of which according
to the company or person it or he is liable to be assessed.

FORM II

(See Rule 10)

Sl. No.	Name of person	Occupation/ Designation	Residential address
(1)	(2)	(3)	(4)
Profession tax-payable			
Half-yearly income for the period ending	Demand No. date and the amount of profession tax	Date on which the amount was deducted by the company/ firm	Date on which the amount was paid to the munic- ipality
(5)	(6)	(7)	(8)

VERIFICATION.

Certified that to the best of my knowledge and belief, the
information given in this return is correct and complete and
other particulars shown are truly stated

Signature of the Employer.

(G. O. Ms. No. 235, dated 1-8-1976- LAD)

43. THE PONDICHERY MUNICIPALITIES
(ADVERTISEMENT TAX) RULES, 1976.

In exercise of the powers conferred by section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

PRELIMINARY

1. Short title and commencement:— (1) These rules may be called the Pondicherry Municipalities (Advertisement Tax) Rules, 1976.

(2) They shall come into force at once.

2. Definitions:— In these rules, unless the context otherwise requires:—

(a) "Act" means the Pondicherry Municipalities Act, 1973;

(b) "advertiser" includes any agent or owner or principal on whose behalf the advertisement is displayed, the owner of any enterprise about which the advertisement is displayed or the owner of the structure or place or building on which the advertisement is made;

(c) "board" includes a case, frame or surface of any material whatsoever;

(d) "Form" means a form appended to this rules;

(e) "month," means a calendar month;

(f) "person" includes a Hindu undivided family, any company or association or body of individuals whether incorporated or not,

(g) "section" means a section of the Act; and

(h) "sign" means any word, picture, model, device or other presentation, in the nature of an advertisement, announcement or direction, written, printed, inscribed, embossed or painted;

ASSESSMENT, LEVY AND COLLECTION OF TAX ON ADVERTISEMENT

3. Tax on advertisements:— When the municipal council determines to levy tax on advertisements every person who erects, exhibits, fixes or retains or displays upon or over any land, building, wall, hoarding or structure or upon or in any vehicle, any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private including any advertisement exhibited to public view by means of cinematograph shall pay for every advertisement which is so erected, exhibited, fixed or retained or so displayed to public view a tax calculated and determined from time to time by the municipal council at such rates not exceeding the maximum rates specified in the Schedule VII of the Act.

Provided that no tax shall be levied under this rule on any advertisement which is exhibited in the manner specified in the second and third provisos under section 152 of the Act

4. Procedure for obtaining permission of the Commissioner for erection, etc., of advertisements:— (1) Every advertiser desiring to erect, exhibit, fix, retain or display an advertisement to public view shall submit or cause to be submitted to the Commissioner, not less than seven clear days before the advertisement is to be displayed and in time before printing copies of advertisement or painting advertisements or exhibiting them in any manner an application in duplicate duly signed in Form I with all the particulars required herein together with a copy of the matter to be advertised.

Provided that the Commissioner may, for reasons to be recorded in writing reduce the time-limit referred to above in special cases.

(2) The Commissioner shall within seven days from the date of receipt of the application intimate the applicant the tax due on the intended advertisement provided the Commissioner approves of the advertisement. The Commissioner may disapprove of an advertisement, among others on the ground that its contents or the manner of its display is indecent or otherwise offensive to good taste or public sentiment.

(3) The original of the application shall be returned to the applicant immediately on payment of the tax with instructions either to incorporate the permission number and date in the advertisement copies to be printed for displaying within the municipal limits or in the painting to be done or to produce copies of advertisement for stamping with the municipal stamp in token of the tax having been paid and the advertiser shall call carry out the instructions.

(4) Where submission of the application under sub-rule (1) is impracticable copies of the advertisements proposed to be erected, exhibited, fixed, retained or displayed shall be produced before the Commissioner along with the application for obtaining the requisite permission.

(5) If such advertisements is approved by the Commissioner, permission may be granted on payment of the tax due in respect of such advertisement and the municipal stamp shall be affixed on all copies of such advertisement in token of the tax having been collected.

(6) The production of the copies of advertisement for the purpose of affixing the municipal stamp or the incorporation of the permission number and date shall not be insisted upon in cases where the nature of the advertisement does not admit of such production or incorporation.

5. Tax an advertisement when payable:— The tax on advertisement shall be payable in advance after the Commissioner

has approved the proposed advertisement and before the permission is granted.

6. Payment of fees in addition to the advertisement tax for erecting, exhibiting, fixing, hanging retaining or displaying advertisements in or upon any public place:-- For every advertisement erected exhibited, fixed, retained, displayed in or upon road-sides and street margins vested in the municipal councils or land belonging to it, separate fees or rent at such rates as may be determined from time to time by the council, shall be chargeable with reference to the space allotted and its significance in addition to the tax payable on advertisements.

7. Tax on advertisement payable in full even for a fraction of a month.— (1) Where the advertisement is not intended for the full year the tax will be collected on monthly basis at 1/12th of the amount fixed for the year.

(2) Full monthly tax shall be charged and collected even for a fraction or part of a month.

8. Commissioner may enter any place for purpose of inspection etc. (1) The Commissioner or any other officer duly authorised by him in this behalf shall have the power to enter into any place for inspection or for removal of any unauthorised advertisement by giving a notice of twenty - four hours to the occupant thereof of his intention to make such entry.

(2) Every unauthorised advertisement may be caused to be removed by the Commissioner after giving notice under sub-rule(1) at the risk and cost of the party concerned and may on the expiry of a reasonable period prescribed by the Commissioner cause the advertisement to be removed and the costs thereof recovered in the manner as provided in Sections 175 to 184 of the Act.

(3) In respect of the unauthorised advertisement so removed tax shall be collected at such rates as would have been payable if a proper application was made in this regard.

9. Recovery of tax on advertisement:— If any advertisement tax due from any person remains unpaid in whole or in part at the end of the financial year the tax or such part thereof as remains unpaid together with all sums payable towards detention fee, expenses incurred on effecting the removal of the unauthorised advertisement etc., in connection therewith shall be recoverable in the manner as provided in Sections 175 to 184 of the Act.

PROHIBITION AND REGULATION OF ADVERTISEMENTS

10. Places for erecting, etc, of advertisements:— The council may, by notification:—

(a) prohibit the erection, exhibition, fixation, retention or display of all or any class of advertisements in or around any street, points or important road junctions or heavy traffic public parks in any place of public resort, place or part thereof, of workshop, place of worship, historic public buildings including monuments and in purely residential localities; and

(b) regulate the erection, exhibition, fixation, retention for display of advertisement in any manner in non-prohibited areas.

11. Advertisement, hoarding, cinema and poster boards:—

(1) Once a regulated hoarding has been allowed at any of the approved sites, all subsequent advertisements shall be required to conform thereto in the matter of size, position, alignment, etc., of their hoardings.

(2) The permissible sizes of each hoarding shall be as under;

<u>Size of hoarding</u> [in metres]	<u>Nature of erection</u>
(i) 10 X 4	} To be erected in horizontal length and vertical height.
(ii) 6 X 3	
(iii) 4.5 X 2.5	
(iv) 4 X 2.5	
(v) 3 X 2	
(vi) 2.5 X 2	

Provided that no hoardings of different sizes shall be allowed at any one place.

(3) The lower base or the bottom of a hoarding at an approved site shall be at a height of not less than 2.44 metres from the surface of the ground below it and it shall be in correct alignment with the other approved hoardings, if any, previously put up on the site.

(4) The supports of all such hoardings shall be of steel or other metal or of sound quality timber of about 11.1+11.1 c m. thickness firmly embedded in the ground and suitably painted.

(5) Before an advertisement hoarding is permitted to be erected at an approved site, the advertiser shall be required to submit to the Commissioner, a copy of the design showing the sizes, dimensions, etc., of the hoarding and supports, and the design and colour scheme of the matter to be advertised and no advertisement shall be allowed if it is not in harmony with the background or offends good taste, public morals, etc.

12. Sign or signboards.—(1) No person shall, without or otherwise, than in conformity with the terms of a permission granted by the Commissioner retain, place, put up or fix or cause or permit to be retained, placed, put up or fixed any sign or

signboard, projecting in, on, over or across a public street or any public place.

2) No sign or signboard shall be retained, placed, put up, fixed, hung or caused or permitted to be retained, placed, put up, fixed or hung.

(a) so as to project in, on, over or across a public street which is not more than 4 ½ metres wide or which has no foot-path or drain or aqueduct under the projection ;

Provided that sign and signboards against the face of a building in a portion included to the face may be allowed if they do not project more than 15 c. m. into the street and are at least 2.44 metres above the street level, or at such height as the Commissioner may from time to time prescribe ; or

(b) On or to or against a projecting or support verandah over a public street so as to project in, over or across such street, beyond the foot-path appertaining thereto.

(3) The height of the sign or signboard above the street level or ground level, as the case may be, and its thickness at an angle to the surface and extent of projection from the edge of the land or place up to which it can be permitted (from land to land or place to place) shall be determined by the Commissioner keeping in view the width of the street.

(4) The Commissioner may refuse permission to put up a sign, signboard or advertisement which is or is deemed to be obscene, against public morality, likely to injure the religious feelings of any community, provoke a riot or calls for any violation of law.

(5) Permission under these rules shall not be granted unless the sign or signboard is so constructed and maintained as not to endanger public safety or is not likely to fall into any public street or public place or land vested in the municipal council.

13. Sky-Signs:— (1) The Commissioner may remove any sky-sign or advertisement or order to shift it to another site if, in his opinion, such a course is needed, to ensure public safety or convenience.

(2) Nosky-sign or advertisement, frame, or other contrivance securely fixed to or on the cornice or blocking course of any wall or to the ridge of a roof or to the screen shall project beyond 0.91 metres into the street.

14. Neon-signs:— An application for a permit for a neon-sign shall accompany a sketch drawn to measurement from the manufacturers.

15. Advertisement to bear the permit number, etc.:—

(1) All the advertisements for which permission has been accorded by the Commissioner in Form II shall bear the permit number under which and the period for which the display has been permitted.

(2) No person shall deface or cause to be defaced any sign or mark or letter or words put up by the Commissioner or any other officers authorised by him on the advertisements in token of their having been permitted or approved by him and of the tax having been paid thereon.

(3) Advertisements that do not bear the permit number shall be treated as unauthorised shall be liable for removal.

16. Materials used for the writing, etc., of advertisement to be in accordance with the approved specifications of the Commissioner:— The material that is used for the writing, printing, painting, preparing erecting, exhibiting, fixing, retaining, displaying or maintaining sky-sign or any other advertisement shall be in accordance with the orders issued and specification approved by the Commissioner from time or time.

17. Manner of display of advertisements through vehicles:—

No vehicle used for the purpose of advertisement shall display any advertisement in a manner or method different from that approved by the Commissioner.

18. Safety of advertisements:— (3) The Commissioner or

any other officer authorised by him may remove any advertisement or sky-sign which in his opinion, has been displayed in contravention of the provisions of the Act, rule, or bye-laws made thereunder.

(2) The municipal council shall not be responsible for the safety of any advertisement displayed on any public street or land. No suit or claim for damages shall lie against the municipal council for any loss or damage to any such advertisement or on account of loss or damage caused to third party by such advertisement of sky-sign.

19. Registration of advertising agents:— (1) Persons who

undertake the display of advertisements within the limits of any municipality on behalf of others, shall enroll themselves as registered advertising agents by submitting an application to the Commissioner in Form III after paying a security deposit of rupees two hundred in addition to annual registration fee of rupees ten. A copy of the receipt issued therefor shall be attached to the application.

(2) The Commissioner may reject an application of any person for registration as an advertising agent, if he has reason to believe that the particulars furnished by such person are neither true nor is he otherwise fit for reasons to be recorded in writing to be registered. In case of rejection, the full amount paid towards security deposit and registration fee shall be refunded to the applicant within fifteen days from the date of rejection.

(3) The registration shall be renewed every year on payment of annual registration fee of rupees ten.

(4) Every registered advertiser before displaying or causing the display of advertisement should satisfy himself that the tax due thereon has been paid and the Commissioner's approval obtained therefor.

(5) Every registered advertiser shall maintain proper accounts in such form as may be laid down by the Commissioner from time to time and produce them whenever required for inspection by the Commissioner.

(6) The security deposit will, if it is not forfeited for any breach of the rules governing advertisements be refunded to the depositor on application made by him after the expiry of three months from the date of cessation of the registration or renewal thereof as the case may be.

20. Penalty.— Whoever contravenes any provisions of any of the foregoing rules or fails to comply with any order or direction lawfully given to him under any of the said rules shall, in addition to the liability of tax, be punishable with a fine which may extend up to one hundred rupees.

FORM-I

(See rule 4 (1)).

Application for permission for erecting, exhibiting, fixing, hanging, retaining or displaying any advertisement within the municipal limits of

To

The Commissioner,

... .. Municipality.

Sir,

I/we the undersigned hereby apply for according permission for erection, exhibition, fixation, retention or displaying of the advertisement/sky-sign the particulars of which are furnished as hereunder:

- (1) Name and address of the advertiser (in full in block letters) ...
- (2) Classification of advertisement ...
- (3) Description of the subject-matter and languages employed (with capital letters,) ...
- (4) Name and addresses of the person or the firm on behalf the advertisement is displayed. ...
- (5) The description of the structure or place where the advertisement/sky-sign is proposed to be erected or displayed (premises or site number if any) accompanied by diagramatic sketch plan. ...
- (6) The detailed dimensions of the advertisement board/sky-sign etc
- (7) The date from which advertisement/sky-sign is proposed to be erected or displayed and the probable date of removal (i. e., the date from which and the date up to which permission is required)
- (8) The material proposed to be used for the advertisement/sky-sign ...
- (9) Any other particulars necessary regarding advertisement/sky sign ...

I/we hereby agree to abide by the provisions of the Act, the rules and bye-laws made thereunder and will not display or exhibit or cause to be displayed or exhibited the advertisement till the permission applied for is granted. The particulars mentioned above are correct and true to the best of my/our knowledge.

I/We request that permission may kindly be accorded for the erection, etc., of the advertisement/sky-sign, a copy of which the diagrammatic sketch plan of which is enclosed herewith.

Date: _____ Signature of Applicant.
(For the use of Office)

Permission is accorded/rejected. Advertisement tax of Rs..... at per sq. metre in advances may be remitted to the municipal account.

Officer-in-charge of Advertisement Tax section. Commissioner.

Amount of Rs. (in words) ... through Challan No. dated ... has been credited to the municipal accounts.

Officer-in-charge of Advertisement Tax Section.

Orders of the Commissioner Commissioner.

FORM II

[See Rule 15 (1)]

No. (Advertisement permit)

- 1. Name of the applicant :
2. Address :
3. Classification of advertisement :

- 4. Description of the subject - matter.
- 5. Measurements.
- 6. Location of display exhibition.
- 7. Starting date of the advertisement.
- 8. Closing date of the advertisement.

The advertiser shall abide by the statutory provisions of the Pondicherry Municipalities Act, 1973 and the rules and bye - laws made thereunder (see conditions on).

Date:

Office seal:

Commissioner.

CONDITIONS

1. An advertiser should apply in writing for renewal of the permission to the Commissioner 7 days before the date of expiry of the permission, or well in advance.

2. Advertisement tax and other fees or charges as requested under rules should be paid before erection, etc . , of advertisement for which the grant of permission has been sought for.

3. An advertiser is required to take every reasonable care not to cause any inconvenience or hindrance whether to pedestrian or vehicular traffic or cause any material damage either to person or property by the display and erection of advertisement in any manner.

4. Breach of any of the provisions of the Pondicherry Municipalities Act.,- 1973 and the rules and bye-laws made there under will render this permission null and void notwithstanding the payment of the advertisement tax to the municipality.

FORM III

[See Rule 19 (1)]

No.

Application for registration/renewal as advertising agent of
the Municipal Council.....

The particulars mentioned above are correct to the best of my knowledge.

I therefore request that you may kindly register or cause to be registered my name as advertising agent of the municipality.

Dated: _____ Signature of applicant.

Counterfoil

Received application from Thiru/Tmt... ..
resident of... .. for registration as advertising
agent of the municipal council on (dated)... ..

Date: _____ Signature of Commissioner.

[G. O. Ms. No. 236, dated 1-8-1976-LAD]

44. (a) THE PONDICHERRY MUNICIPALITIES (DUTY ON TRANSFER OF PROPERTY) RULES, 1976.

G. S. R. No. 34:— In exercise of the powers conferred by section 160 read with section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:—

1. Short title and commencement:— (1) These rules may be called the Pondicherry Municipalities (Duty on Transfer of Property) Rules, 1976.

(2) They shall come into force on and from 1st October, 1975.

2. Definitions.— In these rules unless there is anything repugnant in the subject or context.—

(1) 'Act' means the Pondicherry Municipalities Act, 1973 (No. 9 of 1973);

(2) 'Instrument' means an instrument of sale, exchange, gift, mortgage with possession or lease in perpetuity of immovable property on which transfer duty is leviable under section 158 of the Act ;

(3) 'Local authority' means a Municipal Council or a Village Panchayat;

(4) 'section' means a section of the Act ;

(5) 'Stamp Act' means the India Stamp Act, 1899 (Central Act II of 1899) as in force in the Union Territory of Pondicherry;

(6) 'transfer duty' means the duty on transfer of property leviable under section 158 of the Act; and

(7) all words and expressions not defined in these rules shall have the meanings respectively assigned to them by the Stamp Act and rules made thereunder.

3. Provisions of the Stamp Act to apply to transfer duty:—

(1) All the provisions of the Stamp Act and the rules made thereunder shall, so far as may be, apply in relation to the transfer duty as they apply in relation to the duty chargeable under that Act.

(2) Where the transfer duty or any portion thereof is less than ten paise, such duty or portion shall not be collected.

4. Duties of registering officers in regard to the particulars to be set forth in instruments.—

(1) Whenever any instrument is presented for registration to any registering officer, he shall see whether the particulars referred to in section 27 of the Stamp Act are set forth in the instrument separately as required by the said section 27 read with clause (a) of section 159 of the Pondicherry Municipalities Act, 1973 and shall also ensure that the municipal council within whose jurisdiction the property concerned is situated, is set forth clearly in the instrument.

(2) If the said particulars be not so separately set forth in the instrument, the registering officer shall impound it and forward it in original to the Collector calling his attention to section 64 of the Stamp Act, read with clause (b) of section 159 of the Pondicherry Municipalities Act 1973.

(3) The duty leviable on an instrument of exchange shall be regulated as follows:—

(a) if the values of the properties exchanged are unequal the duty shall be levied on the value of the property of the greater value;

(b) if the values of the properties exchanged are equal, the higher amount of duty leviable shall be levied;

(c) the duty levied on an instrument of exchange shall be distributed among the local authorities concerned in proportion to the amount of duty leviable on the properties in the local authorities concerned.

5. Maintenance and consolidation of accounts in respect of

transfer duty:— (1) (a) Every registering officer shall maintain an account of the duty paid in respect of each instrument registered by him showing separately the duty imposed by the Stamp Act and the transfer duty. He shall also maintain a separate account for each municipal council within whose jurisdiction the property concerned is situated, ascertaining from the concerned party whenever necessary the amount on which the transfer duty is to be levied.

(b) The Inspector-General of Registration may issue executive instructions regarding the maintenance of accounts by registering officers in this behalf and the form in which the consolidated accounts for each quarter are to be prepared and forwarded to him.

(2) In the case of instruments which do not come into the hands of the registering officers owing to the fact that they are not compulsorily registerable under section 17 of the Indian

Registration Act, 1908; the Collector before whom any such instrument is produced under section 31 or 41 of the Stamp Act or who impounds any such instrument under section 33 of the said Act, or receives a certificate of the duty and penalty paid in respect of any such instrument or the original of any such instrument under section 38 of that Act, shall keep an account of the duty paid in respect of each such instrument showing separately the duty imposed by the Stamp Act and the transfer duty and forward to the District Registrar within one month after the close of each quarter, a quarterly consolidated account in the form appended to these rules.

(3) If in any case it is impossible to recover the full duty payable on any instrument, then only such portion of the duty realised on such instrument as is in excess of the duty imposed by the Stamp Act shall be treated in the accounts referred to in this rule as transfer duty. In such cases, the Collector will be the deciding authority regarding the impossibility or otherwise of the collection of the stamp duty including surcharge thereon.

6. Collector to forward to the District Registrar quarterly statement of refunds of transfer duty:— The Collector who sanctions a refund of the transfer duty paid on any instrument shall forward to the District Registrar within one month after the close of each quarter a statement of instruments in respect of which such refunds were sanctioned during the quarter nothing therein the amount of the transfer duty refunded and the particulars referred to in sub-rule (2) of rule 5 in respect of each such instrument.

7. Inspector-General of Registration to send intimation to the Treasury Officers concerned in respect of the amount payable to local authorities:— (1) Intimation regarding the amounts payable quarterly to the Municipal Councils and the amount of deduction on account of the collection of the transfer duty to be

credited to the Government in respect of the instruments referred to in sub-rules (1) and (2) of rule 5 shall be sent by the Inspector-General of Registration to the Treasury Officers concerned within two months after the close of each quarter. The amount payable to the municipal council concerned shall represent the transfer duty paid less a deduction of three percent thereon on account of collection of the transfer duty and the amount of refunds referred to in rule 6 if any. In calculating the charges on account of collection of the transfer duty fractions of ten paise which are five paise or more shall be counted as ten paise and fractions of less than five paise shall be ignored. The deductions on account of collection of the transfer duty shall be credited to the Government.

2. The statement of accounts sent by the Inspector-General of Registration shall contain particulars of the amount payable to the Municipal Councils and that adjustable to the Registration Department distinctly and separately. A copy of the statement shall also be sent to the Commissioner of the municipality, the Director, Local Administration Department and the Auditor of the Accounts of receipt and expenditure of the Municipal Fund. The initial records based on which these statements are prepared will be opened to check by the Auditor of the Accounts of receipts and expenditure of the Municipal Fund.

APPENDIX

FORM

[See Rule 5 (2)]

Consolidated Account of Stamp duty and Transfer duty levied in respect of instruments produced under section 31 or 41 of the Stamp Act or dealt with under section 33 of the same Act for the quarter ending

Sl. No.	Name and designation of the officer impounding or adjudicating the document.	Nature of the trans- action.	The amount of considera- tion or the value of the property or the amount secured by the Mortgage or the amount equal to one sixth of the whole amount or value of the rents which would be paid or delivered in respect of first fifty years of lease as the case may be.	Date of execution
(1)	(2)	(3)	(4)	(5)

Duty payable on the documents with Authority		Duty borne by the documents		Deficit amount of duty		Amount of penalty if any
Stamp duty	Transfer duty	Stamp duty	Transfer duty	Stamp duty	Transfer duty	
(6)	(7)	(8)	(9)	(10)	(11)	(12)

Situation of the property affected by the document municipality or village panchayat and commune panchayat	Date of collection of deficit stamp duty and transfer duty	Names of		Brief description of property	Remarks
		Execu- tant	Clai- mant		
(13)	(14)	(15)	(16)	(17)	(18)

44 (b) NOTIFICATION FIXING 5% AS DUTY ON
TRANSFER OF IMMOVABLE PROPERTY UNDER
SECTION 158 (b), WITH EFFECT FROM 1-10-1976.

In exercise of the powers conferred by clause (b) of section 158 of the Pondicherry Municipalities Act, 1973, (No. 9 of 1973) the Lieutenant-Governor, Pondicherry, hereby fixes five per centum on the amount or value specified against each such instrument in column (3) of Schedule VIII of the said Act, as the rate to be fixed under the said provision.

The said rate shall come into force from the first day of October, 1976.

[G. O. Ms. No. 275 dated 16-9-1976 LAD]

44. (c) INSTRUCTIONS ISSUED BY THE REVENUE
DEPARTMENT TO THE REGISTERING
OFFICERS.

Consequent on the enforcement of taxation provisions of Pondicherry Municipalities Act, 1973 and the Pondicherry Village and Commune Panchayats Act, 1973, a duty on transfer of property shall have to be levied in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1890 at such rate as may be specified by Government. The rules framed for the purpose stipulates that all registering officers shall maintain an account of the duty paid in respect of each instruments registered by him showing separately the duty imposed by Stamp Act in accordance with the instructions by issued the Inspector General of Registration in this regard.

It has been decided to issue instructions regarding maintenance of accounts for purpose of levying duty on transfer of property under the Pondicherry Municipalities Act, 1973 and the Pondicherry Village and Commune Panchayats Act, 1973, as set out in the annexure to this Memorandum.

All registering officers are directed to follow these instructions. (Memorandum No. 14372/76/C dated 18—9—1976 of Revenue Department, Pondicherry)

ANNEXURE.

INSTRUCTIONS TO REGISTERING OFFICERS

1. The account to be maintained under Rule 5 (1) (a) of the Pondicherry Municipalities (Duty on Transfer of Property) Rules, 1976 and Pondicherry Village Panchayats (Duty on Transfer of Property) Rules, 1976 shall be in the form in annexure. I.

2. Only documents which are admitted to registration shall be entered in this account.

3. (i) On an instrument of exchange of immovable properties of unequal values, the duty shall be levied on the value of the property of the greater value.

(ii) Rule 4 (3) (c) of the Pondicherry Municipalities (Duty on Transfer of Property) Rules, 1976 and Pondicherry Village Panchayats (Duty on Transfer of Property Rules, 9 6,) shall be apply in the matter of allocation of duty as between the several local bodies.

(iii) In column (4) of the account of transfer duty, the value of the property, on which the duty is levied shall be noted as the numerator of a fraction the value of the property on which the duty is not levied being entered thereunder as denominator, and both the values shall be summed up in the totals to be struck,

4. In the case of an instrument of perpetual lease, no transfer duty is payable on the premium, if any, mentioned therein.

5. The name of the Village or Town as the case may be where the property is situated shall be entered in the last column of the account.

6. (a) Every Registering Officer registering an instrument affecting property outside his jurisdiction shall ledger in his account (form in Annexure. I) the value and the amount of transfer duty collected in respect of such property in the column property situated outside the sub-district and shall furnish, in a separate sheet, the particulars as to the value of the property situated outside the sub-district and the amount of transfer duty collected hereon in the form "intimation of collection of transfer duty" (Annexure. II). This intimation shall be sent to the concerned registering Officer along with the copy of memorandum or statement forwarded under sections 64 to 67 of the Registration Act.

(b) Every registering Officer receiving the intimation of collection of transfer duty shall include in his account, the particulars referred to therein simultaneously with the indexing of the memorandum or the copy, as the case may be, the value of the property in his sub-district alone being taken as the value of document, for purposes of columns 4 and 6 of the account.

(c) The above instructions shall also apply to the accounting of transfer duty collected in respect of instruments registered under section 30 of the Registration Act, 1908.

(d) The intimations shall be filed in a separate file.

7. (a) The account shall be closed at the end of each month.

(b) At the end of each quarter, an abstract of the account for the quarter in the form as in Annexure III showing the number of documents, the aggregate value the total amount of transfer duty collected on behalf of each of the local authorities and the net amount payable to each, shall be submitted by each Sub Registrar to the District Registrar.

(c) The dates of commencement and closure of each month and quarter shall be the same as those for the departmental

accounts though for the sake of convenience the quarterly statements will be referred to as the statement for the quarter ending 31st March, 30th June, etc.

(d) District Registrar shall submit to the Inspector General the two following consolidated quarterly statements before the 1st of May, August, November and February in each year relating to the quarters ending 31st March, 30th June, 30th September and 31st December respectively:—

(1) Statement I in the form in Annexure IV showing the number of documents, their aggregate value and the amount of transfer duty collected on behalf of each local authority; and

(2) Statement II in the form in Annexure V with four spare copies showing the amount of transfer duty collected on behalf of each of the Local authorities and the nett amount payable to each.

(e) Before submission of the quarterly statement a statement in the form in Annexure VI shall be prepared by the District Registrar to ensure that the total of transfer duties levied on behalf of the two categories of local authorities are correctly accounted for.

(f) After orders reviewing the statements are received from the Inspector General the District Registrar shall send:—

(i) to the Auditor of Accounts of receipt and expenditures of the funds of the Commune Panchayats and Village Panchayats or Municipal funds, as the case may be, a copy of the consolidated Statement II along with a copy of the Inspector General's letter forwarding the said statement to the treasury or Sub-Treasury Officers concerned.

(ii) To the Director, Local Administration Department.

(iii) to the Municipal and Commune Panchayat Commissioners concerned an extract from Statement II in respect

of particulars of duty collected and payable to the Municipality and Panchayats.

(g) Errors and omissions in crediting the transfer duty to a local authority in a quarterly statement detected after the submission of the statement shall be rectified by making plus or minus entries, as the case may be, against the figures relating to the concerned local authorities in the quarterly statement submitted immediately after the mistake are detected with a brief explanation for the necessity therefor.

8. Registering Officers shall put up a notice on the notice boards of their offices to the effect that parties to documents evidencing sales, exchanges, perpetual leases, gifts and mortgages with possession should correctly and clearly specify in the documents, the name of Panchayat Village and Municipality within the jurisdiction of which the properties affected by the documents are situated.

9. (i) The jurisdiction of a Panchayat Village of Municipality as the case may be shall be taken to be exactly the same as is given in the notification of the Government in the Local Administration Department constituting Panchayat Villages and Municipalities and no changes shall be recognised except those made by notifications issued by the competent authority.

(ii) Surcharge duty shall be allocated and credited to the Municipal funds or Commune Pauchayat deposit funds as the case may be,

10. The Commissioners of Municipal Councils and Commune Panchayat Councils have been required by the Government to send to the Sub-Registrars having jurisdiction over their respective areas, copies of notifications altering their limits, from time to time.

11. Instruments of sales of hereditary rights, sales of fisheries, and gifts falling under the definition of "settlement" in

the Indian Stamp Act, and certificates of sale are not instruments on which transfer duty is leviable.

12. (a) The concession allowed under the proviso to section 24 of the Indian Stamp Act in regard to stamp duty is applicable to transfer duty also.

(b) Transfer duty is leviable on instruments of further charge with possession.

13. (1) In regard to cases where surcharge on stamp duty is not levied in pursuance of exemption granted under section 9 of the Stamp Act, the following formalities shall be observed for administrative convenience. The Sub-Registrars should send a list furnishing the details of exemptions granted to the Commissioners of Municipalities or Commune Panchayats as the case may be for recording the resolution of these bodies and for formally waiving the collection of surcharge in such cases.

(2) The list should be sent by each Sub-Registrar to the Commissioners concerned every calendar year on the 15th January in the form Annexure. VII given below. A periodical should be opened for the purpose in each registration office. A copy of the list mentioned above should be sent by each Sub-Registrar to the District Registrar concerned for his information and record.

ANNEXURE-I

AMOUNT OF TRANSFER DUTY COLLECTED UNDER SECTION 158 OF THE PONDICHERY MUNICIPALITIES ACT, 1973 AND SECTION 149 OF THE PONDICHERY VILLAGE AND COMMUNE PANCHAYATS ACT, 1973.

Date	Docu- ment No.	Nature of docu- ment.	Value of docu- ment.	Stamp duty borne by the document.	Amount of transfer duty levied	Municipality Valu Trans
1.	2.	3.	4.	5.	6.	7.

Panchayat Village.	Panchayat Village.	Outside sub- district.	Initial of the sub-Registrar.
Value Trans.	Value Trans.	Value Trans.	
8.	9.	10.	11.

Total

Total upto the end of the last month

Grand Total

- Note: (i) The account shall contain as many columns (which correspond to ledgers) as there local authorities with in the jurisdiction of the Sub-Registrar or the original jurisdiction of the Registrar.
- (ii) The account shall, whenever necessary, be maintained in the form of statements I to III & V of Registrarion statistisc by adding a sheet of paper.

ANNEXURE-II

Intimation of collection of transfer duty relating to Document
No. of 19 of Book I

PARTICULARS OF PROPERTY LYING OUTSIDE THE SUB-DISTRICT

Name of local authority	Serial Number of property	Value	Amount of transfer duty collected.
----------------------------	------------------------------	-------	---------------------------------------

S. R. O.

SUB-REGISTRAR

Date:

To

The Sub-Registrar of

ANNEXURE—III

ABSTRACT OF ACCOUNT OF TRANSFER DUTY

(To accompany copy of account of Transfer Duty for the last month of quarter ending).

Names of Local Authority.	No. of documents.	Aggregate value.	Amount of transfer duty collected.	Net amount Payable.
(1)	(2)	(3)	(4)	(5)
Municipality				
1.				
2.				
Panchayat Village				
1.				
2.				
3.				
Total		a	b	
Total (Columns (4) and (6) of the account-Annexure I):				
Deduct property situated outside the sub-district:				
Balance		c	d	

Note: (a) and (b) should agree with (c) and (d) respectively.

ANNEXURE-IV
STATEMENT-I

Consolidated statement of Transfer Duty collected under Section 158 of the Pondicherry Municipalities Act, 1973, Section 149 of the Pondicherry Village and Commune Panchayats Act, 1973, for the quarter ending 19

Name of Local Authority	Total No. of documents (Sales M. W. p' s. Gifts)	Aggregate value of transactions in columns (2)	Amount of Transfer duty collected
1.	2.	3.	4.
Municipalities			
1.			
2.			
3.			
Total	-----	-----	
Panchayat Villages.			
1.			
2.			
3.			
4.			
5.			
6.			
Total	-----	-----	
ABSTRACT			
Municipalities (Total)			
Panchayat Villages (Total)			
Grand Total	-----	-----	

Note: Panchayat Villages be arranged alphabetically under each Commune Panchayat or Municipality as the case may be which shall also be arranged alphabetically.

ANNEXURE-V
STATEMENT-II

Consolidated statement of transfer duty collected under Section 158 of the Pondicherry Municipalities Act, 1973 and Section 14, of the Pondicherry Village and Commune Panchayats Act, 1973 for the quarter ending 19

Name of local Authority 1.	Amount of transfer duty collected. 2.	Net amount payable. 3.
-------------------------------	--	---------------------------

Particulars in col. (1)
Abstract and the note
at foot as in Statement
I, Annexure. IV

ANNEXURE-VI

FORM FOR VERIFICATION OF QUARTERLY STATEMENTS OF TRANSFER DUTY LEVIED.

Office. 1.	Commune Panchayats		Municipalities.	
	Total value 2.	Total amount of surcharge levied. 3.	Total value 4.	Total amount of surcharge levied. 5.
	Rs.	Rs.	Rs.	Rs.
District Registrar's office				
Sub-Registrar's office				
A				
B				
C				
Total				

ANNEXURE—VII

LIST OF DOCUMENTS EXEMPTED FROM PAYMENT OF STAMP
DUTY UNDER SECTION 9 OF THE STAMP ACT, DURING THE
YEAR WITH REFERENCE TO PARAGRAPH 3.

DISTRICT

Sl. No.	Document Number.	Number and date of Government Order remitting stamp duty.	Nature of document and value.	Village or Place where property is situated.
(1)	(2)	(3)	(4)	(5)

Name of parties.		Amount of transfer duty.
Executants	Claimants.	
(6)		(7)

[Memorandum No. 14372/76/C dated 18-9-1976 of Revenue Department]

45. (a) THE PONDICHERY MUNICIPALITIES (OCTROI) RULES, 1976.

In exercise of the powers conferred by Section 440 read with clause (d) of sub-section (2) of Section 118 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) the Lieutenant - Governor Pondicherry hereby makes the following rules namely:—

1. Short title, extent and commencement:— (1) These rules may be called the Pondicherry Municipalities (Octroi) Rules, 1976.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force on such date as the Government may, by notification, appoint:

Provided that different dates may be appointed for different areas.

2. Definitions:— (1) In these rules, unless there is anything repugnant in the subject or the context—

(a) "Act" means the Pondicherry Municipalities Act, 1973 (No. 9 of 1973);

(b) "barrier" means a barrier established under rule 10;

(c) "branch octroi office" means a branch of the head octroi office under the control of an Assistant Octroi Superintendent;

(d) "carbon process" means writing a document in duplicate by an indelible pencil by means of a double faced carbon paper;

(e) "central barrier" means a barrier at the head octroi office or at a branch octroi office;

(f) "council" means a municipal council constituted under section; 7

(g) "Director" means the Director appointed under subsection (1) of section 106;

(h) "export" means export from the octroi limits;

(i) "Form" means a form appended to these rules;

(j) "import" means the carrying of articles or goods by railway or road or water or by air into the octroi limits;

(k) "importer" means a person actually in charge of the goods at the time of their import, irrespective of such person being the carrier and shall include the person presenting a railway receipt or a declaration form or both;

(l) "Ledger" means the classification of articles included in the Schedule in appropriate categories ;

(m) "octroi" means tax on the entry of articles of goods into the limits of a Municipality for consumption, use or sale therein ;

(n) "octroi limits" means the limits of the Municipality ;

(o) "railway barrier" means barrier for the interception of traffic from railway premises, so described by public notice exhibited thereat ;

(p) "Schedule" means; the Schedule appended to these rules:

(q) "section" means a section of the Act;

(r) "vehicle" includes a carriage, cart, van, dray, truck, hand cart, tricycle, cycle-rickshaw, auto rickshaw, motor cycle and every wheeled conveyance which is used or is capable of being used on a street.

(2) words and expressions used in these rules but not defined shall have the meaning assigned to them in the Act.

3. Levy and collection of octroi. (1) Subject to the exemptions and the other provisions hereinafter expressly specified, if the council by a resolution, determines that octroi shall be levied on articles or goods or both brought within the octroi limits for consumption, use on sale therein, such octroi shall be levied on such articles or goods of the description mentioned in the Schedule hereto annexed, at such rates not exceeding those specified for such articles or goods respectively in the said Schedule and in such manner as may be determined by the council:

Provided that no octroi shall be levied on articles or goods brought into the municipality in the course of transit to any place outside the municipality and directly removed out of the municipality by rail, road or water.

(2) The Government may, by notification in the official gazette, vary from time to time, rates specified in that Schedule, in relation to any article or goods or classes of articles or goods, so however, that where the rates are increased, the increased rates shall not be more than three times the rate so specified.

(3) The Government may, by like notification, declare that with effect from such date as may be specified in the notification. The octroi levied in relation to any article or goods or classes of articles or goods, shall for reasons specified in the notification. cease to be levied:

Provided that the Government shall before issuing such notification, communicate to the council the grounds on which the Government proposes to do so, fix a reasonable period for the council to show cause against the proposal and take into consideration the explanations and objections, if any, offered by the council.

(4) The provisions of sub-rule (1) shall apply in respect of articles or goods belonging to Government as they apply in

respect of articles or goods other than those belonging to Government.

4. Table of rates of octroi to be affixed on certain places:—

The Commissioner shall cause tables of octroi to be printed and to be affixed in a conspicuous position at every barrier at which the octroi is levied.

5. Exemptions.— If, in the opinion of the Council, reasonable grounds exist for so doing, it may with the prior sanction of the Government grant and define by regulation in the Official Gazette, exemptions in exceptional cases from payment of octroi leviable on articles or goods or both brought within the octroi limits for consumption, use or sale therein.

6. Refund of octroi.— (i) When any article or goods upon which octroi has been paid shall be exported beyond the octroi limits of the Municipality the full amount of octroi so paid shall be refunded under the following conditions namely:—

(i) the importer exports the articles or goods on which the octroi has been paid within thirty days of the import.

(ii) during the detention within the municipality the article or goods does not change its bulk or form.

(iii) any person claiming refund shall produce the goods to be exported by road at octroi Head Office together with the original receipt for octroi paid thereon and an application in a form as may be prescribed by the Commissioner, for refund prepared in triplicate. He shall fill up the form signing and dating the same before he present it in the octroi head office. After certification from the octroi head office he shall present the form in triplicate before the officer in charge of the barrier form where he will be exporting the article. He shall get this form certified by the barrier officers that the goods mentioned in the

form have left the municipal limits. After this, he shall present the form in the octroi head office for refund.

(iv) if the articles are for export by rail the form in triplicate shall be filled up at the octroi head office. This form shall be presented before the railway barrier officers for verification. After the articles or goods have left the octroi limits the form duly certified by the railway barrier officer together with the railway receipt shall be presented in the head office for refund.

(2) The Commissioner may extend the time of export and the time for presenting an application for refund up to a maximum period of two months, if the importer satisfies the Commissioner that the delay was due to circumstances beyond his control.

(3) (i) Any person claiming refund of octroi paid by him for reasons not covered under sub-rule (1) and (2) may make an application for refund of such octroi to the Commissioner before the expiry of six months from the date of payment of octroi:

Provided that the limitation of six months shall not apply where any octroi has been paid under protest.

(ii) If, on receipt of any such application, the Commissioner is satisfied that the whole or any part of octroi paid by the applicant should be refunded by him, he may make an order accordingly.

(iii) Where, as a result of any order passed in appeal or revision under the Act refund of any octroi becomes due to any person, the Commissioner shall refund the amount to such person without his having to make any claim in that behalf.

7. Collection of octroi how to be effected:-- (1) Octroi:--

(a) may be collected under the orders of the Commissioner by the Octroi Superintendent, Assistant Octroi Superintendent, Octroi Inspectors and staff of barriers or any other municipa

officers and servants duly appointed by the Commissioner in this behalf ; or

(b) if the Commissioner thinks fit, may, with the approval of the municipal council, be farmed out by him for any period not exceeding one year at a time and be collected by or under the orders of any person whom the Commissioner with the approval of the municipal council appoints to be his agent for this purpose.

(2) Octroi shall be collected, and refunds of octroi shall be made, at such places and be managed and controlled in such manner as the Commissioner with the approval of the municipal council shall from time to time direct.

8. Powers of persons authorised to collect and refund octroi.— Every person authorised under rule 7 to collect or to refund octroi shall have in respect of its collection or refund such powers and privileges and be subject to such liabilities in respect of anything done by him or for the purpose of collecting or refunding octroi as provided under these rules and in respect of the confiscation of goods in connection therewith, as are conferred by the provisions of the Act and these rules in respect of distress of movable property or vehicles.

9. Establishment of barriers:— The Municipal Council with the prior approval of the Government shall establish barriers:—

(a) in the close vicinity of the railway premises, or with the consent of the railway administration, within such railway premises ; and

(b) at any other place on or in the immediate vicinity of the octroi limits that may from time to time be determined as most suitable for intercepting the import of articles or goods for assessment and collection of octroi.

10. Establishment of Branch Octroi Office:— Where such a course is desirable in the interests of trade by reason of the distance between the Head Octroi Office and the outpost of railway barriers, the Commissioner may, with the previous sanction of the Municipal Council and the Government establish a branch octroi office.

11. Octroi Superintendent:— (1) The Commissioner shall appoint an office to be known as the Octroi Superintendent who shall perform such functions and exercise such powers as may be delegated to him by the Commissioner in respect of assessment and collection of octroi in addition to such function and powers as he shall, on behalf of the Commissioner, perform and exercise under these rules.

(2) The Commissioner may from time to time appoint one or more Assistant Octroi Superintendents and may with the previous approval of the municipal council determine what functions and duties imposed by these rules upon the Octroi Superintendent may be discharged by such Assistant Octroi Superintendent or Superintendents.

12. Assistant Octroi Superintendents:— If a branch Octroi Office has been established under the provisions of rule 10, there shall be appointed an Assistant Octroi Superintendent to be in charge thereon, and such Assistant Octroi Superintendent subject to the provisions of these rules, shall in respect of the branch octroi office and of the barriers subordinate to it, discharge the functions and perform the duties imposed upon the Octroi Superintendent in respect of the Head Octroi Office and the working of barriers generally.

13. Octroi Inspectors:— The Commissioner shall appoint Inspectors who, in addition to discharging any other duties imposed upon them by these rules, shall ensure that no articles or goods liable to the payment of octroi are imported without such payment, shall supervise the working of the barrier or barriers

placed in their respective charge and shall see that the staff at the barriers comply with the rules laid down for their observance and discharge their duties conscientiously and properly.

14. Staff of barriers:— The Commissioners shall appoint at each barrier an officer-in-charge of the barrier and such other staff for the assessment and collection of octroi as may be necessary for such barrier and it shall be the duty of such officer-in-charge and the other staff to see that all articles or goods liable to octroi are stopped at the barriers and dealt with according to these rules.

15. Wearing of uniforms and badge by Octroi Officers:— Every octroi officer shall wear prescribed uniform and a badge indicative of his office or shall have with him, ready to be displayed the order appointing him which shall be under the signature of the Commissioner or any other person authorised by him in this behalf.

16. Inspection of barriers.— (1) It shall be the duty of the Commissioner, Octroi Superintendent, Assistant Octroi Superintendent, Octroi Inspector and such other officer as may from time to time be authorised by the Commissioner in this behalf to visit the barriers and to inspect the registers and accounts maintained in accordance with these rules.

(2) An inspection book shall be maintained at each barrier in Form I and the Officials mentioned in sub-rules (1) and (4) inspecting the barriers shall note therein the results of their inspection in detail.

(3) If in any such note any complaint is made or defect in the working of the barriers is pointed out, a copy of the note shall at once be sent by the officer-in-charge of the barrier through the Octroi Superintendent to the Commissioner for such action as he may deem fit.

(4) The barrier shall also be inspected by the Auditor of Accounts appointed by Government under Section 205 of the Act and audit staff as may be authorised by him in this behalf.

(5) The barriers may also be visited and inspected by such officers of the Government as may be authorised from time to time by the Government.

17. Maintenance of schedule, list of prices and rules at the barriers.— (1) At every barrier, there shall be kept under the signature and seal of the Commissioner upto date copies in English and in the language of the region of the Schéaule and the Pondicherry Municipalities. (Octroi) Rules, 1976.

(2) The Commissioner may also make arrangements for the sale of copies of the Scheduled and the rules at the barriers at such price as may be fixed by him.

18. Weighing arrangements to be made at barriers:— The Commissioner shall provide at each barrier a suitable set of scales and weights or a weighing machine which shall always be kept in proper working order by the officer-in-charge of the barrier and shall be tested at intervals of not more than three months by the Octroi Superintendent or by any other officer authorised by him in this behalf and such Superintendent or officer shall record the result of each test in the Inspection Book maintained in Form I.

19. Method of assessment of Octroi:— Every person bringing into or receiving from beyond the octroi limits of the municipality any article or goods on which octroi is payable shall pay the octroi leviable on such articles or goods at such rates at such time, place and to such person as may be specified by the council in or under the authority of these rules:—

Explanation:— The weight or volume of the articles or goods imported shall be deemed to be the gross weight or volume of the articles or goods, that is inclusive of the weight of the containers such as bags, packing cases, drums and cans, but not the weight of the conveyance in which the goods are carried.

20. Declaration to be made of destination of goods at the time of import:— (1) when any articles or goods liable to octroi

are brought to a barrier for import the officer-in-charge of the barrier shall call upon the person-in-charge of such articles or goods to declare and such person shall declare whether such articles or goods are intended--

- (a) for immediate export; or
 - (b) for consumption use or sale within the octroi limits ;
- or
- (c) for temporary detention within the municipal limits and re-export under the Re-export Pass System.

(2) If any person refuses to make a declaration as required by the provision of sub-rule (1) he shall be deemed to have been guilty of a breach of that sub-rule and it shall be deemed that the goods in respect of which the declaration should have been made have been declared to be intended for consumption, use or sale within the octroi limits.

21. Goods for immediate re-export to be dealt with under the transit pass system or transit refund system:— When goods liable to octroi are declared to be intended for immediate export under the provisions of sub-rule (1) of rule 20, they shall be dealt with under the Transit Pass System.

22. Transit Pass System:-- (1) (a) When such articles or goods for which no octroi is leviable on account of their being intended for immediate export, are brought at the barrier of import, the importer shall declare in writing in such form as may be specified by the Commissioner from time to time that the articles or goods are intended for immediate export and he shall take or send the articles or goods with the invoice or delivery note or in the absence of the same with a written declaration of the details of the consignment in the barrier where the invoice or declaration shall be abstracted into an invoice or delivery note register to be kept up in such form as may be specified by the Commissioner.

(b) On receipt of such a declaration, the officer-in-charge of the barrier shall fill up, by the carbon process, a transit pass, free of cost in Form 2 and affix his seal of the barrier on the invoice or delivery note so produced with such further markings thereon as may be specified generally by the Commissioner so as to identify the goods during transit.

(c) Ordinarily one transit pass shall be granted for each vehicle conveying the articles or goods.

(2) The importer shall forthwith take such articles or goods to the barrier of export via such route as may be specified generally by the Commissioner from time to time in respect of various destinations.

(3) When such articles or goods are brought to the barrier of export, the importer shall present the pass granted to him under sub-rule (1) and the officer-in-charge of the barrier of export shall collect the pass and note therein the time at which it is presented and check the goods with the particulars given in the invoice or delivery note which has been duly verified and sealed at the barrier of the import; and then

(a) if the articles or goods tally with the particulars entered in the invoice or delivery note, the officer-in-charge shall allow the articles or goods to be exported, retaining the pass for submission to the head office through the barrier of the import and shall hand over an acknowledgment coupon duly signed to the importer in token of his having collected the pass; or

(b) if the description or weight of the article or goods does not tally with the particulars entered in the invoice or delivery note and there is any shortage in the weight of any such article or goods, or if any of the articles or goods are of a description different from the description of the articles or goods entered in the invoice or delivery note, the officer-in-charge shall make a report of the discrepancy under intimation to the importer and shall then proceed as if the articles or goods to the extent of

such shortage in weight or of such description, were being imported for consumption, use or sale within the octroi limits: or

(c) if twenty-four hours have elapsed after the pass is issued, the officer-in-charge of the barrier shall demand the full amount of tax ordinarily payable on the articles or goods on import and thereafter shall produce as if the consignment of the articles or goods were being imported for consumption use or sale therein within the octroi limits.

(4) The officer-in-charge of the barrier shall each day send to the head office the books of transit pass and the Octroi Superintendent shall examine each duplicate copy of the pass and shall place his date and initials thereon in token of his having done so and if there is any case where the original pass is not found pasted on the duplicate copy of the pass by the evening of the second day following its issue, a special investigation shall at once be made by the Octroi Superintendent and particulars of every such pass shall be entered in a register to be maintained in Form 3.

(5) Whenever it comes to the notice of the Commissioner that the transit pass for a particular destination is being misused in as much as the goods covered by such pass are smuggled from such destination into the octroi limits, the Commissioner with the previous approval of the council and of the Government, may prohibit or suspend for such period as he may consider necessary the issue of transit pass for such destinations.

23. Verification of Register of transit passes:-- In order to exercise check over the verification of transit passes made by the officer in charge of barriers at the export barriers, there shall be maintained a register of transit passes in Form 4 which shall be kept at all the barriers and entries shall be made therein by the officer-in-charge at the time of allowing goods to be exported on a Transit Pass.

24. Agency of assessment:— The octroi payable in respect of goods imported for consumption, use or sale within the octroi limits shall be assessed by the officer-in-charge of the barrier or Octroi Inspector or Assistant Octroi Superintendent or Octroi Superintendent or any other officer or servant of the council duly authorised in this behalf by the Commissioner.

25. Procedure at outpost barriers:— (1) When articles or goods imported and intended for consumption, use or sale within octroi limits are brought to a barrier, the officer-in-charge of the barrier shall assess the octroi payable in respect thereof and unless the person in charge of the articles or goods disputes such assessment, shall fill up a receipt in duplicate by carbon process in Form 5, together with the coupon appended thereto, and shall demand the amount of octroi payable from the person-in-charge of the articles or goods and on receipt of the amount shall hand over the receipt, with coupon attached to such person.

(2) If a person-in-charge of the articles or goods disputes the assessment made by an officer-in-charge of a barrier under the provision of sub-rule (1) the officer in charge of the barrier shall enter the details of the goods in a pass in Form 6 of which he shall hand over the foil, with the coupon attached duly filed up, to such person, who shall forthwith take it with the goods to the Head Octroi Office.

26. Assessment at Head Office of articles or goods forwarded from out post barrier and collection at central barrier of octroi assessed at Head Office:— When articles or goods are brought to the Head Octroi Office under the provision of sub-rule (2) of rule 25, the Octroi Superintendent shall first see that the goods agree with the details entered in the pass in Form 6 issued in respect of them at the import barrier, and shall then assess the amount of octroi payable and note it on the back of the foil in Form 6. He shall then hand it over to the person-in-charge of the Central barrier, who on the receipt of the amount payable

shall make out a receipt in Form 5, by carbon process, filling the coupon attached, note the number and date of the receipt in Form 5, on the back of the pass in Form 6, sign and hand over the original receipt in Form 5, with coupon attached to the importer.

27. Railway receipt and Invoice register to be maintained.-

(1) When any person receives the railway receipt of articles or goods consigned by rail and intended for consumption use or sale within octroi limits he shall before taking delivery of such articles or goods, take or send the railway receipt with the invoice or, in the absence of the invoice, with a written declaration of the details of the consignment to the railway barrier where, if the goods are found to be liable to octroi, the receipt and the invoice or declaration shall be abstracted into a Railway Receipt and Invoice Register to be kept up in Form 7.

(2) The Octroi Superintendent shall check the entries in the Railway Receipt and Invoice Register with twenty-five per cent of the receipts issued under rule 29 and shall satisfy himself that tax has been correctly assessed, and shall initial and date all entries and receipt checked.

(3) The Auditor of Accounts appointed under Section 205 of the Act shall periodically examine the Railway Receipt and Invoice Register and compare with the entries made therein. The declaration, if any, filed under rule 29 and the entries in the register and declarations checked shall be initialled by him.

28. Assessment and collection of octroi on import by rail— The registration of the consignment under rule 27 having been completed the officer-in-charge of the railway barrier shall determine the octroi leviable and the amount payable shall be demanded from the person presenting the railway receipt, to whom on payment of the amount a receipt to be prepared induplicate by carbon process shall be granted in Form 8, of which the coupon and second foil shall be left blank, and the carbon copy retained;

the railway receipt and invoice shall then be stamped with a municipal stamp and returned to such person, and the declaration, if any, shall be stamped and filed.

29. Procedure on removal of goods from railway premises:-

All articles or goods removed from the railway premises and intended for consumption, use or sale in octroi limits, shall, if liable to octroi, be brought to the railway barrier, where the person-in-charge of the articles or goods shall present the receipts, if any, obtained under rule 28 and the officer-in-charge after satisfying himself that the articles or goods agree with the details entered in the receipt shall fill up the second foil of the receipt tear it off and retain it and hand back the first foil, with the coupon attached duly filled up to the importer.

Provided that, if only a portion of the consignment covered by the receipt arrives at the railway barrier, the officer-in-charge shall tear off the first foil and note the quantity imported as well as the time and the date, on the reverse of the first and second foil repeating the operation as each subsequent instalment of the consignment is brought to the barrier, and in this case the second foil shall not be sent to the head octroi office until the whole consignment has been imported.

30. Rail-borne imports not covered by receipt in Form 8:—

If articles or goods liable to octroi are intended for consumption, use or sale within octroi limits, are brought to the railway barrier for import, and are not covered by a receipt in Form 8 or do not tally with the description of the articles or goods entered in the receipt purporting to cover them they shall be dealt within accordance with the procedure prescribed in sub-rule (2) of rule 25 and rule 26; provided that before handing a receipt in Form 5, to the importer or person-in-charge of the goods, the officer-in-charge of the railway barrier shall cause particulars of the goods, together with the name of the importer to be entered in a Register of Un-registered Rail borne Imports to be maintained in Form 9.

31. Repayment of octroi on rail-borne articles or goods in excess of amount due on articles or goods actually imported:--

(1) If, for any reason such as short delivery of articles or goods by the railway administration or diversion of articles or goods to some other destination before import, the quantity of articles or goods actually imported is less than the quantity in respect of which octroi has been paid under the provision of the rule 28, the officer-in-charge of the railway barrier shall note in red ink on the first and second foils and coupon of the receipt in Form 8 the actual quantity of articles or goods imported and the importer may, within seven days of the date of actual import or of the date of the import of the last instalment of a consignment, present at the head octroi office a claim for a drawback of the amount of octroi paid in excess of the amount payable in respect of the articles or goods actually imported; and if the Octroi Superintendent is satisfied that such claim is correct, he shall pass the claim for payment out of his imprest by the Officer-in-charge of the Central Barrier.

(2) The quantity of articles or goods in respect of which the claim is passed under sub-rule (1) and the amount of octroi repaid shall be entered in the head office ledger in red ink under the totals of the day from which the amounts shall be deducted; and the payment shall be dealt with in the account in accordance with the account rules in force.

(3) Claims for drawbacks on account of excess payments of octroi owing to miscalculations or any other cause shall be dealt with so far as may be in accordance with the provisions of sub-rules (1) and (2).

32. The Re-export Pass System:— (1) A person importing articles or goods intended for temporary retention within octroi limits and eventual re-export may avail himself of the Re-export Pass System.

(2) No person shall be permitted to make use of the Re-export Pass System unless he had made a security deposit

of Rs. 1,000/- in cash for due compliance with the provisions of these rules. This security shall be liable to confiscation in the event of any infringement of these rules.

(3) The Octroi Superintendent, shall maintain a list of all such persons who have thus acquired the title to avail themselves of the Re-export Pass System. The list shall be kept corrected up-to-date and copy thereof duly attested by the Octroi Superintendent supplied to and pasted at each barrier.

(4) When a person wishes to import any articles or goods at outpost barrier on a Re-export Pass, he shall apply for it to the official - in - charge of the barrier and make a true declaration to the effect that the articles or goods to be imported are not intended for consumption, use or sale, within the Municipality but for temporary retention, and re-export under the Re-export Pass System. The Official-in-charge after satisfying himself that the applicant's name is borne on his list and after referring to the receipt or letter, produced by the applicant in proof of his having made the necessary deposit, shall admit the articles or goods and after preparing a pass in duplicate in Form 10 by the carbon process shall hand over the original to the importer and forward the duplicate to the Head Octroi Office.

(5) The passes to be issued in Form 10 shall be bound in book form, each book containing a uniform number of leaves and each leaf bearing printed book number and serial number. A stock account of the pass books shall be maintained at the Head Octroi Office in such form as the Commissioner may specify and no new book shall be issued unless the previous one has been completely used and returned.

(6) The pass issued under sub-rule (4) shall be valid for a period of one month, and may be renewed from time to time an authority of Commissioner on receipt of an application from the person concerned atleast 4 days before the expiry of the previous term, provided that the total period of the validity of such pass shall not exceed one year.

(7) When the person concerned desires to re-export the goods in question, or a portion of them, he shall send an intimation to the Head Octroi Office stating the date and time at which and the barrier through which he proposes to re-export them. He shall then fill up the second foil of the pass in his possession stating the number, weight and description of the articles or goods to be re-exported and submit the pass to the Head Octroi Office. The officer-in-charge of the Head Octroi Office shall then sign and return the pass and send intimation to the barrier in question of the date and time stated. The officer-in-charge of the barrier shall receive from the person concerned the pass in Form 10, compare the details therein with the goods exported and record the result of his verifications in the third foil. He shall then send the pass to the Head Octroi Office, where the details of the second and third foil shall be copied into the corresponding foils of the duplicate pass kept at the Head Octroi Office and attested by the officer-in-charge. The original pass shall then be returned to the person concerned to enable him to re-export the rest of the consignment.

(8) For every person permitted to take advantage of the Re-export Pass System, a ledger account shall be opened in a register to be maintained in Form 11 in which all imports and re-export shall be entered as soon as intimation thereof is received at the Head Octroi Office under sub-rules (4) and (7) above. The entries of re-exports, in case the articles or goods are removed from the octroi limits in more than one instalments, shall be so recorded as to appear against the imports made on the same pass. For this purpose sufficient space shall be left under each pass to provide for the entry of all re-exports made on it subsequent to the first.

(9) On the expiry of the period of one month from the date of the issue of the pass or of the subsequent extended period a balance shall be struck in the register to ascertain the quantity of the unexported articles or goods, if any lying with the passholder in respect of that particular pass.

(10) On the application of a depositor for the refund of his security, or on the coming to light of circumstances disclosing any abuse of the pass, the account shall be closed, the total re-exports shall be set off against the total imports on all the passes issued from time and the balance of unexported articles or goods with the pass-holder, if any, worked out. In the case of a depositor who has applied for a refund, if no amount is found due from him and the rules have not been infringed, the deposit shall be refunded to him. In all other cases, action shall be taken as laid down in the preceding sub-rule.

33. Record of security deposits:— Security deposits made under sub-rule (2) of rule 32 shall be entered in the Register of Deposits to be maintained in the form specified by the Commissioner.

34. Inspection of goods liable to octroi:— (1) Every person bringing into, or receiving from beyond the octroi limits of the Municipality any article or goods on which octroi is payable shall when required by the Octroi Superintendent or Assistant Octroi Superintendent or Octroi Inspectors or any other officer duly authorised by the Commissioner in this behalf and so far as may be necessary for ascertaining the amount of tax chargeable.

(a) permit that officer to inspect, examine and weight and otherwise deal with the articles or goods; and

(b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the articles or goods.

(2) If any person bringing into, or receiving from beyond the octroi limits of the municipality any conveyance or package, shall refuse on the demand of an officer mentioned in sub-rule (1) to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any article or goods in respect of which

octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before the Commissioner who shall cause the inspection to be made in his presence.

(3) If, on checking the articles or goods with the receipt or pass, any of the officers mentioned in sub-rule (1) finds that all the items in the receipt or pass are correct, he shall sign the coupon attached to the receipt or pass; he shall tear the coupon off the receipt or pass and keep it for comparison with the counterfoil or the carbon copy, as the case may be, at the barrier, and shall then endorse his name on the back of the receipt or pass and return it to the presenter.

(4) If the person-in-charge of the articles or goods has no receipt or pass or, if the said officer finds reason to believe that the full amount of octroi has not been paid on the articles or goods or that the articles or goods do not tally with the description entered in the receipt or pass, such officer, may, and, if he finds that the second foil of a pass granted under rule 28 has not been torn off, the case shall be inquired into by the officer and if necessary by the Commissioner and then the officer in case the octroi payable on such articles or goods has not been paid or has not been paid in full, shall assess the amount of tax payable demand payment of the amount from the person-in-charge of the articles or goods, and, on receipt of the amount, shall fill up a receipt in duplicate, by carbon process in Form 5, retain the carbon copy and hand over the original with the coupon attached duly filled up, to the person-in-charge of the articles or goods. The officer shall also subsequently report the case to the Commissioner for such action as he may deem fit and necessary under the Act and the rules made thereunder.

(5) An officer obtaining coupons under sub-rule (3) shall take such coupons to the barrier or barriers from which they were issued, and verify the coupons with counterfoils or carbon copies, as the case may be and if he finds that the entries, are correct, shall initial the counterfoils or carbon copies, as the

case may be and if in any case a discrepancy is detected, he shall forward the coupon concerned under separate cover to the Commissioner with a report.

35. Seizure of any article on which octroi duty has not been paid:— (1) The Octroi Superintendent, the Assistant Octroi Superintendent, the Octroi Inspectors or any other officer duly authorised by the Commissioner in this behalf, if he has reason to believe that any article or goods on which octroi has not been paid but which is liable to octroi is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such articles or goods on which octroi has not been paid, may seize any such article or goods.

Provided that any article or goods so seized shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure:

Provided also that nothing in this rule shall apply to any article or goods liable to octroi, if the value of such article or goods does not exceed two hundred rupees in value and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(2) Searches and seizures to be governed by the Code of Criminal Procedure, 1973:— The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall so far as may be, apply to all searches and seizures effected under this rule.

36. Power to seize articles or goods on non-payment of octroi:— (1) In the event of non-payment of any tax on demand, the officer empowered to collect the same may seize any articles or goods on which the tax is chargeable, or any part thereof sufficient value to satisfy the demand.

(2) When any articles or goods are seized under the provisions of sub-rule (1) the officer seizing them shall immediately give to the importer a notice in Form 12.

(3) The said officer after the lapse of five days of the seizure and after the issue of a proclamation fixing the time and place of sale, may cause any articles or goods so seized or such portion thereof as may be necessary, to be sold by auction to satisfy the demand including the expenses occasioned by the seizure, custody and sale thereof, unless the tax demanded and expenses are in the meantime paid:

Provided that articles or goods of a perishable nature which cannot be kept for five days without serious risk of damage may, by an order of an officer to be appointed by the Commissioner in this behalf be sold after the lapse of such shorter time as that officer may, having regard to the nature of the articles or goods, think proper.

37. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.— (1) The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles or goods in respect of which it is leviable are introduced within the octroi limits of the municipality may at any time direct that an account current shall be kept on behalf of the municipal council of octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council shall determine in respect of such dues. Every amount so due at the expiry of any such interval shall be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the Act.

(2) The procedure for collection of octroi from the importer to whom this concession may be extended shall be as under:—

(i) each importer who has been allowed to pay the octroi against bills shall be allotted an account number under the signature and seal of the Commissioner;

(ii) it shall be the duty of the importer to present the authority containing the account number at the barrier, failing which the officer-in-charge shall refuse to allow the articles or goods to be imported without payment of the octroi in cash;

(iii) if the importer has produced the authority containing the account number, the collecting officer shall prepare a bill in such form as may be prescribed by the Commissioner in triplicate by the carbon process, and the original copy shall be handed over to the importer who shall keep it with him and shall produce it when called upon by the inspecting staff;

(iv) the second copy of the bill shall be forwarded to the head office along with other documents required to be so sent under these rules, but before forwarding the same the contents thereof shall be abstracted in the barrier ledger in red ink.

(v) the copy of the bill when received in the head office, shall be abstracted in a demand and collection register in such form as may be prescribed by the Commissioner in which one page shall be allotted one importer and the account number of the importer shall be entered at the top of the page in red ink;

(vi) in the first week of every month a statement of account of each importer shall be prepared and forwarded to the importer concerned who shall within a week of the receipt of such statement make payment thereof; and

(vii) in case the payment of a bill is not received within a week, it shall be open to the Commissioner to withdraw the concession in respect of such importer informing him in writing of the date from which the concession shall be withdrawn.

38. Tax to be calculated to nearest paise:-- The tax shall be calculated to the nearest multiple of five paise, two and half paise or above being reckoned as five paise and less than two and half paise being ignored.

39. Manner of assessment of tax on mixed consignment:--

(1) All the articles or goods contained in a mixed consignment shall be charged for at the highest rate leviable on any portion of the consignment, unless the importer is prepared to give at the time of import all the details necessary for proper classification.

(2) Any article or goods made up of different substances shall be charged at the rate which is applicable to the heaviest of the substances of which the article or goods is made of.

40. Progressive totals of receipts to be filled up at once:--

Every collecting officer issuing a receipt other than a transit pass under any of these rules shall fill up the progressive total of octroi received at the foot of the carbon copy of the receipt at the time of issue thereof, and the Octroi Superintendent, Assistant Octroi Superintendent, Octroi Inspectors, or other officers duly authorised by the Commissioner inspecting a barrier shall see that progressive totals are thus filled up, and not postponed till the end of the day, carbon copies thus checked shall be initialled by the officer making the inspection, who shall also record the date of his inspection.

4. Closing of accounts etc:-- (1) At the close of each day, at the time to be fixed by the Commissioner the transactions of the day shall be closed; the officer-in-charge of each barrier shall have the progressive total of the money received for the day, taken up to the last carbon copy or counterfoil as the case may be, used in each book of receipts or passes and entered therein and shall also have the receipts of the day classified in a ledger to be compiled in Form 13, the classification being in accordance with the classification adopted in the schedule hereto annexed, the items shall be entered one after the other, from the carbon copies

of the day, the serial number of the receipt or pass being quoted in column 1 and the details of the articles or goods and the amount of octroi entered in the appropriate columns. The cash together with challan in triplicate, the receipt books, the ledger and the second foils of the receipt retained under rule 29 and the original of the passes prescribed under sub-rule (3) of rule 22 and rule 26 shall then be forwarded to the Head Office through a barrier clerk.

(2) To prevent delay and to ensure that all moneys as received by the collecting officer are immediately placed under lock and key, the Municipality shall provide a double set of locks and one cash box at each barrier so that while one set is at the head office, the other shall be available for use; the ledger shall be on loose forms.

42. Procedure at the Head office:— (1) At the Head Office, the Octroi Superintendent shall examine the carbon copies of the receipt received from the barrier and check atleast 2/3 of them in detail initialling the checked carbon copies in proof of having done so. He shall then sign the last carbon copy of the receipt on which the total for the day has been entered after recording the income of his cash book of receipt to be maintained in Form No. 14. The barrier clerk shall then be directed to get the entire receipts checked in detail by the officer duly appointed by the Octroi Superintendent in this behalf and hand over the amount to the Officer-in-charge for the receipt of the collection of octroi from barrier clerks and for crediting the amount of collections into the municipal funds.

(2) The coupons received from the barrier shall be examined as a check on the work of inspectors and then kept till the next audit of accounts.

(3) The foils of the passes (Form 6) received under rule 26 and the second foil of the receipt retained under rule 29 and forwarded to the Head Office under sub-rule (1) of rule 41 shall be pasted on the counterfoils or carbon copies, as the case

may be, and if, when examining the counterfoils or carbon copies, the Octroi Superintendent finds any counterfoil dated two days previously on which the foil has not been pasted, he shall at once cause a special investigation to be made.

43. Credit of the cash in municipal funds:— The barrier clerk shall then present the receipt book to the Head Office where the Octroi Superintendent or any other officer duly authorised by him in this behalf after verifying the progressive total entered on the last carbon copy shall stamp the same as "Checked and found correct" and affix his signature with date. The barrier clerk shall then hand over the cash together with the receipt book to the officer-in-charge for the receipt of collection of octroi from the barrier clerks. The officer-in-charge shall give simple receipt to the barrier clerks in token of the receipt of the amount. A statement showing the aggregate receipts of octroi for the day shall then be prepared barrier wise by the Octroi Superintendent and sent to the Commissioner.

44. Procedure for bringing the cash to account:— The cash shall then be brought to account in the aggregate of receipts so recorded in the general cash book on any day and reconciled with the statement of amounts credited into the municipal funds.

45. Compilation of Head Office Records:— (1) The ledger received from the barriers shall be arranged each day in a fixed order and the total of all the barriers for the day and the progressive total of all the barriers carried on from the beginning of each month shall be entered at the foot of the ledger of the last barrier.

(2) From these ledgers shall be compiled each day the head office ledger in Form 15; the columns of this ledger shall be totalled every month and at the end of the year a statement showing the totals under each head of the ledger for the whole year shall be prepared and submitted with other prescribed returns to the Commissioner.

46. Extraordinary passes for articles or goods exported and re-imported.— (1) Notwithstanding anything contained in these rules, if any person wishes to export articles or goods and subsequently re-import them without obtaining a refund on export and paying octroi on re-import he shall take the articles or goods to the octroi office, where a pass shall be issued to him.

(2) When a pass has been obtained under the provisions of sub-rule (1) the person-in-charge of the articles or goods shall take them to the barrier of export where they shall be presented within such time as the Commissioner may specify having regard to the distance from the head octroi office to the barriers concerned, and the officer-in-charge of the barrier shall see that the articles or goods tally with the details entered in the pass, and if they do so and the time by which the articles or goods should have been presented has not passed, shall sign the certificates on the export coupon, return the pass to the person-in-charge of the articles or goods and send the coupons to the head octroi office, where it shall be pasted on the original counterfoil or, if the articles or goods do not tally with the details entered in the pass or the time by which they should have been presented has passed; shall refuse to sign the export coupon and shall return the pass to the head Octroi Office.

(3) When articles or goods exported on a pass in Form 16 under the provisions of sub-rules (1) and (2) are brought back for re-import the officer-in-charge of the barrier shall demand the pass, satisfy himself that the articles or goods to be re-imported are covered by the pass, and, if they are so covered shall endorse the return of the articles or goods on the reverse of the pass, fill up the entrance coupon and tear it off for submission to the head Octroi Office, where it shall be pasted on the counterfoil with the exit coupon, return the pass to the person-in-charge of the articles or goods and suffer the articles or goods to pass the barrier and, if the articles or goods do not appear to be covered by the pass, shall deal with them as if they were articles or goods

declared to be intended for consumption, use or sale within octroi limits.

47. Extraordinary passes for articles or goods imported for repairs and to be re-exported:— (1) when articles or goods liable

to octroi are imported into the municipality for repairs and subsequent export the importer shall obtain a pass in Form 17. The officer-in-charge of the barrier shall fill up the counterfoil and columns 1 to 8 of the foil of the pass, tear off the foil with the exit coupon attached thereto and hand it over to the importer.

(2) The article or goods after repairs shall be brought to the barrier of import and the officer-in-charge of the barrier shall if the time covered by the pass has not expired and the articles or goods tally with those entered in the pass, fill up the exit coupon, tear it off and hand back the pass to the importer. The exit coupon thus detached shall be pasted with the original counterfoil. If, however, the description of the articles or goods does not tally with the particulars entered in the pass or the time of export has passed, the officer-in-charge of the barrier shall make a note of the discrepancy in column 9 of the pass and shall then proceed to assess the articles or goods as if the articles or goods detailed in the pass were being imported for consumption, use or sale within octroi limits.

(3) The repair passes shall be examined by the Octroi Superintendent daily with a view to seeing that the exit coupons have been pasted in respect of all passes the term of which has expired.

(4) The record of passes to which the exit coupons have not been attached will be noted in the Register of Mission Transit Passes in Form 3. A special investigation shall then be started at once to realise or remit, the octroi on the articles or goods imported on the pass.

(5) The Commissioner shall fix a period not exceeding fifteen days within which articles or goods of a particular description should be exported after repairs. The period so fixed shall be exhibited at every barrier and the officer-in-charge of the barrier at which articles or goods are imported shall enter the period accordingly in column 6 of the repair pass in Form 17. The Commissioner may extend the period in cases of real necessity.

48. Power to assess in case of escape from assessment:— Where for any reason any article or goods both brought within the octroi limits for consumption, use or sale therein has escaped assessment to octroi, the Commissioner may at any time within a period of three years from the expiry of the year to which the octroi relates, determine to the best of his judgment, octroi which has escaped assessment and assess such octroi after making such enquiry as he may consider necessary and after giving the person liable to pay such octroi a reasonable opportunity to show cause against such assessment.

49. Liability of principal and agents:— (1) Where these rules require anything to be done by the owner, importer or exporter of any articles or goods, it may be done on his behalf by his agent.

(2) Any such thing done by an agent of the owner, importer or exporter of any articles or goods shall, unless the contrary is proved be deemed to have been done with the knowledge and consent of such owner, importer or exporter, so that in any proceedings under these rules, the owner, importer or exporter of the articles or goods shall also be liable as if the thing had been done by himself.

(3) When any person is expressly or impliedly authorised by the owner, importer or exporter of any articles or goods to be his agent in respect of such articles or goods for all or any of the purposes of these rules such person shall, without prejudice to the liability of the owner, importer or exporter, be

deemed to be the owner, importer or exporter, of such articles or goods for such purposes;

Provided that where any octroi is not levied or is short levied or erroneously refunded on account of any reason other than any wilful act, negligence or default of the agent, such duty shall not be recovered from the agent unless in the opinion of the Commissioner the same cannot be recovered from the owner, importer or exporter.

50. Recovery of octroi short levied or erroneously refunded: -

(1) When octroi has been short levied, through inadvertence, error, collusion or misconstruction on the part of a collecting officer or through misstatement as to the quantity, description or value of such articles or goods on the part of the importer or where any such octroi, after having been levied has been owing to any such cause, erroneously refunded, the Commissioner may within one year from the date on which the octroi was paid or adjusted in the importer account current if any or from the date of making the refund, serve a notice on the person from whom such deficiency in octroi is recoverable requiring him to show cause to the Commissioner why he should not pay the amount specified in the notice.

(2) The Commissioner after considering the representation if any, made by the person on whom the notice is served under sub-rule (1), shall determine the amount of octroi due from such person not being in excess of the amount specified in the notice and thereupon such person shall pay the amount so determined within fifteen days from the date on which he is required to pay such amount or within such extended period as the Commissioner may in any particular case, allow.

51. Penalties.- Any person who-

- (a) commits a breach of sub-rule (1) of rule 20, or
- (b) fails to present the goods with the pass issued under the provisions of sub-rule (1) of rule 22 at the export barrier within twenty-four hours from the time of the issue of the pass, or

(c) fails to take--

(i) the receipt with coupons attached to the head octroi office and to pay octroi as required by sub-rule (2) of rule 25, or

(ii) goods along with the pass with coupon attached to the head octroi office as required by sub-rule (2) of rule 25, or

(d) fails to take or send a railway receipt to the head octroi office as required by sub-rule (1) of rule 27, or

(e) fails to bring any goods to the railway barrier as required by rule 29, or

(f) refuses to produce a pass or receipt demanded from him under the provisions of sub-rule (1) or (2) of rule 34, or

(g) fails to export the goods in respect of which a repair pass has been obtained under the provision of sub-rule (1) of rule 47, shall be punishable with fine which may extend to one hundred rupees.

SCHEDULE

(See rule 3)

ARTICLES LIABLE TO PAYMENT OF OCTROI

Sl. No. (1)	Name of the articles (2)	Maximum rates proposed (3)
		Rs. P.
1.	Bicycle, tricycle and rickshaw ...	5 00 per unit
2.	Cycle, bicycle and cycle rickshaw tyres ...	0 25 per tyre
3.	Dynamo with coil ...	0 10 per unit

(1)	(2)	(3)	
		Rs.	P.
4.	Motor cycle, scooter and similar products	10	00 per unit
5.	Motor car, tempo (trihwheelers) and other similar products	50	00 Do.
6.	Bus, lorry, tractor, bulldozer or the chassis thereof	100	00 Do.
7.	Tyres other than non-motorised vehicles	0	50 Do.
8.	Batteries for automobiles	2	00 Do.
9.	Radio, recordplayer, gramophone	5	00 Do.
10.	Radiogram, tape recorder	10	00 Do.
11.	T. V. Sets	15	00 Do.
12.	Sewing machine, amplifier	5	00 Do.
13.	Loudspeaker	2	00 Do.
14.	Electrical goods and wiring materials except fans	0	50 per kilo
15.	Electrical fans—ceiling, table or Pedestal fans	5	00 per unit
16.	Refrigerators, Air-conditioner	20	00 per unit
17.	Stationery articles	0	50 per kilo
18.	Caustic soda	5	00 per quintal
19.	Crackers, explosives	0	50 per kg.
20.	Matches	0	02 per dozen box
21.	(i) Cotton and cotton yarn	10	00 per quintal
	(ii) Cotton waste	0	50 per quintal
22.	(i) Spirits (including denatured spirit, mythilated spirit, rectified spirit)	0	10 per litre
	(ii) Paints, varnishes	0	10 per litre

(1)	(2)	(3)	
		Rs.	P.
23.	Biscuits, sweet meats	...	0. 05 per kilo
24.	Coffee seeds, coffee	...	10. 00 per quintal
25.	(i) Cigarettes	...	0. 10 per 100 cigarettes
	(ii) Beedies	0. 02 per 100 beedies
26.	Beer	...	3. 00 per dozen of full bottles of 750 ml. each.
27.	Brandy, whisky, rum and gin and similar products	...	6. 00 per dozen of bottles of 750 ml. each.
28.	Petrol and diesel	...	0. 05 per litre
29.	Kerosene, crude oil and other lubricants oil	..	0. 03 per litre
30.	Grains of all kinds including rice	..	0. 50 per quintal
31.	Pulses of all kinds	..	0. 50 Do.
32.	Flour of all kinds	..	2. 00 Do.
33.	Sugar	..	2. 00 Do.
34.	Cement	..	10. 00 per metric ton
35.	Edible oils	..	2. 00 per quintal
36.	Firewood, charcoal, coal, leco	..	1. 00 per metric ton
37.	Timber of all varieties	..	5. 00 per ton cubic metre,
38.	Iron and steel	..	5. 00 per metric ton
39.	Horlicks, Bournvita, Viva, Ovaltine and similar products including baby food.	..	1. 00 per dozentins/ bottles of 450gms.

(1)	(2)	(3)
		Rs. P.
40.	Typewriting machine	.. 5. 00 per machine
41.	Tobacco	.. 5. 00 quintal
42.	Tar barrel	.. 1. 00 per barrel
43.	Manure (artificial)	.. 10. 00 per metric ton
44.	Straw	.. 1. 00 per metric ton
45.	Coconut	.. 0. 50 per 100 coconuts
46.	Gunny bags	.. 0. 50 per 100 bags
47.	(i) Arrack pattai	.. 0. 05 per litre
	(ii) Toddy	.. 0. 02 per litre
48.	Empty bottles	.. 0. 50 per gross
49.	Jaggery	.. 1. 00 per quintal
50.	Medicine	.. 0. 50 per kilo
51.	All kinds of fruits	.. 0. 10 per kilo
52.	Metals of all varieties	... 1. 00 per quintal
53.	Blue metal (granite jelly)	... 6. 00 per ton cubic metres
54.	Sand	... 3. 00 per ton cubic metres
55.	(i) Bricks	... 1. 00 per (1,000) thousand bricks.
	(ii) Roofing tiles	... 0. 50 per sq. metre
	(iii) Flooring tiles	... 0. 50 Do.
56.	Lime (Chunnam)	... 6. 00 per ton cubic metres
57.	(i) Silver	... 50. 00 per kilo
	(ii) Gold	... 100. 00 per kilo
	(iii) Diamond	... 25. 00 per carrot
58.	Soapnut powder	... 0. 50 per quintal
59.	Opium	.. 20. 00 per kilo
60.	Umbrella	.. 0. 20 per Umbrella

(1)	(2)	(3)
		Rs. P.
61.	Bamboo	2. 60 per 100 numbers
62.	(i) Untanned skin	10. 00 per quintal
	(ii) Tanned skin	20. 00 per quintal
63.	Husk	3. 00 per ton cubic metres
64.	Soda cylinders and other similar gas cylinders	1. 00 per cylinder
65.	Fish, dry fish	0. 10 per kilo
66.	Molassess	0. 50 per metric ton
67.	Bones	2. 00 per metric ton
68.	Time pieces (Alarm), Wall clocks, wrist watches	2. 00 per watch and per wall clock 1. 00 per time pieces (Alarm)
69.	Printing machine, flour machine, expeller, weaving machine, diesel engines and other machines	10. 00 per unit
70.	G. I. pipes, P. V. C. pipes	0. 05 per metre
71.	Asbestos sheet	0. 10 per square metre
72.	Asbestos pipes, cement pipes	0. 02 per metre
73.	(i) Steel almirahs, cots, tables, racks, dressing tables, sofa	5. 00 per unit
	(ii) Steel chairs, easy chairs	2. 00 per unit
	(iii) Steel stools	1. 50 per unit
74.	(i) Wooden almirahs, cots, tables, racks, dressing tables, sofa	3. 00 per unit
	(ii) Wooden chairs, easy chairs	1. 50 per unit
	(iii) Wooden stools	1. 00 per unit

FORM I

Inspection book maintained at the Barrier.
of municipality of _____

{See Rule 16 (2) and rule 18}

Date and hour of inspection	Progressive total of octroi taken from the last receipt issued	Notes of inspection	Initials of the Inspecting Officer
(1)	(2)	(3)	(4)

Rs. P.

FORM-2

(See Rule 22)

TRANSIT PASS

.....
municipality

1. Book Number :

2. Pass Number :
3. Vehicle Number :
4. Date and hour of import :
5. Number of invoices :
6. Destination :
8. Barrier by which to be exported :

Signature of the Officer-in-charge of the
Import Barrier

(To be recorded at Export Barrier)

- (i) Date and hour of export :
- (ii) Number of invoices :

Signature of the Officer-in-charge of the
Export Barrier.

FORM 3

REGISTER OF MISSING TRANSIT PASSES

[See Rule 22 (4).]

Sl. No.	Name and address of the owner of the articles or goods	No. and date of transit pass	Amount of octroi due	Penalty imposed	Total	Initials of Octroi Superintendent
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Remitted by the Commissioner

Date of payment	Number of receipt	Amount realised	No. and date of order and authority for order	Amount	Balance at the end of the year carried over to the Demand and Collection Register	Initials of Octroi Superintendent	Remark
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

FORM 4

(See Rule 23)

REGISTER OF TRANSIT PASSES

Serial No.	Date	No. of transit pass	Date and time of import
(1)	(2)	(3)	(4)
Name of import barrier	Name of importer with full address	Particulars of articles or goods with Nos. of packages or weight	Name of conveyance
(5)	(6)	(7)	(8)
Name and time of export	Particulars of articles or goods with No. of packages and weight at the time of export	Signature of the Officer-in-charge of export barrier	Remarks
(9)	(10)	(11)	(12)

FORM 5

[See Rule 25 (1)]

ORIGINAL

Octroi Receipt

Coupon of Octroi Receipt

Book No.

No.

Book No.

No.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(1)	(2)
Date and time of import	Name and address of person-in-charge of articles or goods	Name and address of owner of articles or goods	Place from which brought	Description of articles or goods	Weight or number	Rate of octroi	Amount of octroi paid	Date	Amount of octroi paid
						Rs. P.	Rs. P.		Rs. P.

Signature of Officer

Signature of Officer

DUPLICATE

Octroi Receipt

Book No

No.

... .. Barrier

Date and time of import	Name and address of person-in-charge of articles or goods	Name and address of owner of articles or goods	Place from which brought	Description of articles or goods	Weight or number	Rate of octroi	Amount of octroi paid
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Rs. P. Rs. P.

Total brought forward

Signature of Officer.

Progressive total carried out

PORM 6

FORM 6

[See Rule 25 (2)]

[See Rule 25 (2)]

PASS TO HEAD OCTROI

PASS TO HEAD OCTROI

OFFICE

OFFICE

Municipality of

Municipality of

*Coupon of Head Octroi

Counterfoil of Head Octroi Office Pass

Foil of Head Octroi Office Pass

Office Pass

Barrier ... Pass No. ...

Barrier ... Book No. ...

Pass No. ...

Barrier ...

Book No. ...

Book No. ...

Pass No.

1. Date and time of import

1. Date and time of import.

1. Description of articles or goods.

- | | | |
|---|--|--|
| 2. Name and address of person-in-charge of articles or goods. | 2. Name and address of person-in-charge of goods. | 2. Initials of officer. |
| 3. Name and address of owner of articles or goods. | 3. Name and address of owner of articles or goods. | 3. Date and time at which consignment is inspected by the Inspector. |
| 4. Description of articles or goods. | 4. Description of articles or goods. | 4. Initials of Inspector. |
| 5. Particulars of packages. | 5. Particulars of packages. | |
| 6. Weight. | 6. Weight. | |
| 7. Value as per invoice. | 7. Value as per invoice. | |
| 8. Value as declared by importer. | 8. Value as declared by importer. | |
| 9. Reason why sent to Head Octroi Office*. | 9. Reason why sent to Head Octroi Office*. | |
| 10. Initials of officer of import barrier. | 10. Initials of officer of import barrier. | |

* In this column should be put—

(a) if the importer disputes the officer-in-charges' assessment—
Rules 25 (2).

(b) if articles or goods have been imported by rail and are not covered by a pass in Form 8.

*In this column should be put—

(a) if the importer disputes the officer-in-charge's assessment—Rule 25 (2).

(b) if articles or goods have been imported by rail and are not covered by pass in Form 8.

FORM 8

(See Rule 28)

ORIGINAL

OCTROI RECEIPT FOR ARTICLES OR GOODS IMPORTED BY RAILWAY.

Municipality of
 Barrier
 Book No.
 No.

OCTROI RECEIPT FOR ARTICLES OF GOODS IMPORTED BY RAILWAY.

Municipality of
 Barrier
 Book No.
 No.

(1) Date	(2) Name and address of importer	(3) Name and address of owner of articles or goods	(4) No. of item in railway receipt register	(5) Description of articles or goods	(6) Weight or No.	(7) Rate of octroi	(8) Amount
(1) Date	(2) Description of articles or goods	(3) Weight or No.	(4) Signature of Officer	(1) Date	(2) Description of articles or goods	(3) Weight or No.	(4) Signature of Officer
(1) Date	(2) Name of importer	(3) Description of articles or goods	(4) Weight or number	(1) Date	(2) Name of importer	(3) Description of articles or goods	(4) Weight or number

Signature of Officer

Signature of Officer

DUPLICATE

OCTROI RECEIPT FOR ARTICLES OR GOODS
IMPORTED BY RAILWAY.

Barrier
Book No.
No.
Municipality of

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Date	Name and address of importer	Name and address of owner of articles or goods	No. of item in Railway Receipt Register	Description of articles or goods	Weight or number	Rate of octroi	Amount paid

Total brought forward

Progressive total carried over

Signature of Officer

FORM 9
REGISTER OF UNREGISTERED RAIL-BORNE IMPORT
 (See Rule 30)

Municipality of

S. No.	(1) (2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Date and time of import	Name and address of importer	Name of person-in-charge of articles or goods	Description of articles or goods	Weight or number	Rate of octroi	Amount of octroi	Number of receipt issued	Signature of Collecting Officer

*

ORIGINAL

FORM 10

Re-Export pass

(See Rule 32 (4))

Name of barrier _____

Book No _____

Pass No _____

I _____ son of _____

do hereby declare that the following articles / goods _____
imported by me on _____

are; (a) already sold to _____

son of, _____ of, _____

for export of _____ (a place outside, _____

_____ municipal limits) and will be re-exported

within one month _____

(b) intended for transfer within one month to my premises
at _____ and are not for sale, use, consumption, gift
or disposal otherwise within the city.

I shall not permit their consumption, use or sale in the city.

I fully realise that if this information is untrue I am liable
to punishment under the Pondicherry Municipalities (Octroi)
Rules, 1976 and the confiscation of my security, in addition to
the payment of any tax payable on the articles/goods if these are
consumed, used, or sold within the municipal limits of

A sum of Rs. 1,000/- has been paid as security, I shall permit the inspection of my account books by such person as may be authorised by the Commissioner in this behalf for ascertaining whether any part of the articles/goods covered by this pass was sold within the city before re-export.

Place

Signature

Date

Son of

(Address)

Notes:— (i) Strike out whichever does not apply.

(ii) In the space between the words "the following articles/goods" and imported by me on "the number of the packages, the contents of each package, the description of the articles/goods contained therein and the weight of each description of articles/goods should be distinctly stated.

SECOND FOIL

Name of barrier :

Book No.

Pass No.

I hereby intimate that I intend to re-export the following out of the above articles/goods from the barrier.

Date and hour of export;

No. of package;

Description of articles/goods;

Weight of packing material

Net weight;

Signature of pass holder;

THIRD FOIL

Name of barrier:

Book No.

Pass No.

Certified that the following articles/goods were exported from my barrier:-

Date and hour of export:

No. of packages:

Description of articles goods:

Weight of packing materials:

Net weight:

Signature of the officer-in-charge of the barrier:

COUPON OF RE-EXPORT PASS

Name of barrier:

Book No.

Pass No.

Date and hour when consignment is met	No. of packages and description of articles/goods	Initials of Inspector
(1)	(2)	(3)

FORM-11

[See Rule 32 (8)]

Register of Imports and Re-exports

IMPORTS		EXPORTS		BALANCE																
Date	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)

FORM - 12

Notice of seizure of articles/goods liable to octroi

(See Rule 36 (2))

Municipality of

To

No

Sir,

Please take notice that I have this day seized the articles/goods specified in the inventory given below for the value of Rs. due on account of octroi payable thereon and unless within five days from the date of this notice your pay into the Municipal Fund the said amount together with the costs amounting Rs the said articles/goods will be sold.

Yours faithfully,

(Signature of Officer seizing the goods)

Date

Inventory of articles/goods seized.

(Signature of Officer seizing the goods)

FORM--13

Barrier Ledger

(See Rule 41)

Municipality of

Name of the barrier

Sl. No.	Book Number	Articles/goods on which octroi has been levied (here mention articles/goods one below the other)	Quantity or Number	Rate of octroi	Amount of octroi
(1)	(2)	(3)	(4)	(5)	(6)

FORM 14

OCTROI SUPERINTENDENT'S CASH BOOK

[See Rule 42 (1)]

		Remitted to Municipal Funds				
Amount		Total				
Date.	From whom and on what account.	Octroi.	Total	Initials of Octroi Superintendent.	No. of remittance chalan.	Amount of Superintendent.
(1)	(2)	Rs P. Rs.s.P. Rs.P.	(3)	Rs P. Rs.s.P. Rs.P.	(4)	(5)
						(6)

FORM - 15

[See Rule 45 (2)]

Head Octroi Office Ledger

Municipality of... ..

Name of barrier.	Articles/goods on which octroi has been levied (here mention the articles/goods one below the other).	Quantity or number.	Rate of octroi.	Amount of octroi.
(1)	(2)	(3)	(4)	(5)

FORM - 16

[See Rule 46 (3)]

EXTRAORDINARY OCTROI PASS

Book No. Counterfoil No.-----	Municipality of ----- Book No.----- Pass No.-----	Municipality of ----- Entrance Coupon----- Book No.----- No.-----	Municipality of ----- Exit Coupon----- Book No.----- No.-----
-------------------------------	---	--	--

1. Date and hour of issue of pass	1. Date and hour of issue of pass
2. Name and address of owner of articles/goods	2. Name and address of person-in-charge
3. Name and address of owner of articles/goods	3. Name and address of person-in-charge
4. Description of articles/goods and carriage	4. Description of articles/goods and carriage
5. Weight or number	5. Weight or number
6. Barrier from which they will be exported	6. Barrier from which they will be exported
7. Period covered by the pass	7. Period covered by the pass
8. Signature of Octroi Superintendent	8. Signature of Octroi Superintendent
1. Date and hour of issue of pass	1. Date and hour of issue of pass
2. Name and address of person-in-charge	2. Name and address of person-in-charge
3. Description of articles/goods and carriage	3. Description of articles/goods and carriage
4. Weight or number	4. Weight or number
5. Barrier from which they will be exported	5. Barrier from which they will be exported
6. Period covered by pass	6. Period covered by pass
7. Signature of Octroi Superintendent	7. Signature of Octroi Superintendent
8. Date and time of export	8. Date and time of export
9. Signature of the Export Barrier Officer	9. Signature of the Export Barrier Officer
Weighing	
Certified that articles/goods have actually numbering	
passed into barrier on	
the (date)----- (hour)-----	
Signature of Barrier Officer	
Numbering	
Certified that articles/goods arrived	
Under supervision of peon	
and actually passed out of my barrier on	
the (date)----- (hour)-----	
Signature of Barrier Officer	

FORM - 17
 (See Rule 47)
 EXTRAORDINARY PASS FOR REPAIR

Book No. No	Counterfoil Barrier	Book No. No	Municipality of for the Barrier.....	Rule 49 Municipal Exit Coupon Book No... No. ...
			City of	
1. Date and hour of issue of pass	1. Date and hour of the issue of pass	2. Name and address of the person in-	2. Name and address of the person in-	
2. Name and address of the person in-charge of articles/goods	2. Name and address of the person in-charge of articles/goods.	3. Name and address of the owner	3. Name and address of the owner	
3. Name and address of owner of articles/goods	3. Name and address of owner of articles/goods	4. Description of articles/goods	4. Description of articles/goods	
4. Description of articles/goods	4. Description of articles/goods	5. Weight or number	5. Weight or number	
5. Weight or number	5. Weight or number	6. Period covered by the pass	6. Period covered by the pass	
6. Period covered by the pass	6. Period covered by the pass	7. Date by which the articles/goods have to be re-exported	7. Date by which articles/goods have to be re-exported	
7. Date by which the articles/goods have to be re-exported	7. Date by which the articles/goods have to be re-exported	8. Signature of the officer at the time of import	8. Signature of the Officer at the time of import	
8. Signature of the officer at the time of import	8. Signature of the officer at the time of import	9. Signature of the Officer of the time of export in token of acknowledgment of the exit coupon	9. Signature of the Officer of the time of export in token of acknowledgment of the exit coupon	
9. Signature of the Officer of the time of export in token of acknowledgment of the exit coupon	9. Signature of the Officer of the time of export in token of acknowledgment of the exit coupon	10. Remarks	10. Remarks	

Certified that the weighing articles/goods

.....numbering have actually passed out of the octroi limites on (date)

Signature of the Exporter
Barrier Officer

[G. O Ms. No. 237 dated 2-8-1976 LAD]

45. (b) ENFORCEMENT OF THE PONDICHERRY MUNICIPALITIES (OCTROI) RULES, 1976 WITH EFFECT FROM 1—9—1977.

In exercise of the powers conferred by sub-section (3) of rule 1 of the Pondicherry Municipalities (Octroi) Rules, 1976, the Lieutenant-Governor, Pondicherry, hereby appoints the 1st day of September, 1977 as the date on which the provisions of said rules shall come into force in the whole of the Union Territory of Pondicherry.

(G. O. Ms. No. 213, dated 31st August, 1977, of Local Administration Department. *)

46. (a). THE PONDICHERRY MUNICIPALITIES (ENTERTAINMENTS) TAX RULES, 1976.

In exercise of the powers conferred by section 171 read with section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:—

PART I

PRELIMINARY

1. Short title, extent and commencement.—(1) These rules may be called the Pondicherry Municipalities (Entertainments Tax) Rules, 1976. *

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) 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 Pondicherry Municipalities Act, 1973 ;

(b) “admission” includes admission as a spectator or as one of an audience, and admission for the purpose of amusement by taking part in an entertainment ;

(c) “admission to an entertainment” includes admission to any place in which an entertainment is held ;

(d) “entertainment” includes a cinematograph exhibition, performance, amusement, game, dramatic or music performance or exhibition to which persons are admitted on payment, but does not include circus ;

(e) “Entertainments Tax Officer” means any officer appointed by the Government, by name or by virtue of his office, to exercise the powers of an Entertainments Tax Officer under these rules, and includes any officer of the municipal council authorised by the Government in this behalf to collect the entertainments tax;

(f) “Entertainments Tax Controller” means any person appointed by the Government by name or by virtue of his office to exercise the powers of the Entertainments Tax Controller under these rules;

(g) “Entertainments Tax Director” means any person appointed by the Government by name or by virtue of his office to exercise the powers of the Entertainments Tax Director under these rules;

(h) “Form” means a form appended to these rules;

(i) “Institution” includes a company, society, club or other association of persons by whatever name called;

(j) "payment for admission" includes:—

(i) any payment made by a person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof, for admission to which a payment involving a tax or a higher tax is required;

(ii) any payments for seats or other accommodation in a place of entertainment;

(iii) any payment for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment, if any, for admission to the entertainment.

(k) "proprietor" in relation to any entertainment includes any person responsible for or for the time being in charge of, the management thereof;

(l) "season ticket" means a ticket which authorises admission to a series of entertainments during a definite period specified in it.

PART-II

PAYMENT OF THE TAX ON THE BASIS OF RETURNS.

3. (1) Any proprietor wishing to enter into an arrangement for the payment of the tax on the basis of returns shall apply to the Entertainments Tax Officer at least three days before the entertainment, in Form II furnishing details as to the place, date, time and nature of the entertainment and also the rates of payment for admission to it, provided that the Entertainments Tax Officer, may, for sufficient reasons, condone the delay in the presentation of the application if it is presented at least 24 hours prior to the commencement of the entertainment. The application shall be accompanied by the registers in Form I proposed for use and the tickets of all classes proposed for issue, the tickets of

each class being printed in a different colour and bearing separate serial numbers.

(2) Each ticket, not being a complimentary tickets, shall consist of three parts. One part shall remain on the ticket book and the remaining two parts shall be detached therefrom and issued to the buyer; and shall bear on each part of such ticket the price of admission, the entertainments tax. The book number and the serial number (bearing such series and numbers in respect of the ticket book and tickets as may be previously approved by the Entertainments Tax Officer), the date on which and the show for which, it is issued (affixed by means of rubber stamps if it is not expedient to have the date and show printed in the ticket book). The second part shall bear the words "To be detached at the entrance and retained by the proprietor" whereas the third part shall bear the words "To be given to the buyer". The first and second part of the ticket shall be of the size at least 4 cm. X 4 cm. or of any larger proportionate size and the third part shall be double the length of the first and second parts.

(3) The proprietor shall cause the tickets of all persons about to be admitted to the entertainment to be collected and every such person shall, immediately before admission to the entertainment deliver the tickets to the person who is collecting the tickets. When the ticket is so collected; the third part of the ticket shall be returned to the person to be admitted to the entertainment and the second part shall be retained and kept by or on behalf of the proprietor.

(4) The buyer shall retain his part of the ticket till he leaves the place of entertainment and the part retained by the proprietor shall be retained by him until midday following the conclusion of the entertainment. The part so retained and kept shall be destroyed immediately thereafter.

4. (1) The Entertainments Tax Officer shall, if he proposes to sanction the application, fix the amount and the nature of the security to be furnished by the proprietor for the proper payment

of the entertainments tax and the time within which such security should be furnished. The amount of security deposit so fixed shall in the case of a touring cinema, be equal to the tax payable on tickets based on the full capacity of the auditorium and in the case of a permanent theatre, be equal to 75 percent of the tax payable on tickets based on the full capacity of the auditorium for the period prescribed for submission of the returns in the permit issued in Form III and the security shall be in the form of a deposit of cash with the Entertainments Tax Officer or any other officer duly authorised by him in this behalf or any form of Government security other than Prize Bonds and National Defence Certificates duly pledged in the name of the Entertainments Tax Officer. When the security is furnished the Entertainments Tax Officer shall grant the proprietor a permit in Form III.

(2) If at any time the deposit already furnished by a proprietor under sub-rule (i) is found to be inadequate it shall be open to the Entertainments Tax Officer, by notice, to require the proprietor to make an additional deposit within the time specified in the notice.

5. Every permit shall be granted personally to the proprietor and it shall not be transferable, except as provided in rule 41.

6. When a permit is granted, the Entertainments Tax Officer or in his absence from headquarters one of his clerks authorised by him in this behalf, shall impress with the official seal of such officer, all the pages of the registers in Form I the three parts of all the tickets sent by the proprietor along with his application and return them to the proprietor. The same procedure shall be adopted in respect of the registers in Form I that may subsequently be used and the tickets that may subsequently be issued by the proprietor and for this purpose the Entertainments Tax Officer may require the proprietor to forward to him such registers and tickets at such intervals as he may fix.

7. The tickets shall be serially numbered and they shall run on consecutively from performance to performance until the series is completed:

Provided that if in any place of entertainment, the system of advance booking is in force, the tickets for each performance in a day may be serially numbered and each such series of tickets shall run on consecutively from performance to performance for which they are numbered until the series is completed.

8. Tickets for payment of the difference in the case of admission from a lower to a higher class shall also be serially numbered in the manner specified in rule 7 and these tickets shall be shown separately in the register of tickets in Form I and in the return of tickets specified in the permit in Form III.

9. The security furnished under rule 4 shall be maintained in full so long as the permit continues to be in force and shall be liable to forfeiture if the returns are not furnished on the due date along with the receipt for the tax or if the returns are found to be inaccurate. The security shall also in the event of default be liable to adjustment towards the tax due at any time without previous intimation.

10. (1) The proprietor shall keep true and correct accounts and submit the returns in the manner specified in the permit in Form III and shall also abide by and comply with, all the conditions specified therein.

(2) The proprietor shall pay the tax due by a crossed cheque drawn in favour of the Entertainments Tax Officer or in cash with the Entertainment Tax Officer or any other officer duly authorised by him in this behalf. He shall attach the cheque or the receipt to the return to which the tax relates.

11. If no return is submitted by the proprietor as required in the permit in Form III within the time specified therein or if the return submitted by him appears to the Entertainments Tax

Officer to be incorrect or incomplete, the Entertainments Tax Officer shall, after making such enquiry as he considers necessary, determine the tax or taxes due under sections 161 or 162 of the Act or under both, to the best of his judgment;

Provided that before taking action under this rule the Entertainments Tax Officer shall issue a notice to the proprietor calling upon him to produce his accounts at a time and place to be specified in the notice and to prove the correctness and completeness of the return where one has been submitted or to prove that he is not liable to submit any return and also allow him a reasonable opportunity of being heard.

12. The proprietor shall not issue or cause or permit to be issued any tickets being a ticket authorising any person to be admitted to the entertainment, unless the price of admission and the statement hereinafter mentioned are legibly printed, stamped or otherwise marked on such a ticket and if the ticket should be impressed with the official seal of the Entertainments Tax Officer unless it has been so impressed.

For the purpose of this rule "price of admission" includes the tax due on the total sum paid for admission and there shall be marked on every such ticket a statement that the price marked thereon includes the tax.

13. The proprietor shall also forward to the Entertainments Tax Officer a return in Form IV showing the number and classes of season tickets issued, the period for which such tickets are available and gross sum realised thereby, along with the return for the first of the series of entertainments for admission to which such season tickets are valid. Such return shall also be accompanied by the receipt from the Entertainments Tax Officer or a crossed cheque drawn in favour of the Entertainments Tax Officer for the payment of the tax due. If any season ticket is issued subsequently during the course of the series of entertainments for which the season ticket is valid it shall be shown in the return to

be sent for the entertainment which takes place next after the issue of the ticket.

14. (1) The proprietor shall not admit or cause or permit to be admitted to any class of accommodation in the entertainment any person unless such person holds a valid ticket for that class or an exchange ticket for payment of the difference for admission from a lower to a higher class as specified in rule 8 or a complimentary ticket entitling him to be admitted to that class of accommodation.

(2) A person who has been admitted to an entertainment shall, upon demand made by an officer authorised to enter any place of entertainment under section 168 of the Act during the course of or immediately before or after the entertainment, produce to such officer the part of the ticket by virtue of which ticket he was admitted or the complimentary ticket entitling him to be admitted without payment.

15. The proprietor shall keep registers of payment for admission in Form I.

16. The proprietor shall, at all reasonable times, on demand by the Entertainments Tax Officer or any officer duly authorised by him by general or special order in this behalf produce or cause to be produced before that officer all books and records kept by the proprietor in connection with any entertainment and all tickets and all parts of tickets for the time being in his possession and shall allow that officer to inspect and take an account of the same or to remove the same for the purpose of examination or enquiry.

17. The permit shall be hung in a conspicuous place and produced before inspecting officers on demand.

18. The entertainments tax shall be levied on every complimentary ticket issued by the proprietor at the appropriate rate prescribed under section 161 of the Act, as if full payment

had been made for admission to the entertainment according to the class of seat or accommodation which the holder of such ticket is entitled to occupy or use and the holder of such ticket shall be deemed to have been admitted on payment for the purpose of the Act and the rules made thereunder.

Explanation:— For the purpose of this rule “complimentary ticket” means a ticket or pass for admission to an entertainment free of any payment or at a reduced rate of payment for such admission.

19. The provisions of rules 3 (2), 6, 7, 15 and 16 in so far as they are applicable, shall apply to the complimentary tickets also and necessary entries shall be made in the columns provided for them in the register in Form I.

PART III

PAYMENT OF THE TAX BY COMPOSITION

20. Any proprietor desiring to compound the tax under section 163 of the Act shall, not less than seven days before the commencement of the entertainment, apply to the officer to whom the Government may, by notification in the official gazette, delegate their powers under the said section, furnish in details of the place, date, time and nature of the entertainment, the tickets of all classes proposed for issue and the rates of payment therefor, the maximum seating capacity in respect of each class, the probable number of admissions on payment in each class, and the amount which the applicant offers as payment for the composition of the tax.

21. (1) The officer referred to in rule 20 shall if he proposes to sanction the application fix the amount for which the entertainments tax may be compounded and specify the conditions, if any, subject to which the composition will be accepted. The

entertainment shall be held only on payment of the sum so fixed or such portion thereof as may be specified by such officer.

(2) The officer aforesaid shall issue to the proprietor a certificate in Form V and the proprietor shall comply with all the conditions laid down therein.

(3) Such certificate shall be exhibited in a prominent position at the public entrance to the place of entertainment at the time the public are admitted and during the entertainment. No correction or erasure of any kind shall be made or allowed to be made in the certificate.

PART IV

PAYMENT OF THE TAX IN CASES WHERE ADMISSION IS CONTROLLED BY MECHANICAL CONTRIVANCE.

22. A proprietor may be permitted by an Entertainments Tax Officer to avail himself of the provisions of clause (b) of sub-section (1) of section 164 of the Act on his furnishing such security as may be required. He shall be given a permit in Form VI. The amount of security deposit so fixed shall, in the case of a touring cinema, be equal to the tax payable on tickets based on the full capacity of the auditorium and in the case of a permanent theatre, be equal to 75 per cent of the tax payable on tickets based on the full capacity of the auditorium for the period prescribed for submission of the returns in the permit issued in Form VI.

23. No person shall, unless he is the holder of a complimentary ticket, be admitted to an entertainment in respect of which a permit is granted under rule 22 except through the mechanical contrivance and except on payment of the price of admission inclusive of tax.

24. The security furnished under rule 22 shall be maintained in full so long as the permit continues to be in force and shall be liable to forfeiture if the returns are not furnished on the due date along with the receipt for the tax or if the returns are found to be inaccurate. The security shall also in the event of default be liable to adjustment towards the tax due at any time without previous intimation.

25. A proprietor shall keep a register of persons admitted in Form VII.

26. (1) The proprietor shall keep true and correct accounts and submit the returns in the manner specified in the permit in Form VI and shall also abide by, and comply with, all the conditions specified therein.

(2) The proprietor shall pay the tax due by a crossed cheque drawn in favour of the Entertainments Tax Officer or in cash with the Entertainments Tax Officer or any other Officer duly authorised by him in this behalf. He shall attach the cheque or the receipt to the return to which the tax relates.

27. If no return is submitted by the proprietor as required in the permit in Form VI within the time specified therein or if the return submitted by him appears to the Entertainments Tax Officer to be incorrect or incomplete the Entertainments Tax Officer shall after making such enquiry as he considers necessary, determine the tax or taxes due under sections 161 or 162 of the Act or under both to the best of his judgment;

Provided that before taking action under this rule the Entertainments Tax Officer shall issue a notice to the proprietor calling upon him to produce at a time and place to be specified in the notice and to prove the correctness and completeness of the returns where one has been submitted or to prove that he is not liable to submit any return and also allow him a reasonable opportunity of being heard.

28. Every mechanical contrivance at a place of entertainment shall at all reasonable times be open to inspection by the

Entertainments Tax Officer or any officer who may be deputed by him or to whom the Entertainments Tax Officer is subordinate.

29. The proprietor shall at all reasonable times on demand by the Entertainments Tax Officer or any officer duly authorised by him by general or special order in this behalf produce or cause to be produced before that officer all books and records kept by the proprietor in connection with any entertainment and shall allow that officer to inspect and take an account of the same or to remove the same for the purpose of examination or enquiry.

30. The permit granted under rule 22 shall be hung in a conspicuous place and produced before inspecting officers on demand.

PART V

PAYMENT OF TAX ON ADMISSIONS TO ENTERTAINMENTS ON PAYMENT OF SUBSCRIPTIONS OR CONTRIBUTION TO AN INSTITUTION.

31. (1) When the payment for admission to an entertainment or a series of entertainments is a lump-sum paid as subscription or contribution to an institution and when such payment enables the persons making it also to exercise other privileges, or rights, in that institution, the proprietor shall apply to the Entertainments Tax Officer to fix such amount as appears to him to represent the right of admission to the entertainment or series of entertainments and the amount of tax payable on such portion.

(2) Along with the application, the proprietor shall furnish details of the number of persons so subscribing or contributing the amount realised, the number and nature of the entertainments, the rates of payment for admission for those who have not so subscribed or contributed and the nature of the other rights, privileges, etc., to which a person subscribing or contributing

to the institution is eligible and also a copy of the rules and regulations, if any, of the institution.

(3) The Entertainments Tax Officer shall fix the amount which appears to him to represent the right of admission to the entertainment or series of entertainments and the amount of tax payable thereon and may require the proprietor to furnish such security as he may think fit. The amount of security so required by the Entertainments Tax Officer shall be not less than the amount of tax determined by him as payable under sub-rule (1).

(4) The amount of tax fixed by the Entertainments Tax Officer shall be paid by the proprietor within seven days from the date of receipt, by him of the order of the officer aforesaid fixing the amount of tax due.

(5) If no application is made by the proprietor as required in sub-rule (1) or if the particulars furnished in the application made by him appear to the Entertainments Tax Officer to be incorrect or incomplete, the Entertainments Tax Officer shall after making such enquiry as he considers necessary, determine the tax or taxes due under section 161 or 162 of the Act or under both to the best of his judgment;

Provided that before taking action under this rule the Entertainments Tax Officer shall issue a notice to the proprietor calling upon him to produce his accounts at a time and place to be specified in the notice and to prove the correctness and completeness of the particulars furnished or to prove that he is not liable to make an application or to furnish the particulars and also allow him a reasonable opportunity of being heard.

PART VI

PAYMENT OF THE ADDITIONAL TAX UNDER SECTION 162 OF CINEMATOGRAF EXHIBITIONS.

32. In respect of cinematograph exhibition the Entertainments Tax Officer while issuing a permit under rule 4 or a

certificate or a permit under rule 21 or 22 as the case may be fix the amount and nature of the security to be furnished by the proprietor to ensure the due payment of the tax which may, from time to time, be payable by him under section 162 and the time within which such security shall be furnished. The amount of security so fixed by the Entertainments Tax Officer shall be not less than the amount of tax agreed to be compounded under rule 20 or the amount of tax on the value of tickets estimated to be sold within the period fixed for the submission of the returns in the permits issued in Form III or VI as the case may be.

33. The security furnished under rule 32 shall be maintained in full and shall, in the event of default, be liable to adjustment towards the tax due under section 162 at any time without previous intimation.

34. The proprietor shall pay the additional tax due under section 162 along with the tax due under section 161 by a crossed cheque in favour of the Entertainments Tax Officer or in cash with the Entertainments Tax Officer or any other officer duly authorised by him by general or special order in this behalf. He shall attach the cheque or the receipt to the return, submitted under condition (4) of the permit in Form III or VI as the case may be, and if he is a proprietor paying tax as provided in Part III of these rules the cheque or receipt shall be submitted along with a statement furnishing particulars regarding the period to which tax relates and the number of shows conducted on each day during that period so as to reach the Entertainments Tax Officer on the Tuesday immediately following the week from Monday to Sunday in the case of entertainments conducted for more than a week or within seven days from the last day of entertainment in the case of entertainments conducted for a period less than a week.

PART VII
GENERAL

35. After determining under rules 11, 27 or 31 (5) the tax or taxes due in respect of the entertainment, the Entertainments Tax Officer shall examine whether the proprietor has already made any payment towards the tax or taxes due by him. If any further amount is found to be due from the proprietor, the Entertainments Tax Officer shall serve upon the proprietor a notice in Form XIV and the proprietor shall pay the sum demanded within the time and in the manner specified in the notice. If the tax determined is lower than the amount, if any, already paid by the proprietor, the Entertainments Tax Officer shall serve upon the proprietor a notice in Form XV for refunding the excess tax.

36. (1) Where for any reason any payment for admission to any entertainment has escaped assessment to tax under section 161 of the Act or any cinematograph exhibition has escaped assessment to tax under section 162 of the Act, the Entertainments Tax Officer may within a period of five years from the expiry of the period to which the tax relates assess the proprietor to the best of his judgment after following the procedure laid down in the provision to sub-section (3) of section 166 of the Act.

(2) where for any reason any payment for admission to any entertainmet or Cinematograph exhibition has been assessed to tax at a rate lower than the rate at which it is assessable under section 161 or 162 of the Act, the Entertainments Tax Officer may within a period of five years from the expitty of the period to which the tax relates assess the proprietor to the best of his judgment after following the procedure laid down in the provisio to sub-section (3) of section 166 of the Act.

PART VIII.

EXEMPTIONS.

37. Where the Government have issued an order under section 167 of the Act, exempting any individual entertainment or

entertainments from liability to the entertainments tax, the proprietor shall apply to the Entertainments Tax Officer concerned and obtain a certificate of exemption in Form VIII and comply with the conditions specified therein and in the order of the Government aforesaid granting exemption. Such application shall be accompanied by a crossed cheque drawn in favour of the Entertainments Tax Officer, or by a receipt for rupees five. The Entertainments Tax Officer may, in his discretion, require the proprietor to furnish such security as he considers necessary;

Provided that the officer aforesaid may, in his discretion, accept an application at short notice or after the entertainment has been held or may dispense with an application altogether, if he is satisfied that the entertainment is eligible for exemption from liability to the tax, under the general order of the Government.

38. All tickets proposed to be issued in respect of individual entertainment or entertainments exempted under section 167 of the Act, shall be got stamped with the official seal of the Entertainments Tax Officer concerned.

39. The certificate referred to in rule 37 shall be hung in a conspicuous place and produced before inspecting officers on demand.

PART IX

MISCELLANEOUS

40. Every owner or other person in charge of any theatre, hall or other premises who lets out the same for the purpose of an entertainment which is liable to tax under the Act shall give notice of such entertainment to the Entertainments Tax Officer. Such notice shall be given at least three days before the entertainment and shall specify the nature of the entertainment, the name and address of the proprietor and the date on which and the time at which, the entertainment is to be held.

41. Every permit holder entering into or forming a new partnership in conducting an entertainment or entertainments shall, within 30 days of such event happening send to the Entertainments Tax Officer concerned a declaration in Form XII signed by all the partners, stating the names and addresses of all the partners and their respective shares in the business. The Entertainments Tax Officer shall then verify the application and transfer the permit in the name of the partnership firm. If a partner retires without the partnership being dissolved thereby, he shall send to the Entertainments Tax Officer concerned a declaration in Form XIII, within 30 days of his retirement. The partners shall jointly and severally be responsible for the payment of the tax leviable under the Act.

42. If a partnership is dissolved, every person who was a partner shall send a report of the dissolution to the Entertainments Tax Officer concerned within 30 days of such dissolution.

43. If a proprietor dies the permit shall expire. However, if his legal heir or representative notified the fact of the death of the proprietor to the Entertainments Tax Officer concerned within 30 days from the date of his death and desires to have a fresh permit, a fresh permit shall be granted in the name of the legal heir or representative.

PART X

ADMINISTRATION.

44 (1) (a) Any person aggrieved by an order passed under these rules by an Entertainments Tax Officer or by any other officer subordinate to the Entertainments Tax Controller may within thirty days from the date of such order, appeal to the Entertainments Tax Controller;

Provided that the Entertainments Tax Controller may admit an appeal presented after the expiration of the said period if he is

satisfied that the appellant had sufficient cause for not presenting the appeal within the said period.

(b) Every order passed on appeal under clause (a) shall subject to revision by the Entertainments Tax Director, be final.

(c) The Entertainments Tax Controller, may in his discretion either suo motu before the expiry of four years from the date on which an order was passed or on application preferred within sixty days from the date on which an order or proceedings to which the application relates was communicated to the applicant call for and examine the records relating to such order or proceedings of any Entertainments Tax Officer or any other officer subordinate to the Entertainments Tax Controller under the Act or these rules, for the purpose of satisfying himself as to the legality or propriety of such order or as to the regularity of such proceedings and may pass such order with respect thereto as he thinks fit;

Provided that the Entertainments Tax Controller may admit an application for revision presented after the expiration of the said period, if he is satisfied that the applicant had sufficient cause for not presenting the application within the said period and

(d) Notwithstanding that an appeal under clause (a) or an application under clause (c) has been preferred the tax, fee or other amount shall be paid in accordance with the assessment, or order or proceeding against which the application has been preferred;

Provided that the authority concerned may, in its discretion, give such directions as it thinks fit in regard to the payment of the tax, fee or other amount before the disposal of the appeal or the application for revision, if the appellant or the applicant, as the case may be, furnishes sufficient security to its satisfaction in Form X or in Form XI:

Provided also that, if personal security alone is offered, the authority concerned shall not grant a larger concession than payment of the tax, fee or other amount in instalments.

(2) (a) The Entertainments Tax Director subject to the control of the Government, shall have power to superintend the administration of the Act and the collection of the tax thereunder.

(b) In particular and without prejudice to the generality of the foregoing power, the Entertainments Tax Director, may in his discretion, either suo motu before the expiry of four years from the date on which an order was passed or on an application preferred within sixty days from the date on which an order or proceedings to which the application relates was communicated to the applicant, call for and examine the records relating to such order or proceedings of any Entertainments Tax Officer or any other officer or person under the Act or these rules, including cases where an inferior officer has exercised powers of revision under these rules, for the purposes of satisfying himself as to legality or propriety of such order or as to the regularity of such proceedings and may pass such order with respect thereto as he thinks fit:

Provided that the said officer may admit an application for revision presented after the expiration of the said period, if he is satisfied that the applicant had sufficient cause for not presenting the application within the said period.

(c) Notwithstanding that an application has been preferred under clause (b) the tax, fee or other amount shall be paid in accordance with the assessment order or proceedings against which the application has been preferred:

Provided that the authority concerned may, in its discretion, give such direction as it thinks fit, in regard to the payment of tax, fee or other amount if the applicant furnishes sufficient security to its satisfaction in Form X or in Form XI, as the case may be ;

Provided also that, if personal security alone is offered the authority shall not grant a larger concession than payment of the tax, fee or other amount in instalments.

(3) Appeals and revision petitions preferred under sub-rules (1) and (2) should be affixed with Court-fee stamps of the appropriate value as fixed under the articles 11 of Schedule II of the Court Fees Act, 1870.

45. Every order of an appellate or revising authority shall be communicated to the appellant or petitioner affected by this order to the Entertainments Tax Officer and any other authority concerned.

46. If for any reason the exemption granted under section 167 of the Act is cancelled by Government, the Entertainments Tax Officer concerned shall determine and collect the tax in the same manner as if it were a tax levied by himself.

47. Where a form has been prescribed by these rules for the keeping or maintaining of any register or for the submission of any return only the appropriate form printed under the authority of the Government or any other officer duly empowered by it in this behalf which also includes an officer of the municipal council, shall be used for the purpose.

48. Where a payment is made by cheque under these rules, the cheque shall be a crossed cheque and such as may be received by a Government Treasury under the rules for the time being in force.

49. Where a permit or certificate granted under these rules is lost or accidentally destroyed, a duplicate of the permit or certificate, as the case may be, granted on payment of a fee of one rupee and the same shall be superscribed 'duplicate.'

50. The service on a proprietor of any notice, summons or order under sections 161 to 171 (both inclusive) or the rules made thereunder may be effected in any of the following ways namely:--

(a) by giving or tendering it to such proprietor or his manager or his clerk or agent; or

(b) if such proprietor or his manager or clerk or agent is not found by leaving it at the place of entertainment or last known place of residence or by giving or tendering it to some adult member of his family; or

(c) if the address of such proprietor is known, by sending it to him by registered post; or

(d) if none of the mods aforesaid is practicable, by affixing it in some conspicuous place at his last known place of entertainment or residence.

51. An Entertainments Tax Officer may require any person whose evidence he considers necessary for the purpose of any enquiry under the Act or the rules made thereunder to appear before him and give evidence. The Entertainments Tax Officer may examine such person on oath or affirmation.

52. An Entertainments Tax Officer shall have all the powers conferred on a Court by the Code of Civil Procedure, 1908, for the purpose of securing the attendance of person or the production of documents.

53. An Entertainments Tax Officer shall issue a summons for the production of documents or the appearance of any person in Form IX.

54. The powers conferred on an Entertainments Tax Officer by rules 51 to 53 may also be exercised by an appellate or revising authority.

55. A person other than the proprietor appearing before an officer in pursuance of a summon to give evidence or produce documents in my enquiry under the Act or the rules made thereunder shall be paid travelling allowance and batta at such rates as may be fixed by the Government from time to time.

56. An Entertainments Tax Officer or an appellate or revising authority shall grant certified copies of deposition made under rule 51 or rule 54, as the case may be, to the parties concerned, if an application is made properly stamped.

57. Any reference in these rules to admission to a place of entertainment or to a person admitted to a place of entertainment shall, so far as may be, deemed to include, a reference to the admission to another part of the place of entertainment for admission to which part a payment involving tax or more tax is required of a person who has been admitted to one part of that place of entertainment and to such a person admitted to such another part of the place of entertainment and these rules shall have effect accordingly.

58. Out of the total proceeds of the entertainment tax collected in the municipality, such percentage as the municipal council may fix from time to time subject to approval of Government shall be credited to the fund of the Comité de Beinfaisance and the balance of the proceeds of the entertainments tax shall be credited to the funds of the municipal council.

59. (1) Any amount due on account of the tax under section 161 or 162 or under both may, without prejudice to any other mode of collection, be recovered as if it were an arrear of any tax recoverable by the municipality in pursuance of the provisions of sections 175 to 184 (both inclusive) of the Act.

(2) The entertainments Tax Officer shall have the power of a Commissioner under the Act, for the purposes of recovery of any amount due on account of the tax under section 161 or 162 or under both, of the Act.

60. Whoever:--

- (a) contravenes any provision of any of the rules, or
- (b) commits a breach of any of the conditions of the permit in Forms III and VI or of any of the certificates in Form V and VIII, or
- (c) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the said rules or clause or other provisions, shall be punishable with fine which may extend to five hundred rupees.

FORM II

[Prescribed under rule 3 of the Pondicherry Municipalities (Entertainments Tax) Rules, 1976 and under sub-sections (1) and (2) of section 164 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973)].

Application to the _____ for permission to pay the entertainments tax on the basis of returns under sub-sections (1) and (2) of section 164 of the Pondicherry Municipalities Act, 1973.

Applicant's (Proprietor's) name

Residential address

Kind of entertainments

Place where they will be held

How often in a week and on what days

Prices of admission

Sir,

I beg to apply for grant of permission to pay the entertainments tax on the basis of returns under sub-sections (1) and (2) of section 164 of the Pondicherry Municipalities Act, 1973.

I agree to furnish the security demanded for the payment of the entertainments tax due from me and to furnish true returns of payments for admission to the entertainments under each class of ticket value in such form and at such time as may be stipulated.

I agree to pay the taxes due in respect of each entertainment along with the returns before the next entertainment commences and shall pay any excess found due within seven days after it is demanded.

I agree to and shall abide by all the conditions of the permit.

If I fail to submit true returns it is open to the
to forfeit the security furnished and recover the taxes due from me
in addition.

Date:

Signature of the Proprietor

FORM III

[Prescribed under rules, 4, 8 and 11 of the Pondicherry Municipalities (Entertainments Tax) Rules, 1976 issued under section 166 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973)].

Permit to pay the tax on the basis of returns.

READ—Application from (Proprietor),
dated in respect of the following entertainments:—

(Proprietor) is permitted to pay the entertainments tax due on the above entertainments on the basis of returns to be submitted by him. This permission is subject to the following conditions:—

(1) This permission may be revoked at any time without reason being assigned and no compensation shall be payable by the Municipal Council on account of any loss caused to the proprietor by reason of such revocation.

(2) It is subject to the observance of the provisions of the Pondicherry Municipalities Act, 1973 (Sections 161 to 171) (both inclusive); the rules framed thereunder and the conditions of this permit and such other conditions as may from time to time be specified.

(3) A correct and complete account shall be maintained in Form I appended to the Pondicherry Municipalities (Entertainments Tax) Rules, 1976 and shall show the numbers of tickets of every class issued and sold for each performance, the amount received for such tickets and the total of the entertainments tax

due thereon. The return in Form I for every show shall be written up and the account closed within ninety minutes of the notified time for the commencement of the show. This account and the tickets remaining in stock shall be shown to the inspecting officers with other connected records including the 2nd parts of the tickets bearing the words "To be detached at the entrance and retained by the proprietor" when demanded for verification. Full facilities shall be given to inspecting officers to check the correctness of the records by counting the number of spectators of the audience during any performance covered by this permit.

(4) A return giving the total in respect of the particulars prescribed in Form I appended the Pondicherry Municipalities (Entertainments Tax) Rules, 1976, for all performances during the week from Monday to Sunday (both inclusive/each day) shall be sent so as to reach the office of the Entertainments Tax Officer on the Tuesday immediately following/ on the next working day at the latest. The receipt for the amount of tax paid or crossed cheque drawn in favour of the Entertainments Tax Officer for the amount of the tax due shall be attached to the return.

(5) Any tax found to be due over and above the amount for the payment of which a receipt is sent along with the return shall be paid within seven days from the date on which it is levied.

(6) The proprietor shall intimate to the Entertainments Tax Officer every change in the programme in advance and such intimation shall reach the Entertainments Tax Officer atleast twenty-four hours prior to the commencement of the changed programme.

(7) No correction made in this permit shall be valid unless ordered and attested by the undersigned.

(8) Subject to rule 42, this permit shall not be transferred.

(Signature of the Officer).

FORM IV

[Prescribed under rule 13 of the Pondicherry Municipalities (Entertainments Tax) Rules, 1976, issued under section 166 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973)].

Return of season tickets sold for the period ending

Class of tickets.	Number of tickets sold.	Period for which available.	Gross sum realised.	Amount of tax due.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
			Rs. P.	Rs. P.	

FORM V

[Prescribed under rule 21 (2) of the Pondicherry Municipalities (Entertainments Tax) Rules, 1976, issued under section 163 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973)].

This is to certify that the proprietor of the Entertainment specified below has paid the tax by composition:—

- (1) Name of the proprietor
- (2) Description of the entertainment
- (3) Date
- (4) Place

2. This certificate must not be used for any entertainment other than that specified above, and it must be exhibited in a prominent position at the public entrance to the place of entertainment at the time the public are admitted and during the entertainment.

No correction or erasure of any kind must be made or allowed to be made in this certificate except under the initials of the officer issuing the certificate.

Subject to rule 42, this certificate shall not be transferred.

(Signature of the Officer)

Station:

Date:

FORM VI

(Prescribed under rules 22 and 26 (1) of the Pondicherry Municipalities (Entertainment Tax) Rules, 1976, issued under sections 164 and 166 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973)).

Permit for the payment of the tax on the basis of returns as recorded by mechanical contrivance.

READ - Application from

dated 19 in respect of the following entertainments.

(Proprietor) is permitted to pay the entertainments tax due on the above entertainments on the basis of the returns recorded by the mechanical contrivance installed at the place of entertainment.

(1) This permission may be revoked at any time without reason being assigned and no compensation shall be payable by the Municipal Council on account of any loss caused to the proprietor by reason of such revocation.

(2) It is subject to the observance of the provisions of the Pondicherry Municipalities Act, 1973 (Sections 161 to 171) (both inclusive), the rules framed thereunder, the conditions of this permit and such other conditions as may from time to time be specified.

(3) A correct and complete account shall be maintained in Form VII appended to the Pondicherry Municipalities (Entertainments Tax) Rules, 1976 and shall show the number of persons admitted to each class, the amount received and the total of the entertainments tax due thereon. This account shall be shown to the inspecting Officers with other connected records when demanded for verification. Full facilities shall be given to the inspecting Officers to check to the correctness of the records by counting the number of spectators or the audience during any performance covered by this permit.

(4) A return in Form VII appended to the Pondicherry Municipalities (Entertainments Tax) Rules, 1976, showing the payments for admission made in respect of all performances in a week from Monday to Sunday (both inclusive/each day) shall be sent so as to reach the officer of the undersigned on the Tuesday immediately following/next working day at the latest. The receipt for the amount of tax paid or a crossed cheque drawn in favour of the entertainments Tax Officer for the amount of tax due shall be attached to the return.

(5) Any tax found to be due over and above the amount for the payment of which a receipt is sent along with the return shall be paid within seven days from the date on which it is levied.

(6) No correction made in this permit shall be valid unless ordered and attested by the undersigned.

(7) Subject to rule 42 this permit shall not be transferred.

(Signature of the Officer).

exemption from liability to entertainments tax in pursuance of the orders of Government in G O. dated the following certificate is issued to him subject to the conditions laid down below:--

Description of the entertainment:

Date:

Place:

Conditions

(1) The Proprietor should maintain accounts, and, when the entertainment is over, he should submit his accounts to the officer who has issued the certificate. In the case of an entertainment that lasts for more than one day, the accounts should be maintained correctly from day to day and should be open to inspection by Entertainments Tax Officers on duty.

(2) In the case of an entertainment that lasts for not more than a day he should send his account within one month from the date of the entertainment together with a receipt for the gross/net proceeds from the beneficiary, if any (here enter the institution to which/person to whom the proceeds should be given) according to the Government Order.

(3) In the case of an entertainment that lasts for more than one day, the officer granting the certificate should determine the stages at which the accounts and the receipts from the beneficiary for the proceeds of the entertainment should be submitted.

(4) The Proprietor will be liable for the payment of the proper entertainments tax, if the officer issuing the certificate is not satisfied that the conditions under which exemption has been given have been fulfilled.

(5) This certificate must not be used for any entertainment other than that specified above and it must be exhibited in a prominent position at the public entrance to the place of

entertainment at the time the public are admitted and during the entertainment. Subject to rule 42, this certificate shall not be transferred. No correction or erasure of any kind may be made, in the certificate except under the initials of the officer issuing the certificate.

(6) If the entertainment is not given on the date and at the place specified above the Proprietor must give notice in writing to that effect to the officer issuing the certificate within one week after the date fixed for holding it.

(Signature of the officer issuing the certificate)

FORM-IX

[Prescribed under rule 53 of the Pondicherry Municipalities (Entertainment Tax) Rules, 1976, issued under section 171 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973); Form of summons under the Pondicherry Municipalities Act, 1973.

Summons to appear in person and/or to produce documents:-

To

.....

Whereas your attendance is necessary to give evidence/whereas the following documents (here) describe the documents in sufficient detail to permit of their identification with reasonable certainty) are required with reference to an enquiry under the Pondicherry Municipalities Act, 1973 (here enter briefly the subject of the enquiry) now pending before me. You are hereby summoned to appear in person/to produce or cause to be produced, the said documents before me on the _____ day of _____ 19____ at _____ O'clock at (place) (and not to depart then until permitted by me).

Given under my hand and seal this _____ day of _____ 19____

Signature
Official designation

FORM-X

[Prescribed under rules 44 (1) (d) and 44 (2) (c) of the Pondicherry Municipalities (Entertainments Tax) Rules, 1976, issued under section 171 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973)].

SECURITY BOND

In consideration of the orders granting stay of collection permitting payment in instalments of tax/fee assessed on me/us for the year by the Entertainments Tax Controller/Entertainments Tax Director in his order No. dated on my/our petition dated such order of stay being payments in instalments for the sum of Rs. till the time of disposal of the appeal/applications preferred by me us subject to the condition that I/we furnish adequate security.

I aged residing at on behalf of the firm/on behalf of myself, hereby agree to pay the above mentioned tax/fee in full, in case the appeal/application preferred by me/us is rejected.

As security for the due fulfilment of the terms and to indemnify the municipal council against any loss, I/we furnish below the immovable propertiss, belonging to me/us described more in detail in the schedule.

If owing to me/our default to fulfil the terms of this deed, I/we agree that the properties mentioned in the schedule may be sold and the moneys due to municipal council may be recovered and adjusted.

Executor _____

SCHEDULE

Note:-- (1) The security bond should be sworn as in the case of indemnity bonds.

(2) The security bond should be produced to the officer to whom the appellant/applicant has applied for stay and on no account will be returned.

(3) No stay will be granted unless the security bond is produced before the authority concerned and the authority should be satisfied of the correctness and completeness of the bond.

FORM XI

(Prescribed under rule 44 (1) (d) and 44 (2) (c) of the Pondicherry Municipalities (Entertainments Tax) Rules, 1976, issued under section 171 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973).

(Form of personal security bond)

Know all men by these presents that we
and _____ of _____ are held and firmly
bound unto the Entertainments Tax Controller/Entertainments
Tax Director in the sum of Rs. _____ to be paid to the
municipal council of _____ (herein after called
the council) their successors or assigns of their certain attorneys
attorneys for which pay _____ to be well and truly to be made we bind
ourselves and each of us and our and each of our heirs, executors,
administrators and legal representatives firmly by these presents.

Whereas the above bounden _____ who has
applied to the Entertainments Tax Controller/Entertainments Tax
Director for the permission to pay the arrears of tax/fee of Rs. _____
in instalments and whereas the Entertainments Tax Controller/
Entertainments Tax Director has agreed to sanction the request of
_____ and the above bounden _____ as his surety
entering into a bond in the above mentioned sum of Rs. _____
with such condition as is hereunder written for the due and
punctual repayment by the said _____ for the
several instalments of the arrears as and when they fall due and

for the observance and performance by said _____ of the several conditions and covenants laid down in sections 161 to 171 (both inclusive) of the Pondicherry Municipalities Act, 1973 or any modifications therefor relating to the abovesaid arrears.

Now the above written bond is conditioned to be void in either of the cases following:—

1. If the said _____ his heirs, executors, administrators, or legal representatives shall from time to time and at all times hereafter well and truly pay or cause to be paid to the council all such sums of money as shall from time to time become due and owing to the council from the said _____ in respect of the arrears above mentioned as and when such sum or sums of money shall respectively become due and payable,

2. If the said _____ shall at any time or times hereafter make default in payment of any such sum or sums of moneys as aforesaid and the said _____ or his heirs, executors, administrators or legal representatives shall within the space of one calendar month after receiving notice in writing of such default and of the amount thereof from the council well and truly pay or cause to be paid to the council the sum of money stated in the said notice to be and being the amount of the said default.

Signed, sealed and delivered by the said _____ in the presence of _____

Signed, sealed and delivered by the said (surety) in the presence of _____

FORM XII

[Prescribed with reference to rule 41 of the Pondicherry Municipalities (Entertainments Tax) Rules, 1976, issued under section 171 of the Pondicherry Municipalities Act, 1973 (No 9 of 1973)].

We (name) _____ of (address) hereby declare that we have entered into partnership with/formed a new partnership in conducting the entertainment (s) known as _____ at _____ in the Union territory of Pondicherry, with effect on and from _____ with shares as mentioned below, and shall be jointly and severally responsible for the payment of the tax, fee or other amount leviable under the Act.

Name of person	Amount or nature of share in the business.
1	2
	Signature (s)

Date:

FORM XIII

Prescribed with reference to rule 41 of the Pondicherry Municipalities (Entertainments Tax) Rules, 1976, issued under section 171 of the Pondicherry Municipalities Act 1973 (No. 9 of 1973)).

I/we (name) _____ hereby declare that I/we _____ have ceased, with effect on and from _____ my/our connection with the business of conducting the entertainments (s) known as _____

Name of person	Amount or nature of previous share in the business.
1	2
	Signature (s)

Date:

FORM-XIV

(Prescribed under rule 35 of the Pondicherry Municipalities (Entertainments Tax) Rules, 1976, issued under section 171 of the Pondicherry Municipalities Act, 1873 (No. 9 of 1973).

Notice of Assessment and Demand.

To

(Proprietor)

Take notice that you have been taxed under section of the Pondicherry Municipalities Act, 1973, to a sum of Rs. (Rupees in words) only as shown below for the entertainment held on and that after deducting the total amount of tax already paid by you towards the tax for the entertainment you have to pay a further sum of Rs. (Rupees in words) only. This balance of tax

shall be paid within twenty-one days from the date of service of this notice, by crossed cheque in favour of the undersigned or by remittance in chase with the Entertainments Tax Officer or any other person duly authorised by him in this behalf at failing which the amount will be recovered as provided in sections 175 to 183 (both inclusive) of the Act and you will also be liable to fine as provided in section 184 of the Act.

Tax determined by the Entertainments Tax officer in respect of:--

Nature of entertainment.	Gros collections.	Rate of tax.	Amount of tax due
(1)	(2)	(3)	(4)
			Rs. P.
Total			

Place:

Date:

Note:— Where payment is made by cheque the cheque shall be crossed and shall be such as under the Treasury rules in force is receivable by the Government Treasury.

FORM XV

[Prescribed under rule 35 of the Pondicherry Municipalities (Entertainments Tax) Rules, 1976, issued under section 171 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973)].

Notice of levy of entertainments tax and refund order.

To

(Proprietor)

Take notice that you have been taxed under section of the Pondicherry Municipalities Act, 1973, to a sum of Rs.

(Rupees in words) only as shown below for the entertainment held on

The total amount of tax paid by you already is Rs.

(Rupees in words) only, that is Rs. in excess of the tax due.

2. The sum of Rs. paid by you in excess as stated above will be refunded to you, if you apply in person or through an authorised agent within thirty days from the date of receipt of this notice. If you do not do so, the amount will be credited towards the tax payable by you towards the entertainments proposed to be held by you a refund voucher for the amount will be sent to you by registered post at your cost.

Tax as determined by the Entertainment Tax Officer in respect of:—

Nature of enter- ainment (1)	Gross collec- tions. (2)	Rate of tax. (3)	Amount of tax due. (4) Rs. P.
			Total...

Place:

Date:

Entertainments Tax Officer.

[G. O M^s, No. 261 dated 10-9-1976 LAD]

46. (b) EXEMPTION OF SPORTS ENTERTAINMENTS FROM THE PAYMENT OF ENTERTAINMENTS TAX UNDER SECTION 167.

In exercise of the powers conferred by section 167 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant Governor, Pondicherry hereby exempts all sports tournaments and matches conducted by the Associations recognised by the Pondicherry Sports Council and the Clubs affiliated to such Associations from liability to the payment of entertainments tax in all municipalities in the Union territory of Pondicherry.

[G. O. Ms. No. 329 dated 22--11--1976-LAD]

46. (c) APPOINTMENT OF ENTERTAINMENTS TAX OFFICER, ENTERTAINMENTS TAX CONTROLLER AND ENTERTAINMENTS TAX DIRECTOR UNDER RULE-2.

In exercise of the powers conferred by clauses (e), (f) and (g) of rule 2 of the Pondicherry Municipalities (Entertainments Tax) Rules, 1976, the Lieutenant-Governor, Pondicherry hereby appoints:-

(i) the officers mentioned in column (2) of the Table-I below as Entertainments Tax Officers to exercise the powers of the Entertainments Tax officer under the said rules within the jurisdiction of the Municipality specified against each of them in column (3) of the said Table;

(ii) the officers mentioned in column (2) of the Table-II below as Entertainments Tax Controllers to exercise the powers of the Entertainments Tax Controller under the said rules within the jurisdiction of the municipality specified against each of them in column (3) of the said Table; and

(iii) the Director of Rural Development, Local Administration Department Pondicherry as Entertainments Tax

Director to exercise the powers of the Entertainments Tax Director under the said rules in respect of all municipalities in the Union Territory of Pondicherry.

TABLE—I

Sl. No. (1)	Officer. (2)	Name of the Municipality. (3)
1.	The Revenue Officer I, Pondicherry Municipality.	Pondicherry Municipality.
2.	The Commissioner, Karaikal Municipality.	Karaikal Municipality.
3.	The Commissioner, Mahe Municipality.	Mahe Municipality.
4.	The Commissioner, Yanam Municipality.	Yanam Municipality.

TABLE—II

Sl. No. (1)	Officer (2)	Name of the Municipality (3)
1.	The Commissioner, Pondicherry Municipality.	Pondicherry Municipality
2.	The Administrator, Karaikal.	Karaikal Municipality
3.	The Administrator, Mahe.	Mahe Municipality
4.	The Administrator, Yanam.	Yanam Municipality

[G. O. Ms. No. 333 dated 22-11-76-LAD]

47. (a) THE PONDICHERRY MUNICIPALITIES
(PROPERTY TAX) RULES, 1978.

In exercise of the powers conferred by section 440 of the Pondicherry Municipalities Act, 1973 and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:

1. Short title, extent and commencement:— (1) These rules may be called the Pondicherry Municipalities (Property Tax) Rules, 1978.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Manner of assessment of property tax.— The assessment list of property tax in respect of buildings, or lands which are occupied by, or adjacent and appurtenant to, buildings or both, as well as the lands which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to, buildings, shall be prepared in Form "A" appended to these rules.

3. The assessment list of property tax in respect of lands used exclusively for agricultural purposes shall be prepared in Form "B" appended to these rules.

4. In all cases in which any property is for the first time assessed or the assessment is increased the Commissioner shall give a notice in Form "C" appended to these rules, to the owner or occupier of the property, if known and if the owner or occupier of the property, is not known, he shall affix the notice in a conspicuous position on the property.

5. A register of objections shall be maintained in Form "D" appended to these rules. Every application objecting to the valuation or assessment of property tax shall on its receipts be

entered in the register. A serial number shall be given to each such application.

6. For the purpose of assessment of property tax in respect of lands which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to, buildings, the capital value of such land shall be its prevailing market value, that is to say, the price which it would reasonably fetch if sold in the open market, having regard to its situation, present condition and value as a prospective site for building houses or for the location of mills, factories or other industrial or commercial concerns.

7. In determining the market value of the owner-occupied lands, regard shall be had to the following factors namely,—

(a) the price paid for the land or for any portion thereof in the year and in case it is not ascertainable, the average cost prevailing in the three years immediately preceding after making due allowance for the lapse of time and any differences in respect of the situation of the land or of the amenities in the neighbourhood, since the sale, and

(b) the price paid for similar lands in the vicinity in the year or in the three years immediately preceding after making due allowance as aforesaid.

8. (1) The Commissioner may obtain from the Deputy Collector (Revenue) of the areas the particulars of—

(i) all lands in the Municipality (not used exclusively for agricultural purposes) which were valued by the Revenue Department in the three year and in the years immediately preceding, connection with the acquisition of lands for public purposes; and

(ii) the rate of capital value adopted in the case of each such land.

(2) The Commissioner may take such rates as general guide in making the valuation of lands near the lands to which the rates relate.

(3) The Commissioner may also obtain from the District Registrar or from concerned Sub-Registrar, as the case may be, the particulars of any land for which transfer of property was effected by sale in the preceding year.

9. The authorised valuation officer shall serve a notice in form "E" appended to these rules, to the objector and hear the views of the objector in person.

10. Transfer of registry of ownership of property in property tax assessment list:-- The entries relating to ownership of property shall be altered by the Commissioner in the assessment list on the application of any person, whether at a general revision of between one general revision and another.

11. Transfer by voluntary action of owner:-- In a case of absolute transfer of title, the entries relating to property in the assessment list may be altered in accordance with the application made in this behalf by either or both the parties to the transfer. Every application for alteration of entries shall be made in writing and signed by the person or persons making it. It may be sent by post or presented in person or by duly authorised agents or through an officer of the Registration Department. Where such an application is presented by both the parties, and one of them is the registered owner change of registry as requested may be ordered at once. But where only one of the parties to the transfer makes the application, notice shall be served on the other party. Where the registered owner is not a party to the transaction, notice shall also be issued to him whether the application for alteration of entries in the assessment list is presented by both the parties or one of them. If the registered owner objects to the proposed alteration, no alteration shall be made unless the person who claims to be the owner produces the document whereby the ownership of the property has been transferred to him. Where

only one party to the transaction applies and the other either objects or is silent, the parties should produce relevant documents in support of their claims.

12. Transfer to decree-holder:— In a case of transfer of title of property in the name of decree-holder with reference to a decree of a civil court or of purchaser in auction-sale held in execution of a court decree, alteration in the assessment list may be made at once on the application of any of the parties to the suit or of the auction-purchaser and on the production of an authenticated copy of the decree or a certificate of sale, as the case may be, and a certificate of delivery of possession in pursuance thereof provided, that the transfer is from the owner whose name appears in the assessment list when the transfer is from a person who is not the registered owner notice shall be given to the registered owner in the manner provided in rule 11 before alteration is made in the assessment list. Where, however, a certificate of delivery of possession cannot be produced, as for instance, whereon decree passed, possession is ceded without execution proceedings and the decree is apparently final, the entries in the assessment list shall be altered as provided rule in 11.

13. Transfer under declaratory decree:—Where an application is made for alteration in the assessment list under a declaratory decree which merely declares the title to be vested in a particular person and on which no execution can be taken so as to entitle him to alter the entries in his favour, the Commissioner may, on the production of an authenticated copy of such decree, at once make such alteration.

14. Transfer which accrues by succession:— The Commissioner may, on satisfactory proof, order alterations in the entries in the assessment list in the case of transfer accruing by successions.

15. An appeal shall lie to the Municipal Council against the order of the Commissioner making or refusing to make alterations in the entries in the assessment list. Such appeal shall be presented within thirty days after the date of receipt of the order appealed against.

FORM—A

(See rule 2)

Property tax assessment list in respect of buildings, or lands which are occupied by, or adjacent and appurtenant to buildings, or both as well as the lands which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to buildings

Serial number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	Door number and name of the street	Name and address of the owner	Name and profession of the occupant (owner or tenant)	Year of completion and age of the building	Number in the Assessment Register	Annual rental value of the building	Annual value of the site and adjacent premises which are under occupation	Capital value of the lands which are not under occupation	Total tax	Area of the building	Area of the site and adjacent premises which are under occupation	Area of land which are not under occupation	Description of the building (whether storeyed, multi-storeyed, roofing etc.)	Accommodation (room, verandah etc., with measurements)	Mode of use of the building (residential, business, industrial factory, etc.)	Rent paid (per mensem) as reported by the occupant or owner	Estimated gross monthly rent by the Commissioner	Door number of building connected with for the fixation of estimated monthly rent (otherwise give reasons for the arriving of the estimated rent)	Assessment number now allotted	

Existing Assessment

FORM "B
(See rule 3)

Property tax assessment list in respect of lands used exclusively for agricultural purposes.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
Serial number	Patta number	Survey and subdivision number	Name of owner and full address	Number in the Assessment Register	Area of land	Annual rental value of the land	Tax	Description of land with measurements	Area of land	Name of the occupant and his address	Nature of land and the use to which it is put	Annual rental value as reported by the owner or occupant	Annual rental value as estimated by the Commissioner	Reasons for increase or decrease between the reported value and the estimated value	Assessment number now allotted	Tax for general purposes	Water and drainage tax	Lighting tax	Seavenging tax	Total	Initial of the Commissioner	

FORM-B (Contd.)

Assessment of property tax as approved by the Authorised Valuation Officer	23	Tax for general purposes	24	Water and drainage tax	25	Lighting tax	26	Scavenging tax	27	Total	28	Initial of the Authorised Valuation Officer	29	Date of receipt of the objection on the assessment/Valuation	30	Date of hearing of the objection in person by the Authorised Valuation Officer	31	Date of order passed by the Authorised Valuation Officer	32	Tax for general purposes	33	Water and drainage tax	34	Lighting tax	35	Scavenging tax	36	Total	37	Initial of the Authorised Valuation Officer
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470

FORM-C
(See rule 4)

..... Municipality

To

Thiru.....

Notice under section 129 (1) of the Pondicherry
Municipalities Act, 1973.

Take notice that the assessment of property tax in respect of the
assessed for the first time
property specified hereunder has been _____
increased

and the rate of such tax has been fixed as shown against such pro-
perty, which shall take effect from

Description of property	Amount of tax as per the old assessment	Amount of tax now assessed	Reasons for increase if any.
(1)	(2)	(3)	(4)

2. In case you object to the valuation or assessment of the property tax as aforesaid you may, within thirty days from the date of service of this notice, send your objections in writing to the under-signed, stating clearly the grounds on which the valuation or assessment is disputed. If no objection is received within the said period, it shall be presumed that you have no objection to make on the proposed valuation/assessment of the tax and that the valuation assessment so made shall become final.

Commissioner

..... Municipality

Date:

Date of service of the notice

Signature of the person delivering the notice.

FORM-D

(See rule 5)

Register of objections.

Serial Number.	Date of receipt of objection.	Name and address of the person who filed the objection.	Details of property to which the objection relates.	Assessment Number.	Amount of property tax as per old assessment.	Amount of property tax as per the new assessment.	Grounds of objections.	Date of hearing of objection by the Authorised Valuation Officer.	Orders of the Authorised Valuation Officer.	Amount to which tax was reduced by the Authorised Valuation Officer.	Initial of the Authorised Valuation Officer.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

472

FORM-E

(See rule 9)

No. _____
Office of the Authorised Valuation Officer
To. (Place) (Date).
Thiru _____

Sir,

NOTICE

Take notice that your objection petition against the valuation/assessment of property tax in respect of property specified hereunder will be heard by the undersigned at on at (Place)

Description of property (1)	Amount of tax (2)
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You are hereby required to appear in person or through an agent duly authorised by you in this behalf before the undersigned on the date and time specified above with necessary documents, if any, in support of your objection.

Signature:

Authorised Valuation Officer:

For Municipality

(G. O. Ms. No. 165 dated 31-5-1978-LAD)

47. (b) APPOINTMENT OF AUTHORISED VALUATION OFFICERS UNDER SECTION 122 OF THE PONDICHERRY MUNICIPALITIES ACT, 1973 IN RESPECT OF ALL MUNICIPALITIES.

I. In exercise of the powers conferred by section 122 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant - Governor, Pondicherry hereby appoints the officers mentioned in column (2) of the Table below to be authorised Valuation Officers for the purposes of the said Act, in respect of the Municipal areas specified against each of them in column (3) of the said Table.

TABLE

Sl. No. (1)	Designation of the Officer (2)	Name of the Municipality (3)
1.	Executive Engineer, Engineering Cell, Local Administration Department, Pondicherry.	Pondicherry and Karaikal Municipalities.
2.	Deputy Director (Municipal Administration) Local Administration Department, Pondicherry.	Mahe and Yanam Municipalities.

[G. O Ms. No. 7 dated 12-1-1979]

II. In exercise of the powers conferred by section 122 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and in supersession of the notification issued in G. O. Ms No. 7 dated 12-1-1979 of the Local Administration Department, Government of Pondicherry the Lieutenant-Governor, Pondicherry, hereby appoints the officers mentioned in column (2) of the Table below to be Authorised Valuation Officers for the purposes of the said Act, in respect of the Municipal areas specified against each of them in column (3) of the said table.

TABLE

Sl. No.	Name and designation of the officer	Name of the Municipality
(1)	(2)	(3)
1	Thiru C. D. Dayal, Deputy Commissioner (CT), Pondicherry.	Pondicherry Municipality
2	Thiru Francois de Condappa, Director of Civil Supplies, Pondicherry.	do.
3	Thiru Felix Sequiera, Special Officer, Personel & Administrative Reforms Wing, Chief Secretariat, Pondicherry	do.
4	Thiru E Palani, Officer on Special Duty, Directorate of Health and Family Welfare, Pondicherry.	do.
5	Thiru S. Hemachandran, Registrar of Co-operative Societies Pondicherry.	do.
6	Thiru K. Martin, Senior Town Planner, Town & Country Planning Department, Pondicherry.	do.
7	Thiru V. Arunachalam, Executive Engineer, Public Works Department, Karaikal	Karaikal Municipality.
8	Thiru M. Kannan, Deputy Director (Municipal Administration), Local Administration Department, Pondicherry	Mahe and Yanam Municipalities

47. (c) ASSESSMENT OF PROPERTY TAX-CLARIFICATION

9. It was unanimously agreed that the Municipalities and Commune Panchayats should assess the annual rental value of the buildings according to the provisions of the Municipalities/ Panchayats Act and the rules made thereunder and the Committee suggested to adopt the following

1. In the case of buildings which are let out, the rent at which they are let out may be taken for determining the annual value. There may be cases where both the tenant and owner of the building may collude and disclose lesser rents. In such cases, the Commissioners should use their discretion and determine the rental value.
2. In all other cases, the nominal rent prevailing in the locality for similar type of buildings shall be taken into account.
3. In determining the annual rental value of the buildings or portion of the buildings occupied by the owner, a certain amount of leniency may be shown since the owner does not directly derive any income by way of rent.
4. All residential buildings, property tax/house tax shall be assessed by arriving at the gross annual rent at which they may reasonably be expected to be let. In respect of non-residential buildings such as Cinema Theatres, Mills etc., and the Government buildings the annual value shall be worked out on the estimated value of the buildings.

[Extract of the Minister of the Meeting Communicated in Memorandum No. 15136/7/LAD/D-1/2 dated 5-10-1978 LAD]

47. d) EXEMPTION OF GOVERNMENT BUILDINGS FROM THE ASSESSMENT OF PROPERTY TAX/HOUSE TAX BY THE MUNICIPALITIES AND COMMUNE PANCHAYATS.

The Municipal/Commune Panchayat Councils have imposed Property Tax/House Tax under the Pondicherry Municipalities

Act, 1973 and the Pondicherry Village and Commune Panchayats Act, 1973, as the case may be, with effect from 1-4-1979 and the Commissioners have assessed Property Tax/House Tax on the Government Buildings also.

2. As per article 285 of the Constitution of India, all the Government Buildings (irrespective of whether occupied by Government Department or let out to Government servants or to private parties) in the Union Territory of Pondicherry are properties vested in the Union by virtue of the Pondicherry Administration Act, 1962 and as such, they are not liable for taxation by the Municipalities and Commune Panchayats.

3. After considering the matter in detail in consultation with the Law Department, the Lieutenant Governor, hereby orders that the Municipalities and Commune Panchayats should not assess and collect the Property Tax/House Tax on Buildings owned by the Government. In case, any Municipality/Commune Panchayat have assessed the tax on Government buildings already, they should not collect the tax and the demand of such buildings may be deleted from the Assessment list of the tax in question.

[G. O. Ms. No. 220 dated 12-9-1979]

CHAPTER V - COLLECTON OF TAXES AND OTHER DUES

48. THE PONDICHERRY MUNICIPALITIES (COLLECTION OF TAXES) RULES, 1974,

In exercise of the powers conferred by section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:—

PRELIMINARY

Short title, extent and commencement

1. (1) These rules may be called the Pondicherry Municipalities (Collection of Taxes) Rules, 1974.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

Definitions

2. In these rules, unless the context otherwise requires,—

(a) "Act" means the Pondicherry Municipalities Act, 1973;

(b) "Section" means a section of the Act.

COLLECTION OF TAXES BY MUNICIPAL COUNCILS

Demand register.

3. A separate demand register shall be maintained for each of the taxes to be notified by the Government, in such form as may be laid down by the Government from time to time.

Arrear demand register.

4. The balances outstanding at the end of the year in all the demand registers and lists except the miscellaneous demand register shall be transferred to a register called the arrear demand register which shall be maintained in such form as may be laid down by the Government from time to time. Arrears of items shown in the miscellaneous demand register shall be transferred to the next year's miscellaneous demand register.

Verification of arrears.

5. As soon as the arrears under each class of tax have been entered in the arrear demand register and the totals tallied with those of the demand registers, the revenue officer, or where there is no such officer, the Commissioner shall satisfy himself that the corresponding bill receipts and if warrants have been issued, the warrant receipts are forthcoming in the case of all outstanding items of taxes which are collected by means of bill receipts. The revenue officer or the Commissioner, as the case

may be, shall record a certificate, of having so satisfied himself, in the arrear demand register. If either the bill receipt or the warrant receipt or both are missing, the amount specified in the bill receipts, as the case may be, shall be recoverable from the party responsible for the loss.

Collection.

6. As soon as the demand register has been completed in accordance with the requirements of rules 3 to 5, bill receipts and demand notices of the different kinds of taxes shall be written up in the respective forms laid down by the Government from time to time. Such bill receipts and demand notices shall bear consecutive numbers in print and be bound in volumes of limited numbers. Care shall be taken to see that the memoranda attached to the bill books are written up simultaneously.

7. After the bill receipts, demand notices and memoranda have been written up, they shall be carefully compared with the demand registers concerned, by a responsible official nominated in writing by the Commissioner and shall be initialled by such official in token of such comparison. A minimum of not less than ten per cent of the receipts, demand notices and memoranda shall be best-checked by the revenue officer or the manager, or if there is no such officer, by any employee entrusted with that duty by the Commissioner. In the case of bills which have been test-checked, the officer or employee test-checking the same shall be held personally responsible for short collections in consequences of errors. In the case of other bills, the official or employee comparing the same shall be held personally responsible for such short collection. The bill shall then be entered in a register of bills issued which shall be maintained in such form as may be laid down by the Government from time to time and stamped with the facsimile signature of the Commissioner in his presence or under the direct supervision of one of the officers mentioned above.

8. In the case, however of additional or supplemental bills or of reduction in the amounts of the original bills in consequence of an alteration in the demand after their preparation, the bills shall be examined by the revenue officer or the manager or if there is no such officer by any employee entrusted with that duty by the Commissioner and the alterations, if any, attested by him in the bills, in the demand notices and in the memo and:

Provided that no such alteration shall be made in any bill nor shall a duplicate bill be issued without the written orders of the Commissioner.

9. The Commissioner shall cause to be maintained in the revenue branch of his office a "register of bills issued" in such form as may be laid down by the Government from time to time. Separate registers may be used for each kind of bills or warrants. This register and the bill books shall always be kept under lock and key in the charge of the revenue officer or manager or if there is no such officer, of the tax clerk.

10. No amount shall be collected by a bill collector without giving the payer the printed receipt for it duly signed by him with the date of collection. The Commissioner shall compare in person, at least five percent of the originals of receipts given to tax payers, in each month besides receipts in respect of all assessments of Rs. 500/- and above in the case of selection grade municipalities and of Rs. 100/- in case of other municipalities with the relevant entries in the demand register concerned. The Commissioner shall record in writing the details of the receipts so compared by him:

Provided that in the case of municipalities where revenue officers are employed, the work of comparing the receipts and of making a record thereof may be entrusted to such revenue officers:

Provided further that in case it is not found possible to compare any of the receipts in respect of assessments of and above the monetary limits specified in this rule, the reasons therefor shall be

recorded in writing by the Commissioner or the revenue officer, as the case may be.

11. In order to enable the municipal authorities to keep a watch over the progress of collection demand, collection and balance statements in such form as may be laid down by the Government from time to time shall be prepared every month by the revenue officer or if there is no revenue officer by the manager or if there is no such officer, by any employee entrusted with the duty by the Commissioner and submitted to the council for its information and orders.

12. (1) Warrants shall be written with reference to the uncollected bills and the necessary details shall be entered at the same time in a register of warrants which shall be maintained in such form as may be laid down by the Government from time to time.

(2) When it is decided to issue warrants in respect of the bills in a book, they shall be issued for all the uncollected bills in that book unless the Commissioner shall, for every exceptional reasons which shall be recorded, decide otherwise in a particular case.

13. If on the demand of the Officer charged with the execution of the warrants, the amount of the tax due and of the warrants fee is paid by the party, the original bill receipt and the warrant fee receipts shall be delivered to the party duly receipted and dated the necessary entries made in the memorandum at the beginning of the bill book, in the counterfoil of the warrant and in the bill-collector's collection book.

14. If the amount of the tax due and the warrant fee are not paid, the officer will make distraint in accordance with section 177 of the Act. The distrained property shall then be immediately brought to the municipal office and made over to the store keeper or other subordinate entrusted with the custody of such property. It shall also be recorded at once in a register of distrained property which shall be maintained in such form as may be laid down by the Government from time to time.

15. The sales by public auction of distrained property shall be conducted by the Commissioner or any other person duly authorised by him in this behalf and every sale shall be recorded in the register of miscellaneous sales under the initials of the officer conducting the sale.

16. In the case of prosecutions all taxes due together with the warrant fees shall be noted in a register of prosecutions which shall be maintained in such form as may be laid down by the Government from time to time and their realisation shall be properly watched.

17. Amount found irrecoverable shall be reported by bill-collectors with their reasons. The revenue officer or the Commissioner shall personally check-up all such cases before they are countersigned by the Commissioner. Lists of the amounts included in these reports together with the reasons assigned in them shall be made at the end of every quarter and submitted to the standing committee or if there is no such committee to the council for instructions or directions with regard to the recovery by such arrears.

18. A register shall be maintained in such form as may be laid down by the Government from time to time for recording all writes off and temporary remissions.

(G. O. Ms. No. 130/74/LAD dated 29--5--1974-LAD)

49. THE PONDICHERRY MUNICIPALITIES (GRANT OF REMISSIONS TO CONTRACTORS AND LEASES OF MUNICIPAL COUNCILS) RULES, 1974

In exercise of the powers conferred by section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:—

PRELIMINARY

Short title, extent and commencement.

(1) These rules may be called the Pondicherry Municipalities (Grant of Remissions to Contractors and Leases of Municipal Councils) Rules, 1974.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

GRANT OF REMISSIONS TO CONTRACTORS AND
LEASES OF MUNICIPAL COUNCILS

2. All lessees of remunerative enterprises of municipal councils, all lessees of immovable property belonging to or vested in municipal councils and all persons who have entered into contracts with municipal councils shall be held strictly to the terms of their leases or contracts and no remissions shall be granted to them except in accordance with the provisions of rules 3 and 4.

3. The grant of remissions by the municipal council to lessees and contractors shall be subject to the following restrictions and control, namely:—

(a) remission shall be granted only in cases in which the lessee or contractor is prevented from carrying out his part of the lease or contract by reason of the occurrence of some extraordinary event which could not have reasonably been anticipated, for example the compulsory closing on account of the out break of an epidemic in a market which has been leased out;

(b) the remission granted shall bear a reasonable proportion to the loss actually sustained on account of such extraordinary cause: and

(c) the Municipal councils may sanction remissions as laid down below:

<u>Municipalities</u>	<u>Amount of remissions Rs.</u>	
Selection grade municipalities	Not exceeding	1,000/-
I grade municipalities	Not exceeding	750/-
II and III grade municipalities	Not exceeding	500/-

Provided that the remissions exceeding the said limits an not exceeding Rs. 5,000/- may be granted with the prior approva of the Director;

Provided further that for all remissions exceeding Rs. 5,000/- the prior sanction of the Government shall be obtained.

4. Penalties provided in the lease or contract shall be atrictly enforced in accordance with the terms of the lease or contract. Penalties for late payment of the amount due to the municipal council under the lease or contract shall not be remitted except in cases where the payments of instalments of the amount due are in the opinion of the municipal council, fairly regular and the whole amount due to the municipal council under the lease or contract is paid before the end of the period to which the lease or contract relates.

[G. O. Ms. No. 136 dated 29--5--74 LAD]

50. THE PONDICHERRY MUNICIPALITIES (POWER TO WRITE OFF IRRECOVERABLE TAXES FEES OR OTHER AMOUNT) RULES, 1977.

In exercise of the powers conferred by section 187 read with section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules namely:—

PRELIMINARY

1. Short title, extent and commencement:— (1) These rule called the Pondicherry Municipalities (Power to write off irrecoverable taxes, fees or other amounts) Rules, 1977.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Power to write off irrecoverable taxes, fees or other amounts:— (1) The Municipal Council may if in its opinion any tax, fee or other amount whatsoever due to it whether under a contract or otherwise is irrecoverable, write off such tax fee or amount upto the limit specified below:

Municipal Council.	Amount
(i) Pondicherry Municipal Council	...Not exceeding Rs. 1,000/-
(ii) Karaikal Municipal Council	...Not exceeding Rs. 750/-
(iii) Mahe and Yanam Municipal Council	...Not exceeding Rs. 500/-

(2) * When any single item of tax, fee or other amount to be written off by the Municipal Council as irrecoverable exceeds the limit specified under sub-rule (1), the council shall obtain the previous sanction of the prescribed authority appointed under section 187 of the Pondicherry Municipalities Act, 1973

3. All amounts found irrecoverable by the officer or servant of the Municipal Council who is entrusted with the work of the collection of taxes, fees or other amount shall be reported to the Commissioner with the reasons therefor and the same shall be verified by the Commissioner or any other officer duly authorised by him in this behalf. A list of all such amounts shall be prepared once in a quarter and submitted to the Municipal Council at its next meeting for sanction with the reasons and recommendations of the Commissioner for writing off the same. The Commissioner

shall see that the defaulter has no attachable property and that all means of recovery have been tried and found unsuccessful, before recommending to write off the amount.

4. Register for recording all amounts written off by the council shall be maintained by the Commissioner, when the write off proposals, are sanctioned by the Municipal Council or the prescribed authority, as the case may be, the necessary particulars such as the name of the persons from whom the amount is due to the Municipal Council, the nature of the tax, fee or other amount, the amount written off and the period to which the amounts relates, shall be entered in the register.

5. The bills and warrants (both foil and counter foil) for the taxes; fees or other amounts written off, shall as soon as possible after the sanction for the write off proposal is given, be stamped "Written Off" and necessary entries shall, at the same time be, made in the demand registers.

(G. O. Ms. No. 30, dated 17-2-1977 LAD):

51. PRESCRIPTION OF PERIOD OF LIMITATION FOR THE RECOVERY OF SUMS DUE TO THE MUNICIPAL COUNCILS RELATING TO THE PERIOD PRIOR TO 26-1-1974 UNDER SECTION 480.

WHEREAS clause (f) of section 507 of the Pondicherry Municipalities Act, 1973, provides that all sums that were due to an existing council on the appointed day viz., 26-1-1974 could be recovered by the successor council on and from the said date;

AND WHEREAS the period of limitation for the recovery of sums due to the Municipal Councils in general has been prescribed as three years under section 480 of the said Act;

AND WHEREAS it appears to the Government to be necessary to remove any difficulty that may arise in giving effect to the provisions of clause (f) of section 507 of the said Act,

especially in recovering the old dues pertaining to the period prior to 26-1-1974.

NOW, THEREFORE, in exercise of the powers conferred under section 512 of the Pondicherry Municipalities Act, 1973, the Lieutenant-Governor, Pondicherry, hereby orders that in respect of all municipal dues pertaining to the period prior to 26-1-1974, the limitation period of three years as specified under section 480 of the said Act, shall be reckoned from the appointed day, viz., 26-1-1974.

[G. O. Ms. No. 13 dated 25-1-77-LAD]

CHAPTER-VI-LICENCES AND PERMISSIONS

52. (a) THE PONDICHERRY MUNICIPALITIES (GRANT OF LICENCES AND PERMISSIONS) RULES, 1976.

In exercise of the powers conferred by section 355 read with section 356 and section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

PRELIMINARY

1. Short title, extent and commencement:— (1) These rules may be called the Pondicherry Municipalities (Grant of Licences and Permissions) Rules, 1976.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Definitions:— In these rules, unless the context otherwise requires:—

(a) 'Act' means the Pondicherry Municipalities Act, 1973 (No. 9 of 1973);

(b) 'section' means a section of the Act.

3. Application for the grant of licence under section 355:-

The Commissioner may by an order in writing, grant or refuse to grant licence under section 355. In the former case, he may impose such restrictions, conditions and regulations as he thinks fit to ensure the prevention of danger to human life, health or property in general and in respect of the following matters in particular:

- (i) cleanliness of place;
- (ii) proper drainage;
- (iii) proper ventilation and lighting;
- (iv) elimination or reduction of nuisance caused by noise or smell and dangerous effluvia and effluents;
- (v) safety of workmen;
- (vi) prevention of occupational hazards;
- (vii) safety of food and drink in food establishments; and
- (viii) prevention of spread of communicable diseases.

In the latter case, the reasons for refusal, which shall be communicated to the person or persons concerned, may be on grounds of danger to human life, health or property in general and in particular:

- (i) if the place is unsuitable for the purpose due to lack of ventilation and lighting or over-crowding;
- (ii) if it forms part of a dwelling house;
- (iii) if it lacks proper drainage arrangements;
- (iv) if the use of the place for the purpose will be a source of nuisance to neighbours by reason of noise, vibration, smoke, dust effluvia, or waste liquids; or
- (v) if the carrying on of the trade is not permissible under any other law or rules or bye-laws framed thereunder.

4. Application for grant of permission under section 356:-

Every person intending:

(a) to construct or establish any factory, workshop or workplace in which it is proposed to employ steam-power, water power or other mechanical power or electrical power, or

(b) to install in any place any machinery or manufacturing plant driven by steam, water or other mechanical or electrical power as aforesaid, not being machinery of manufacturing plant exempted by the rules shall, before beginning such construction, establishment or installation, make an application in the form appended to these rules to the municipal council for permission to undertake the intended work.

Explanation: For the purposes of these rules the expressions "construction and establishment" include "reconstruction and extension" respectively.

5. The application under rule 4 shall be accompanied by:—

(i) seven copies of the plan of the factory, workshop, work place or premises, two for being sent to the Inspector of Factories one to be returned with his remarks and the other for being retained in his office, two for being sent to the Senior Town Planner one to be returned with his remarks and the other for being retained in his office, one for being sent to the Director of Health and Family Planning Services, one for record in the office of the municipal council and one for being returned to the applicant with the orders of the municipal council;

(ii) such particulars as to the power, machinery, plant or premises as the municipal council may require by bye-law made in this behalf.

6. The municipal council shall, as soon as may be after the receipt of the application and within sixty days from the date of receipt:—

(a) grant the permission applied for either absolutely or subject to such conditions as it may think fit to impose, or

(b) refuse permission, it is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood, or that it is likely to cause a nuisance or for any other reason to be recorded in writing.

7. Before granting permission under rule 6, the municipal council--

(a) shall, if more than nine workers are proposed to be employed on any day in the factory, workshop, work place or place, obtain the approval of the Inspector of Factories appointed under the Factories Act, 1948 having jurisdiction in the area of the municipality, or if there is more than one such Inspector, of the Inspector designated by the Government in this behalf by general or special order, as regards the plan of the factory, workshop, work-place or place with reference to—

(i) the adequacy of the provision for ventilation and light,

(ii) the sufficiency of the height and dimension of the rooms and doors,

(iii) the suitability of the exits to be used in case of fire.

Note. — In the case of factory, workshop, work place or place in which not more than nine workers are proposed to be employed the application for permission shall be accompanied with one set of plans of the factory, workshop, work place or place bearing the approval granted by the Inspector of Factories. In such cases, the application under rule 4, may be accompanied only by five copies of the plan of the factory, workshop, work place, or premises. The Municipal Council may proceed to deal with the application for permission on the strength of such plan which has been already approved by the Inspector of Factories and the covering letter in which it has been approved.

(b) shall obtain the approval of the Senior Town Planner as regards—

(i) the suitability and adequacy of the site of the factory, workshop, work place or place for the purpose, and

(ii) the laying out, arrangements and architectural appearance of buildings; and

(c) shall consult, and have due regard to the opinion of the municipal health officer where the municipal council employs such an officer and of the Director of Health and Family Planning Services in other cases as regards the suitability of the site of the factory workshop, work place or place for the purpose specified in the application from the public health point of view.

(d) may consult, if it thinks necessary, the Director of Electricity, Director of Public works Department and the Director of Industries.

8. The municipal council shall also publish a notice in the official Gazette inviting the objections from the public against the construction or establishment of any factory, workshop or work place or the installation of any machinery or manufacturing plant within fifteen days from the date of publication. Such notice shall contain the particulars such as name and address of the applicant, the place at which the construction or establishment of any factory, workshop or work place or the installation of machinery or manufacturing plant is proposed to be constructed or established or installed, the details of the proposed industry, the name and style of such industry and the number of workers proposed to be employed. The municipal council shall take all such objections into consideration.

9. (1) The Inspector of Factories or the Senior Town Planner or the Director of Health and Family Planning Services shall communicate his approval or opinion within thirty days from the date of receipt of the reference in this behalf.

(2) If within the period of thirty days specified in sub-rule (1) the Inspector of Factories or the Senior Town Planner or the Director of Health and Family Planning Services does not communicate his approval or opinion, he shall be deemed to have communicated his approval.

10. Permission shall not be granted to factories located in buildings which have already been objected to by the Inspector of Factories or where the plan of the factory has not been approved by him, or to factories located in buildings which are obviously unsuitable for housing factories, considering the standards of lighting, ventilation and temperature conditions required by the Factories Act, 1948.

11. (1) Every municipal council may, or if so required by the Director of Rural Development shall, set apart specified areas in any area within its jurisdiction for industrial purposes with the approval of the Director of Health and Family Planning Services, Senior Town Planner and the Director of Industries.

(2) Where industrial areas have been set apart under sub-rule (1) the Municipal Council shall refuse to grant permission for the construction or establishment of any factory, work shop or work place or for installation of any machinery or manufacturing plant (other than electric machinery not exceeding 20 H. P.) outside such areas.

Note:— This rule shall not apply to factories established in accordance with rules made in pursuance of section 6 (1) (a) of the Factories Act, 1948.

12. The following machinery shall be exempted from the provisions of section 356 (1) (b) namely:—

(a) electrical appliances intended to be used for purely domestic or personal purposes or comfort and electrical machinery intended to be used for such purposes or comfort;

(b) non-electrical appliances not exceeding two horse-power intended to be used for purely domestic or personal purposes or comfort and non-electrical machinery not exceeding two horse-power intended to be used for such purposes or comfort.

FORM

(See Rule 4)

Application for permission for the construction or establishment of any factory, workshop, work place or the installation of any machinery or manufacturing plant under section 356 of the Pondicherry Municipalities Act, 1973.

1. Name and address of the applicant:
2. Whether proprietary or partnership:
3. If, partnership concern, the names and address of the partners:
4. Name and style of the factory, workshop, work place:
5. Place at which the factory, workshop or work place is proposed to be constructed or established or the machinery or manufacturing plant to be installed:
6. Site-Survey No. and village/taluk district:
7. (a) Whether the site is owned by the applicant? if so, whether the title deeds of the site is enclosed:
(b) Whether the site is taken on lease by the applicant? If so, whether a copy of the lease agreement is enclosed:

Note:— In case of lease, the consent letter from the owner of the site for starting an industry should be enclosed.

8. Any other particulars of land including land acquisition proceedings;
9. Purpose for which the permission is sought for by the applicant;
10. Production capacity per shift per month in quantity and value;
11. Number of shifts proposed and number of workers per shift;
12. Details of supervisory staff;
13. Details of workers to be employed;
14. Requirements of raw materials per shift per month (with quantity and C. I. F. value);
15. Source of supply (indigenous or imported)
16. Details of machinery to be installed (with value of each machine)
17. Power requirement in H.P. :
18. Break-up of capital investment on (land, building, machinery and working capital).
19. Site plan of the factory location;
20. Building plan of the factory;
21. Short description of process, if any;
22. Any other remarks:

I hereby declare that I will not depend upon the Government for the procurement of raw materials and machineries and I will make my own arrangements for the procurement of the same.

Encl:

Place:

Signature of the applicant

Date:

(G. O. Ms. No. 181, dated 8-6-1976-LAD)

52. (b) THE PONDICHERY MUNICIPALITIES
(GRANT OF LICENCES AND PERMISSIONS)
(AMENDMENT) RULES, 1978.

In exercise of the powers conferred by section 355 read with section 356 and section 440 of the Pondicherry Municipalities Act, 1973 (No.9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, amely:-

(1) Short title, extend and commencement:-- (1) These rules may be called the Pondicherry Municipalities (Grant of Licences and Permissions) (Amendment) Rules, 1978.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Deletion of Note under clause (1) of rule 7:— The Note under clause (a) of rule 7 of the Pondicherry Municipalities (Grant of Licences and Permissions) Rules, 1976 shall be deleted.

[G. O. Ms. No. 57 dated 28-2-1978 L A D]

52. (c) THE PONDICHERY MUNICIPALITIES (GRANT
OF LICENCES AND PERMISSIONS) (AMENDMENT)
RULES, 1979.

In exercise of the powers conferred by section 355 read with section 356 and section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following amendment to the Pondicherry Municipalities (Grant of Licences and Permissions) Rules, 1976 namely: -

1. Short title and commencement:-- (1) These rules may be called the Pondicherry Municipalities (Grant of Licences and Permissions) (Amendment) Rules, 1979

(2) They shall come into force from the date of their publication in the official gazette.

2. Insertion of new rule 13.— In the Pondicherry Municipalities (Grant of Licences and Permissions) Rules, 1976, after rule 12, the following rule shall be inserted, namely:—

“13. Power to exempt;— The Government may be general or special order, and subject to such conditions as they may deem fit, exempt any class of factory, workshop or work place from any of the provisions of these rules or direct that any such provision shall apply to any factory workshop or work place with such modifications as may be specified in the order ”

[G. O. Ms. No. 272/79 (A) dated 18th December, 1979]

52. (d) COLLECTION OF LICENCE AND PERMISSION FEES CLARIFICATORY INSTRUCTORS.

In this Department's Memorandum No. 4262/87/D1/76/LAD dated 12-10-1976 and No. 4262/87/D1/76/LAD. 1 dated 12-10-1976, model notifications to be published by the Commune Panchayat Councils Under Section 121 (2) of the Pondicherry Village and Commune Panchayats Act, 1973 and by the Municipal Councils under section 355 (1) of the Pondicherry Municipalities Act, 1973, were communicated for adoption. In the said Memorandum, the rate of licence fees to be adopted for each and every item of trade was also recommended.

2. It may be seen that Para 8 of the model notification sent by this Department, contemplates collection of licence fees for all the items dealt in the same premises by the trader. Para 7 provides for collection of penalty at the rate of 25% of the prescribed rate, over and above the licence fees, for all applications not made in time.

3. Now, representations were received from Merchant Communities that the levy of licence fees under the present system is on the highside since every shop-keeper is liable to pay licence fees for each and every item, the total of which works out heavily. Therefore, they have requested the Government to reduce the rates of licence fees. Secondly, they have requested the Government to stop the collection of penal fees for such licences.

4. The matter was examined in detail, As per Para 8 of the Notifications published by the Municipalities and Commune Panchayats, licence fees have to be collected for each and every item of trade, dealt with each shop/establishment, So each merchant irrespective of their turn over will have to pay a big amount which is causing hardship to him. In order to avoid it, the Government have decided that licence fees have to be collected by the the Municipalities and Commune Panchayats, only for one item for which the licence fee prescribed is the highest in respect of establishments/shops dealing in more than one trade/item. Accordingly, all the Commissioners of the Municipalities and Commune Panchayats are therefore hereby directed to take necessary appropriate action under the Act to amend para 8 of the notification which reads as "Separate licence fees should be paid for each trade though more than one trade can be conducted in one and the same place" as follows:-

"8. When a licence is required for use of any premises to deal with more than one item of trade, licence fees shall be paid only for one of the items dealt with in that premises, for which highest licence fee is prescribed, but licence shall be obtained for all items of trade dealt with in that premises".

5. The above amendment may be given retrospective effect i. e., from the date on which the original notifications came into force.

6. Pending amendment as proposed, the Commissioners are hereby directed to collect licence fees only for one item for which the licence fee is the highest in respect of shops/establishments

dealing in more than one item/trade. In cases where licence fees have already been collected, for several items from a trader, the amount collected in excess may be refunded to the concerned persons.

7. As regards collection of penal fees, it is stated that the system of licencing of trades has been introduced in this territory for the first time. Government therefore have decided that in a special case, penal fees need not be collected on applications which may be received upto 31-1-1978. Penal fees should however be collected for the applications received by the Commissioners after that date as per the Notifications in force. In cases where penal fees have already been collected, the same may be refunded to the concerned persons.

8. The matter may be brought to the notice of the council in its next meeting for its information.

(Order No. 14410/77/DI/LAD, dated 31-12-1977-LAD)

52 (e) RENEWAL OF LICENCES TO THE INDUSTRIES LOCATED IN THE INDUSTRIAL ESTATES - INSTRUCTORS

1. Under Section 355 of the Pondicherry Municipalities Act, 1973 and Section 121 of the Pondicherry Village and Commune Panchayats Act, 1973 the Commissioners of Municipalities and Commune Panchayats may grant or renew licence to Industries as the case may be and after issue of a notification by the Municipal/Commune Panchayat Councils under the Act.

2. All the Commissioners of the Municipalities/Commune Panchayats are hereby instructed that as and when they have got powers to grant or to renew such licences under the Acts, they may grant or renew licences to the Industries located in the Industrial Estate only on production of a "Clearance Certificate" from the

Administrative Officer, Industrial Estate, Pondicherry in respect of Industries in the Industrial Estate, Thattanchavady and Manapet, and the Assistant Director of Industries (K) Karaikal in respect of Industries in the Rural Industrial Estate, Karaikal, to the effect that the Industries have renewed the lease deed in the case of renewal and have insured the factory buildings as required under the lease deed

[Memorandum No. 23347/76/D/1/LAD dated 27-1-1977 LAD]

52 (f) PRODUCTION OF NO OBJECTION CERTIFICATE
FROM FIRE SERVICE INSTRUCTIONS.

A copy of the Office Memorandum No. Fire-1/65-CG, dated 4-5-1966 together with annexure issued by the General Administration Department, Pondicherry is sent herewith.

2. The Commissioners of all Municipalities/Commune Panchayats are instructed that whenever the applications for grant of licences/permissions for use as mentioned in the annexure are received, the Fire Department may be consulted.

(Memorandum No. 24539/77/D-1, dated 1-2-1978 LAD.)

It has been decided that Fire Officers at Pondicherry and Karaikal where Fire Stations exist should be consulted and no objection certificate obtained from them before issue of renewal of licences by the concerned authorities for the use of any place of premises for a purpose in which risk of fire is involved. An illustrative list of the place and the trades in respect of which the consultation is necessary is given in the annexure.

ANNEXURE—X

(Order No. 260)

List of places and trades involving risk from Fire in respect of which consultation with the Fire Service Department is necessary before the grant of/renewal of a licence.

1. Places of public resort such as circuses, dramas, fairs, festivals, concerts, dance recitals, exhibitions and any other places of entertainment (except cinemas) to which public have an access with or without charges.
2. Film studios, film storage vaults or rooms or sheds, film laboratory and colouring rooms, etc., film distribution companies.
3. Factories such as match factories, tile factories rice factories, cigarette factories, beedi factories, rice factories and refrigerator plants and places where fire works or other explosives such as gun-powder, etc. are made or manufactured.
4. Mills such as cotton mills, jute mills, oil mills, dyeing and printing mills, paper mills and timber saw mill.
5. Storage or godowns for groundnuts, cashewnuts, oils, petrol gunnybags, jute, paper, celluloid, timber, charcoal, furniture, food grains, cloth, Paints, Varnishes, liquors, spirit, rubber, compressed gases, camphor, artificial manure, firewood, thatching materials, hay grass, straw, fibre and coal.
6. Chemicals in solid liquid and gaseous forms such as Acetone, Acetylene, Alcohol, alkaboids, Aluminium Dust, Ammonia, Aniline, Arsine, Camphor, Barium-per-oxide, Celluloid, Cellulose, Paints, chlorine, Chloroform, Coal tar Coal gas, Creaylic, Elektron metal Ether-Ethyl-Either, Ethyl-Chloridem Ethlene Oxide, Explosives, Fats Wax R sine, fire Camp (Methane,), Glycernine, Hydrocyanic Acid, Hydrogen

Laccouers, Magnesium, Methane, Methyl Chlorine, Napthalene Ammonium Nitrate, Nitro-Benzene Oxygen, Petrol, Motor spirit, Petroleum-spirit, Phenol Phosphianie, Phosphorous Pental-Sulphide Pottassium Purric Acid, Sodium Peroxide, Sulphur, Sulphurated Hpdrogen, Tabacco, Toluene, Turpentine, Varnish Xylenea, and Zinc dust, and any other chemical liquid or non-liquid considered hazrsdous.

[Office Memorandum No. Fire-1/65-CG dated 4--2--1966 of the G. A D:pt.]

52. (g) MODEL FORMS FOR THE GRANT OF OR
REFUSAL OF PERMISSION BY THE MUNICIPAL
COUNCIL:--

FORM OF PERMISSION

(See section 356 (3), (a) of the Pondicherry Municipalities Act, 1973 and rule 6 (a) of the Pondicherry Municipalities (Grant of Licences and Permissions) Rules, 1976.)

Permission No. dated

To.
Thiru/Thirumathi

... ..

Ref Your application No. dated
for the grant of permission for the
consturction/establishment of a
factory/workshop/work-place and for the
erection of machinery/manufacturing plant at

Permission of the Municipal Council is hereby granted for the construction/establishment of a factory/work-shop/work place as per the plan approved (a copy enclosed) at (place) and for the erection of the following machinerics/manufacturing plant thereat:--

2. The permission is subject to the following conditions: --

- (i) The power requirement should not exceed

H. P./K. W.

- (ii)

- (iii)

COMMISSIONER

... .. Municipality.

FORM OF REFUSAL OF PERMISSION

(See section 356 (3) (b) of the Pondicherry Municipalities Act, 1973 and rule 6(b) of the Pondicherry Municipalities (Grant of Licences and Permissions) Rules, 1976.)

No. dated

To

Thiru/Thirumathi . . .

.

Ref: Your application No. . . . dated
for the grant of permission for the
construction/establishment of a factory/workshop
work-place and/or for the erection of machinery/
manufacturing plant at

Permission for the construction/establishment of a factory/
workshop/work-place and for the erection of machinery/manu-
facturing plant at has been refused by the
... .. Municipal Council on the following grounds

- i)
- ii)
- iii)

COMMISSIONER

... .. Municipality.

52 (h) GRANT OF PERMISSION CLARIFICATION

(1) (i) Rule 10 of the Pondicherry Commune Panchayats (Grant of Licences and Permissions) Rules, 1976 and rule 7 of the Pondicherry Municipalities (Grant of Licences and Permissions) Rules, 1976 provide that before granting permission for the construction of factories, workshops, workplace, etc., the Commune Panchayat Council/Municipal Council may, consult, if it thinks necessary the Director of Electricity, Director of P. W. D. and the Director of Industries. The question of consultation as required under the above rules was examined and it has been decided that whenever the entrepreneurs approach the Commune Panchayat Council/Municipal Council, they should be advised to get registered their proposed industries with the Industries Department at first provisionally and furnish the temporary registration order along with their applications. The applications which are not accompanied by the above said registration order should not be considered for grant of permission.

(ii) The Commissioners of all Municipalities and Commune Panchayats are hereby instructed to adhere to the above decision strictly as and when the councils are empowered to grant such permission under the Acts.

(Memorandum No. 17972/76 D-1 LAD dated 3rd November, 1976 of the Local Administration Department, Government of Pondicherry).

(2) The Commissioner, Karaikal Municipality is informed that it will be sufficient if the applications received from the public for the grant of permissions for the construction of factories industries etc., under section 356 of the Pondicherry Municipalities Act, 1973 read with the Pondicherry Municipalities (Grant of Licences and Permissions) Rules, 1976 are referred to the Junior Town Planner, Karaikal in respect of Karaikal region instead of Senior Town Planner, Pondicherry as provided under rule 7 (b) of the above said rules, since it is ascertained from the Town and

Country Planning Department, Pondicherry that the Junior Town Planner at Karaikal as a representative of Senior Town Planner will give approval.

(Memorandum No. 13748/76 D-1 LAD dated 10th August 1976 of L. A. D.)

53. THE PONDICHERRY MUNICIPALITIES (LICENCES FOR PROJECTIONS, LICENCES FOR PANDALS AND LEASE OF ROAD SIDES AND AT STREET MARGINS) RULES, 1978.

In exercise of the powers conferred by section 275 read with section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

PRELIMINARY

1. Short title, extent and commencement:— (1) These rules may be called the Pondicherry Municipalities (Licences for projections, Licences for erection of pandals and Lease of Road sides and street margins) Rules, 1978.

(2) Rules 3 to 8 shall extend to the whole of the Union Territory of Pondicherry except the areas declared as Planning area under Section 8 of the "Pondicherry Town and Country Planning Act, 1969". Rules 9 to 16 shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Definition:— In these rules, unless the context otherwise requires,—

(a) "Act" means the Pondicherry Municipalities Act, 1973;

(b) "Director" means the Director appointed under the Act;

(c) "Section" means a section of the Act.

3. Licences for projections under sub-section (1) of section 275.—(1) The municipal council shall require that every application for a licence under sub-section (1) of section 275 shall furnish information as to the materials of which it is proposed to construct the structure and the period for which a licence is required.

(2) Before granting a licence under sub-section (1) of section 275, the municipal council shall—

(1) obtain the approval of the Administrator of the region concerned;

(2) obtain the clearance of the Public Works Department in the case of premises situated in the street/road which has been placed under the control of the Public Works Department for maintenance.

4. The municipal council may grant or renew a licence after the application referred to in rule 3 is received, subject to such restrictions and conditions as it may impose:

Provided that the projections shall not in any way be injurious to public health or cause inconvenience to the public or pedestrian and vehicular traffic or for laying the mains for the public utilities (like drainage, sewage and water supply mains), laying of the telephone and electric cables either over the head or below the ground:

Provided further that the pillars or foundations shall not be allowed to be laid for construction of balconies.

5. Licences for the construction of steps on drain coverings necessary for giving access to premises shall be granted by the Municipal Council subject to the following further conditions which should be specified in the licence;

(1) (i) The steps or slabs over drains shall not project into street margin / road side beyond the retaining wall of the drain;

(ii) In the case of domestic premises, the slab over the drain shall be as decided by the Municipal Council subject to a maximum of 1-60 metres long.

(iii) In the case of premises, having a compound in front of which vehicular traffic is likely to pass over the drain, the municipal council shall fix the length of the covering.

(2) Covering over drains shall be flush with the top of the retaining walls of the drains provided that the depth of the drain below the coverings is considered sufficient by the municipal council to carry the storm water or waste water flow. A covering slab may be laid on the top of the retaining walls in rare cases where it may be necessary to do so in order that the water-way of the drain may not be restricted or in the case where the licensing authority has no objection, provided that suitable cement concrete ramp is constructed on the street margin / road side of the raised slab leading from the level of the top of the slab to the street/road level.

(3) (i) The drain covering in the case of premises abutting on the street shall be 0.16 metres to 0.82 metres in thickness for drain.

(ii) In the case of larger drains, thickness and the materials of the covering shall be such as may be decided by the municipal council in each case to suit:--

(a) the class of stone or other covering materials used;

(b) the width of individual slab members carrying the load;

(c) the load concentration excepted; and

(d) the depth of fill, if any over the slab.

(4) They shall be liable to be removed at the cost of the licensee whenever necessary in order that the drain may be inspected or repaired.

(5) The municipal council shall have an absolute right to remove the encroachment altogether whenever they think fit without payment of compensation.

(6) The top of the drain covering shall not be used as part of a shop or be otherwise encroached upon.

Note:— In exceptional cases and on the recommendation of the municipal engineer, the municipal council may relax the condition referred to in sub-rule (3).

6. Licences for projections shall be granted by the municipal council subject to the following further conditions.

(1) No projection of any sort whatsoever except Sunshades extending more than 23 cms. below the height of 4-3 metres, shall project over the road or over any drain or over any portion outside the boundaries of the site provided that the projection arising out of the vertical part of the rain water spouts projecting at the road level or the water pipe may be permitted in accordance with the drainage plan.

(2) Projection of sunshades over windows or ventilators when permitted by the municipal council shall fulfil the following conditions namely:

(a) No Sunshade shall be permitted over the road or over any drain or over any portion outside the boundaries of the site below a height of 2.8 metres from the road level;

(b) Sunshades provided above a height of 2.8 metres from the ground level shall be permitted to project upto a maximum width of 60cms. if the road over which they project exceeds 9 metres in width; and

(c) No Sunshade shall be permitted on roads less than 9 metres in width or on roads having no foot paths

(3) Every set-back provided either in the said or rear shall be kept free from any erection thereon and shall be open to sky and no cornice roof or Sunshade more than 0.75 metres shall overhang or project over the said set-back so as to reduce the width to less than minimum require. In case of front set-back a clear distance of one metre open to sky shall be left from the boundary line of the plot towards the front of the building and no projection whatsoever should extend beyond the above limit,

(4) Balconies in the existing developed areas may be permitted to project over the road or over any drain or over any portion outside the boundaries of the site to a maximum of one metre if the road over which they project exceeds 9 metres in width and no balcony shall be permitted on roads less than 9 metres in width or on roads having no foot paths.

(5) The distance between the existing electric lines or telegraph lines and any portion of the structure should be governed by the current rules of the Electricity Department or Telegraphs Department respectively, and their amendments from time to time.

7. The director shall have power to order the cancellation of any licence granted under sub-section (1) of section 275, if in his opinion the licence granted for the projection or erection or structure or encroachment has become objectionable or if he considers it necessary in the public interest that the projection or erection or structure or encroachment shall be removed and upon such order the municipal council shall promptly cancel the licence and have the projection, erection, structure or encroachment removed. In such a case, the party shall not be entitled to compensation.

8. It shall be a condition of every licence granted under sub-Section (1) of Section 275:—

(1) that the licence shall be cancelled at any time in the circumstances referred to in sub-rule (5) of rule 5 or rule 7;

(2) that an annual fee shall, if levied, be paid to the municipal council in advance so long as the licence is in force and that in default of payment of such fee, the licence shall be liable to be cancelled.

9. Licences for erection of pandals and other structures in streets under sub-Section (2) of Section 275:— Before granting a licence under sub-Section (2) of Section 275 for temporary erection of pandals or other structures in a street which has been placed under the control of the Public Works Department, the Commissioner shall obtain prior clearance of the Public Works Department.

10. In the case of licences granted for the erection of pandals or other structures in a street which has been placed under the control of the Public Works Department, a portion of the fee, as may be decided by the Council in consultation with the Director of Public Works Department shall be remitted to the Public Works Department for carrying out the damages caused to such road due to grant of such licence.

11. No licence shall be granted for the erection of pandals or other structures in vehicular roads and other important roads as may be decided by the council. As far as possible, the Commissioner should ensure that the digging of holes on roads for erection of pandals or other structures is avoided.

12. Lease of road sides and street margins under sub-section (3) of section 275:— The lease of road sides or street margins under sub-section (3) of section 275 shall not be granted except upon an application, made to the municipal council, furnishing information as to:—

(a) the extent of the area and the period for which the lease is required;

(b) the use proposed to be made;

(c) in case, any structure is to be erected on the road side or street margin, the materials to be used in the erection of such structure, such as palmyrah or coconut leaves, bamboo or other matting of gunny cloth or other similar materials.

13. Before granting a licence under sub-section (3) of section 275, the municipal council shall obtain the clearance of the Public Works Department in the case of a street, which has been placed under the control of the Public Works Department for maintenance.

14. The municipal council shall lease out the road sides and street margins for erecting temporary structure only without any foundation.

15. (1) No lease of land by the road sides and street margins shall be given for residential purposes or for agricultural purposes.

(2) The rent for the period of lease shall be levied and collected in advance.

(3) The lease of road sides and street margins may be renewed by the municipal council from time to time.

(4) For every renewal the rent must be collected in advance.

16. Every lease granted under sub-section (3) of section 275 shall expressly provide that the lease is liable to be terminated at any time within the period on the lease without payment of compensation or refund of the rent paid already to the leases, if the Municipal Council considers that the projection, construction or occupation is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such or that it is used for another purpose.

[G. O. Ms. No. 24, dated 30-1-1978-LAD]

54. THE PONDICHERRY MUNICIPALITIES (LICENSING OF PORTERS) RULES, 1976.

In exercise of the powers conferred by section 387 read with section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:--

1. Short title, extent and commencement:-- (1) These rules may be called the Pondicherry Municipalities (Licensing of Porters) Rules, 1976.

2. They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Definitions— In these rules, unless the context otherwise requires—

(a) "Act," means the Pondicherry Municipalities Act, 1973;

(b) "Commissioner" means the Commissioner of a municipality appointed under section 147 of the Act;

(c) "Director" means the Director appointed under sub-section (1) of section 106 of the Act;

(d) "Porter" means a person who carries goods or loads or luggages for hire;

(e) "section" means a section of the Act.

3. (1) Every person desirous of working for hire as porter (cooly) in any public land place, halting place, cart stand or bus stand provided by the municipal council shall obtain a licence from the Commissioner, for such purpose.

(2) Every such person shall apply to the Commissioner for the grant of the licence in the form appended to these rules:

Provided that the applicant—

- (a) has completed the age of eighteen years;
- (b) is well acquainted with the principal streets and places in the Municipality ; and
- (c) is physically and mentally fit in all respects to act as a porter.

(3) The application shall be accompanied with—

- (a) two copies of his recent passport size photograph, and
- (b) the receipt for the pre-payment of the fee as may be prescribed by the municipal council from time to time not exceeding twelve rupees per annum for such licence and such other charges as may be prescribed by the municipal council for the supply of a metal badge.

4. Every licence issued or renewed by the Commissioner shall be subject to the following conditions, namely, that the licensee—

(a) shall at all times while waiting for hire or during the period of his duties as a Porter, affix the metal badge supplied to him by the municipality on his person in such a manner that it can be easily noticed;

(b) shall, while on duty, wear clothes of such colour, design and shape as may be prescribed by the Municipal Council from time to time;

(c) shall deposit at the nearest police station all goods or property left with him by the owner thereof negligently or by mistake;

(d) shall not demand or receive more than the maximum hire as may be prescribed by the Municipal Council from time to time.

(e) shall not carry more than the weight of the goods, or loads or luggages as may be prescribed by the municipal Council from time to time;

(f) shall take proper care of the badge and shall not alter, deface or obliterate it

(g) shall not be discourteous in behaviour towards passengers or cause wilful damage to the properties of passengers;

(h) shall not handle the goods or loads or luggages roughly.

(i) shall at all reasonable times produce the licence for inspection whenever demanded by the Commissioner or any other officer duly authorised by him in this behalf.

5. Every licence granted under these rules shall specify the period for which and the conditions subject to which, the same is granted and shall be signed by the Commissioner or by some other person duly authorised by the Commissioner in that behalf. The licence shall bear the signature or the left thumb-impression of the licensee at the proper place. A copy of the recent photograph of the licensee shall also be affixed on the licence.

6. Any licence granted under these rules may, at any time, be revoked or suspended by the Commissioner, if any of the conditions prescribed under rule 4 is evaded or infringed by the licensee, or if the licensee is convicted of a breach of any of the provisions of the Act or these rules or bye-laws or if the licensee has obtained the licence by misrepresentation or fraud;

Provided that no such revocation or suspension shall be made except after giving the holder of the licence a reasonable opportunity of being heard.

7. A metal badge of such design as may be prescribed by the Municipal Council be supplied by the Commissioner alongwith the licence to the licensee.

8. Every licence granted under these rules shall expire at the end of the year i. e., on the thirty-first day of March next ensuing unless it is renewed on or before that date.

9. No licence granted or renewed under these rules shall be transferable.

10. (1) Every licence granted under these rules may be renewed for such further periods not exceeding 12 months at a time.

(2) Application for the renewal of licence shall be accompanied with the receipt for the pre-payment of the fee as may be prescribed by the Municipal Council from time to time not exceeding twelve rupees per annum and shall be made by the licensee atleast ninety days before the expiry of the licence. Such application shall be disposed of by the Commissioner before the expiry of the licence and if the application is not so disposed of within that period, the licence shall be deemed to have been renewed.

11. No licence shall be renewed unless the Commissioner is satisfied that the applicant continues to be physically and mentally fit in all respects to work as a porter.

12. Every licensee shall surrender his licence and the metal badge to the Commissioner within a reasonable time as may be specified by the Commissioner by an order, in that behalf, after the expiry of the term of licence or where the licence has been suspended or revoked under these rules.

13. Every order of the Commissioner refusing to grant or renew the licence, or revoking or suspending the licence shall be in writing and shall state the grounds therefor.

14. (1) An appeal shall lie to the municipal council from any order of the Commissioner refusing to grant or renew the licence or revoking or suspending the licence, within thirty

days after the date of the receipt of the order of the Commissioner. Every such appeal shall be disposed of by the municipal council within one month from the date of its receipt in the municipal office and if not disposed of within that time, shall be transmitted by the Commissioner to the Director for disposal.

(2) The decision of the municipal council or the Director, as the case may be, on any such appeal shall, subject to the provisions of sub-rule (3) be final and the municipal council or the Director as the case may be, shall have no power to revise its or his decision.

(3) The Government may, at any time, call for and examine the records relating to any such appeal, and pass such orders as it may deem fit.

(4) The provisions of section 5 of the Limitation Act, 1963 (Central Act 36 of 1963) shall, so far as may be, apply to any such appeal presented under these rules.

15. The Municipal Council may make bye-laws not inconsistent with the Act or these rules or any other law to provide for regulating the grant of licences to Porters by the Commissioner.

16. Whoever works as a Porter without a licence of the Commissioner and whoever fails to comply with the provisions of rule 12 or any order lawfully made by the Commissioner under these rules shall be punishable with fine which may extend to one hundred rupees.

FORM

1. Name of the applicant:
2. Age:
3. Father's name:
4. Residential address:

5. Permanent address:
6. Previous licence number and date, if any:
7. Copy in duplicate of present photographs:
8. Name, designation and address of the person issuing character certificate.
9. Has he paid the fees (Give receipt number and date):
10. Is he well acquainted with principal streets and places in the municipality:
11. Is he physically and mentally fit in all respects to act as Porter;

Signature of the applicant.

[G O. Ms. No. 268 dated 15—9—1976-LAD]

55. THE PONDICHERRY MUNICIPALITIES (PLACES OF PUBLIC RESORT AND ENTERTAINMENTS) RULES, 1980.

G. S. R. No. 5:— In exercise of the powers conferred by section 349 read with section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules namely:—

I. PRELIMINARY

1. Short title and commencement:— (1) These rules may be called the Pondicherry Municipalities (Places of Public Resort and Entertainments) Rules, 1980.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions:— In these rules, unless the context otherwise requires:—

(a) 'Act' means the Pondicherry Municipalities Act, 1973;

(b) 'health officer' means the municipal health officer in the case of a municipality which employ a health officer and the Chief of the Health Department of the region, in all other cases;

(c) 'permanent building' means a building which is constructed for permanent use with stone, mud, brick, mortar, cement or other non-inflammable material;

Explanation.— Where the floor, roof, side - walls, galleries and stair - cases of a building are made of non - inflammable material, the building shall, for the purposes of these rules, be deemed to be a permanent building.

If any question arises as to whether a building is or is not a permanent building, it shall be referred to the Director of Public Works Department, Pondicherry whose decision shall be final.

(d) 'temporary building' means a building which is not a permanent building.

II. PERMANENT BUILDINGS

3. No licence shall be granted under the Act for the use of any permanent building for public resort or entertainment, unless,—

(a) the building is provided on atleast three of its sides with an open space of not less than six metres in width or of such greater width as may be required by the Commissioner;

(b) the eaves of the building have a height of not less than three metres;

(c) the size of the door ways in the building is not less than two and a half metres in height and one and a half metres in

width, the width being measured between the leaves of the door in the open position: and

(d) the windows of the building are of such dimensions and number and in such situations as may be required by the Commissioner and the aggregate area of all the windows in each of the places to which the public are admitted is not less than one-tenth of the floor area thereof:

Provided that the Commissioner, in consultations with the health officer, may

(i) permit the use of extractors or other artificial means of ventilation to provide for a sufficient supply of fresh air in the building in lieu of all or any of the windows required under clause (d) ; or

(ii) require such extractors or other artificial means of ventilation to be provide in addition to the windows required under the said clause.

4. Every person who has obtained a licence under the Act for the use of any permanent building for public resort or entertainment shall cause all windows and other means of ventilation in the building to be maintained in good order and efficient action during the period in which such building is used for public resort or entertainment and for atleast two hours before and for half-an-hour after such use.

5. The Commissioner may relax any of the conditions in rules 3 and 4 on the recommendation of the health officer.

6. The licensee shall, except when such building is used in day time and no artificial lighting is required, provide suitable lighting therein and in the open space appurtenant thereto.

7. The licensee shall cause the flooring of every part of such building to be paved or otherwise made impervious and damp-free and shall keep such flooring at all times in good order and

repair and shall disinfect it at such times and in such manner as may be required by the Commissioner.

8. The licensee shall not permit any sand earth or other dusty material to be spread on any part of the floor of the building to which the public are admitted.

9. The licensee shall cause the carpets, matting or any other material used as a covering for the floor to be cleaned and dusted at least once daily.

10. The licensee shall cause all open spaces in the licensed premises to be paved or gravelled to the satisfaction of the Commissioner.

11. (1) The licensee shall not permit a greater number of persons to be accommodated in the building than that arrived at by calculating at the rate of 20 persons per 9-50 square metres of floor area in respect of such portions as are provided with chairs having backs and arms, and at the rate of 5 persons per 9-50 square metres of floor area in respect of other portions, after excluding the area covered by the entrances, the passages and gangways, the staircases and all places to which the public are not admitted.

(2) The number of persons admitted into any part of the building shall not exceed the number specified in the licence for that part of the building. The number specified for each part shall be clearly indicated in such part by means of a board, or otherwise.

12. The licensee shall provide separate and reasonably sufficient accommodation for women.

13. The licensee shall cause the walls of the building to be hot-lime washed at least once in every six months or to be painted once in every two years or more often, as may be required by the commissioner.

14. The licensee shall cause the premises to be thoroughly cleansed and all refuse matters to be removed at least in every twenty-four hours or more often as may be required by the Commissioner.

15. The licensee shall provide suitable means of drainage to the building and also sanitary conveniences of such description and design as may be required by the Commissioner on the recommendation of the health officer for the exclusive use of each sex, according to the scale shown in Appendix-I and shall cause the same to be maintained in good order and sanitary condition.

16. The licensee shall, where a continuous supply of piped water is available, provide such number of water taps and in such places, as may be required by the Commissioner on the recommendation of the health officer.

17. The licensee shall, where a continuous supply of piped water is not available provide drinking water in such places, in such manner and in such quantity as may be required by the Commissioner on the recommendation of the health officer.

18. The licensee shall provide spittoons of such description in such number and in such places as may be required by the Commissioner on the recommendation of the health officer.

III. TEMPORARY BUILDINGS,

19. No licence shall be granted under the Act for the use of any temporary building for public resort or entertainment unless—

(a) the building is provided on all its sides with open space and no part shall be less than 45 metres in width;

(b) the eaves of the building have a height of not less than two and a half metres; and

(c) every doorway in the building is not less than 1-80 metres in height and 1-20 metres in width.

20. Every person who has obtained a licence under the Act for the use of any temporary building or any enclosed place for public resort or entertainment shall provide suitable means of ventilation for such building or place and shall cause the same to be maintained to the satisfaction of the Commissioner. He shall also, except when such building or place is used in day time and no artificial lighting is required, provide suitable lighting therein and in the open space appurtenant thereto.

21. The licensee shall cause every part of such building or place to be maintained in proper sanitary condition.

22. The licensee shall not permit a greater number of persons to be accommodated in the building than that arrived at by calculating at the rate of 25 persons per 9.50 square metres of floor area after excluding the area covered by the entrances, the passages and gangways, the stage, the staircases and all places to which the public are not admitted.

23. The licensee shall provide such sanitary conveniences as may be required by the Commissioner for the exclusive use of each sex according to the scale laid down in Appendix-I and shall cause the same to be maintained in good order and sanitary condition.

24. The licensee shall provide a sufficient supply of wholesome drinking water for the use of persons employed in or frequenting such building or place. The quantity and the places and the method of storage and supply shall be as required by the Commissioner.

25. The licensee shall not permit or suffer:

(a) any light to be affixed to the side-walls or post of such building or place;

(b) any light to be placed within five feet of the walls or roof of such building or place,

(c) any fire work to be ignited by his servants within 90 metres of any part of the outer walls of such building or place; and

(d) smoking within such building or place.

IV. GRANT OF LICENCES

26. (1) Licences granted under the Act shall be either annual or temporary.

(2) Temporary licences may be granted—

(a) in the case of a building or enclosure used for a travelling circus or show, for a period not exceeding one month at a time; and

(b) in other cases, for a period not exceeding three months at a time.

(3) Annual licences shall be granted only in respect of permanent buildings, provided that, for reasons to be recorded in writing, the Commissioner may grant a licence so as to be valid for a period less than one year, in which case he shall collect only the proportionate licence fee. Temporary licences may also be granted in respect of such buildings, if they are required only for occasional use as place of public resort or entertainment.

(4) Temporary licences only may be granted in respect of temporary buildings.

(5) In respect of walled enclosures which have no roof or superstructure, either annual or temporary licences may be granted.

(6) Any licence granted under these rules may be renewed from time to time at the discretion of the Commissioner;—

(a) in the case of an annual licence, for a further period of one year at a time and

(b) in the case of a temporary licence, for such further period as the Commissioner may think fit, but not exceeding at time, the period specified in clause (a) or (b) of sub-rule (2), as the case may be.

(7) (a) The period for which a temporary licence granted under clause (a) of sub-rule (2) shall be in force shall not, except with the special sanction of the Government, exceed three months in the aggregate within any continuous period of twelve months.

(b) The period for which a temporary licence granted under clause (b) of sub-rule (2) shall be in force shall not, except with the special sanction of the Government, exceed six months in the aggregate within any continuous period of twelve months.

(8) The grant of an annual licence in respect of any building or enclosure shall not be deemed to authorize the use of such building for a travelling circus or show. In such a case, a separate temporary licence shall be obtained in accordance with the provisions of this rule for the use of such building or enclosure for such circus or show.

(9) The Commissioner shall communicate to the local police station and the Tahsildar concerned a copy of every licence issued under the Act for the use of any place for staging dramatic performances.

27. (1) No licence shall be granted in respect of any building or enclosed place unless the provisions of sub-rules (2) to (4) and rule 29 are complied with.

(2) Such buildings or place shall have at least two main exits of not less than 2½ metres in height and 1 metre in width. Where these exits are closed by doors, the doors shall be made as to open out-wards. Such exits shall be so arranged that they can be pushed open easily and at once from inside.

(3) When the sitting space inside the building or place exceeds 100 square metres atleast one additional special exit for 50 square metres of additional space shall be provided in the exterior walls of such building or place at suitable distances. Each of such special exits shall be not less than $2\frac{1}{2}$ metres in height and $1\frac{1}{2}$ metres in width, the width being measured between the leaves of the doors in the open position. Such special exits may be closed whilst such building or place is being used as a place of public resort but the means adopted for using them in cases of emergency shall be as specified in clause (iv) of rule 34.

(4) Each of such exits shall be indicated by a board with the word 'EXIT' clearly painted upon it in English and its equivalent in the language of the region in large and legible letters

28. In the event of an outbreak of epidemic or contagious disease in the locality, the Commissioner may, by order, direct that any building or enclosed place, in respect of which a licence has been granted under the Act, shall not be used for purposes of public resort or entertainment for such period as may be specified in the order, if in the opinion of the Health Officer such use is likely to spread the epidemic or contagious disease. The Commissioner shall also have power to refuse to grant a licence in similar circumstances.

V. PRECAUTIONS AGAINST FIRE, ETC.

29 Sufficient provision shall be made for preventing and extinguishing fire which may occur in or upon such building or place and such provision shall be as specified in column (10) of the licence. A supply of not less than 25 litres of water per 10 square metres of area in the case of a permanent building or enclosed place shall be provided as follows:—

(i) Thirty-three percent of the required supply or 300 litres, whichever is greater, shall be stored in buckets and

kept in readiness along the walls of such building or place; and the balances stored in tanks or cisterns or buckets of any capacity so arranged as to be easily accessible, the arrangements in this regard having been approved by the Commissioner.

(ii) In the case of temporary buildings the supply of water shall be not less than 75 litres per 10 square metres of area and shall be stored in buckets in readiness, one-half within and the other half without the exterior walls of the building. The buckets shall at all times be readily available for use. They shall have round bottom and handles. They shall be painted red with the word; 'FIRE' painted on them in large block letters in English and its equivalent in the language of the region.

VI. FEES FOR LICENCES

30. (1) For every licence granted or renewed under the Act, there shall be charged a fee according to the following scale, namely.—

(i) For the grant or renewal of a licence for one year in respect of a permanent building. Rupees 25 for an area of 100 square metres or less with an additional fee of Rs. 250 for every 50 square metres or a fraction thereof in excess of 100 square metres.

(ii) For the grant or renewal of a temporary licence in respect of a permanent building.— Rupees 5 per month or part thereof for an area of 100 square metres or less with an additional fee of Rs. 2.50 per month or part thereof for every 50 square metres or fraction thereof in excess of 100 square metres.

(iii) For the grant or renewal of a temporary licence in respect of a temporary building.— Rupees 25 per month or part thereof for an area of 100 square metres or less with an additional fee of Rs. 12.50 per month or part thereof for every 50 square metres or fraction thereof in excess of 100 square metres.

(iv) For the grant or renewal of a licence for an enclosure without any roof or superstructure thereon for one year Rupees 10 for an area of 200 square metres or less with an additional fee of Rs. 5 for every 100 square metres or fraction thereof in excess of 200 square metres.

(v) For the grant or renewal of a licence for less than a year for an enclosure without any roof or superstructure thereon Rupees 5 per month or portion thereof or an area of 200 square metres or less with an additional fee of Rs. 2. 50 per month or portion thereof for every 100 square metres or fraction thereof in excess of 200 square metres.

Explanation— For the purpose of this sub-rule, the area on which the fees shall be charged shall be

(a) in the case of permanent building, the area of the main structure and other structure excluding the entrances, passages, stage, stair-cases and all spaces to which the public are not admitted, and

(b) in the case of a temporary building, the whole area of the enclosure after excluding the open space actually provided under rule 19 (a).

(2) The fee for a temporary licence shall be leviable at one half of the above rates, where the building or enclosure is used solely by day without lights.

(3) Notwithstanding anything contained in clauses (ii) (iii) or (v) of sub-rule (1), where a temporary licence is granted or renewed under clause (a) of sub-rule (2) of rule 26 on payment of the prescribed fee no further fee shall be charged in respect of subsequent renewal for keeping the licence in force for a period of one month from the date on which the grant or renewal on payment of the fee took effect.

(4) No fee shall be chargeable under this rule for any licence granted in respect of any enclosure or building which

is to be used, exclusively for one or more of the following classes of entertainments, namely:

(a) entertainments the proceeds of which are devoted to philanthropic, religious or charitable purposes;

(b) entertainments which are of a whole educational character:

(c) entertainments which are provided for purposes which are partly educational, cultural, or scientific by institutions not conducted or established for profit;

(d) entertainments which are provided by institutions not conducted for profit and established solely for purposes of promoting the public health or the interest of agriculture or of a manufacturing industry and consist solely of exhibitions of articles which are of material interest in connection with questions relating to public health or agriculture or of the products of the industry for promoting the interest of which the institutions exist or of the materials, machinery, appliances or foodstuffs used in the production of those products; and

(e) any other class of entertainments which the Government may specify by general or special order.

(5) For every transfer of a licence granted or renewed under this Act, from one person to another, there shall be charged a fee of rupees five.

31. (1) Every application for the grant or renewal of a licence shall be accompanied by a receipt for the payment of fees at the prescribed rates.

(2) In case of refusal of the grant or renewal of licence a refund at the rate of one-half of the total amount of fee collected shall be made to the applicant.

(3) The application for a refund of the licence fee shall be made by the applicant within one month from the date of receipt of the orders or rejection of his application for grant or renewal of licence.

VII. FORM OF LICENCE

52. Every licence granted under the Act shall be in the Form as shown in Appendix-II

53. Persons applying for licences shall send their applications at least 30 days prior to the date on which the entertainment is to take place and in the case of special temporary short-term licences, at least 10 days prior to such date.

54. Every licence granted under the Act shall be subject to the following additional conditions:—

(i) No fire or naked light shall, under any circumstances, be allowed inside the licensed premises.

(ii) All swinging lights shall be suspended by metal wires or rods.

(iii) No inflammable or explosive substance such as petroleum, kerosene oil, fire-works or gun-powder, in excess of the quantity required for one day's use, shall be stored/upon or within the licensed premises.

(iv) The main doors enumerated in column (1) of the licence shall always be left unfastened and unobstructed whilst the public are using the licensed premises.

(v) No structural or material alteration shall be made in the licensed premises except with the written permission of the Commissioner.

(vi) No leper and no person suffering from an open sore or any loathsome, infectious or contagious disease shall be permitted inside the licensed premises. If such person is found in any such premises, the licensee shall immediately report the fact to the officer not below the rank of sanitary inspector of the municipality or to the nearest officer of the public Health Department not below the rank of sanitary inspector, or to the Commissioner and the licensee shall at his own cost take such steps

as may be required by such officer or authority to disintect the place and to prevent the further spread of the infection.

(vii) The Commissioner shall with due regard to local conditions specify in each licence a time (not being earlier than 12 midnight or later than 1. 30 A. M.) upto which the licensed premises may be kept open The licensed premies shall not kept open on any day after the time so specified without the special permission in writing of the Commissioner in respect of such day.

(viii) The licence shall not be transferred, except with the permission of the Commissioner.

(ix) The Commissioner, any subordinate officer duly authorised by him, health officer, or any police officer specially deputed to keep order during any entertainment in the licensed premises shall at all times have free access to the said premises to see whether the conditions of the licence are fulfilled.

(x) The Commissioner may add such other conditions not inconsistent with these rules to the licence as he may deem desirable in the interest of the health or safety of the public.

(xi) The Commissioner shall insist upon disinfection of the licensed enclosed place or building with D. D. T. powder or other satisfactory insecticide atleast once in three months. The disinfection shall be done by the owner or the occupier of the licensed place or building to the satisfartion of the officer not below the rank of sanitary inspector of the municipality and in case when there is no such officer, the sanitary inspector of Public Health Department. If such officer is not satisfied with the measures of disinfection carried out by the owner or the occupier, he may himself after due notice carry out the necessary measures and recover the cost of disinfection from the owner or occupier as if it were a tax due to the municipality.

35. Section 350 of the Act and rules 4 to 18, 20, to 25 and 34 shall be printed at the foot of the licence granted.

36. Nothing in these rules shall apply to the buildings or enclosures used for cinematograph exhibition.

APPENDIX-I

(See rules 15 and 23)

Scale of sanitary accommodation to be provided

Men

Urinals-One stall (Seat) for every fifty persons.

Latrines-One stall (seat) for every two hundred persons.

Women

Same scale as for men.

APPENDIX-II

(See rule 32)

FORM OF LICENCE

Name of applicant and place of abode (1)	Owner of the place or building (2)	Situation of the place or building (3)	Size and description with No. of main door (4)
Material of which the roofs and enclosures are made or proposed to be made (5)	Whether the licence is annual or temporary (6)	Purpose for which proposed to be used (7)	Whether the premises are to be used during the day or during the night (8)
Maximum number of persons that may be admitted in each part of the building (9)	Provisions for preventing and extinguishing fire (10)	Special conditions (if any) on which the licence is granted (11)	Period for which licence is to continue in force (12)
Fee paid (13)	The time up to which the licensed premises may be kept open (14)		

G. O. Ms. No, 145 dated 10th May 1980.

Commissioner.

CHAPTER VII - CATTLE POUNDS.

56. THE PONDICHERY MUNICIPALITIES (CATTLE POUNDS) RULES, 1979.

In exercise of the powers conferred by sub-section (1) of section 440 read with sections 407, 410, 411 and 412 of the Pondicherry Municipalities Act, 1979 (No. 9 of 1973) and all other powers enabling him in this behalf, the Lieutenant-Governor of Pondicherry hereby makes the following rules, namely:—

1. Short title and commencement: - (1) These rules may be called the Pondicherry Municipalities (Cattle Pounds) Rules, 1979.

(2) They shall come into force on and from the date appointed by the Government in this behalf by Notification in the Gazette provided that different dates may be appointed for different Municipalities.

2. Definitions:— In these rules, unless the context otherwise required:—

(a) "Act" means the Pondicherry Municipalities Act, 1973;

(b) "Form" means a Form appended to these rules;

(c) "Pound-keeper" means a person appointed under sub-section (1) of section 406 of the Act;

(d) "Schedule" means a schedule appended to these rules

(e) "Section" means a section of the Act.

3. Registers and returns:— Every pound-keeper shall maintain the registers and returns prescribed under these rules and shall make entries therein promptly as and when the event necessitating such entries occurs.

4. Register of seizure and accounts of receipts and expenditure:— The pound-keeper shall maintain register of seizure in

Form A and shall also maintain an account of cattle pound receipts and expenditure in Form 8.

5. Maintenance of account of advances.— Every pound-keeper may be given by the Municipal Council an advance not exceeding rupees one hundred to meet expenses chargeable under sub-section (2) of section 412. The pound-keeper shall keep an account of such advances in a register in Form C. Sub-advances shall be adjusted yearly. When a pound-keeper hands over charge of his office to a successor, he and his successor, shall jointly report to the Commissioner about their having respectively delivered over and received charge of the money received as an advance.

6. Pound fees.— (1) The pound-fees chargeable under sub-section (1) of section 412 for each head of cattle shall be as prescribed in Schedule I appended to these rules.

(2) The pound-keeper shall exhibit the pound fee chargeable under section 412 in a conspicuous part of the pound.

7. Levy of pound fees and charging of other expenses.—

(1) For every cattle impounded, the pound-keeper shall—

(a) levy pound-fee at the rate for the time being prescribed in the Schedule; and

(b) charge expenses at the rates fixed by the Municipal Council under sub-section (2) of section 412.

(2) A receipt for every payment of pound-fee and the expenses chargeable under section 412 shall be given by the pound-keeper. For this purpose every pound-keeper shall be given a receipt book in such form as may be determined by the Municipal Council, with pages machine-numbered serially and bearing the seal and signature of the Commissioner on each page and containing foils and counter-foils of blank receipts.

8. Remittance of pound-fees.— All pound-fees collected by the pound-keeper shall be remitted to the Commissioner, within

twenty four hours with a memorandum in duplicate in Form D showing the amount so remitted. The Commissioner after crediting the amount received shall return the original of the memorandum duly receipted to the pound-keeper and retain the duplicate with him as record for payment.

9. Procedure if cattle is not claimed within ten days.— If within ten days after any cattle has been impounded, no persons appearing to be the owner of such cattle or his agent claims the cattle or any person so appearing claims the cattle, but refused or fails to pay the pound fee and the expenses chargeable under section 412, the pound-keeper shall, as soon as the period is over, report the fact to the Commissioner in Form. E.

10. Notice of Auction sale (1) The Commissioner on receipt of a report from the pound-keeper under rule 9 shall cause a notice in Form F to be put up on the municipal notice-board and on a conspicuous part of the pound and also at conspicuous places in the town in which the pound is situated, stating—

- (a) the number and description of the cattle,
- (b) the place where it was seized,
- (c) the place where it was impounded,
- (d) the date, time and place of the auction sale to be held and the conditions subject to which it shall be held.

(2) The Commissioner shall also give such additional publicity by beat of drum in the town or any other mode of publication as he may consider necessary.

11. Holding of Auction and disposal of sale proceeds:—

(1) The auction sale shall be held on the date and at the time and place specified in the notice under rule 10. At the auction sale, the Commissioner, shall fix the upset price for sale, such price being not less than the minimum amount which the owner of the cattle is liable to pay for getting the cattle released. If the

bid in the auction is less than the upset price so fixed, the Commissioner may dispose of the cattle in the manner laid down in rule 14.

(2) The pound-fee and the expenses chargeable under section 412 shall be deducted from the proceeds of the auction sale and the surplus shall be disposed of in the manner laid down in sub-section (4) of section 411.

12. Auction sale when not to be held:— If at any time before the auction sale begins, any person appearing to be owner of the cattle or his agent pays to the Commissioner the pound-fee and the expenses chargeable under section 412 and the amount to be deposited by way of security under sub-section (1) of section 410 in respect of such cattle, the auction sale shall not be held and the cattle shall be delivered over to him.

13. Register of Cattle received for Auction: The Commissioners shall keep a register in Form G of cases of cattle received by the pound-keeper for holding auction under section 411.

14. Disposal of unsold cattle:— If the cattle is not sold at auction under sub-section (1) or sub-section (2) of section 411, the Commissioner may dispose it of by negotiation to the best advantage of the municipal council. Any amount realised by way of such disposal shall be set off against the pound-fees and the expenses chargeable under section 412. The difference between the full amount so chargeable and the actual amount so received shall be written off as irrecoverable in the manner laid down in section 187.

15. Disposal of dead cattle in the pounds:— (1) If the cattle dies after it is impounded and is not claimed by the owner, it shall be disposed of in such manner as the Commissioner may consider to be advantageous to the Municipal Council.

(2) The pound-fee and the expenses chargeable under section 412 shall be deducted from any amount received by such

disposal and the surplus, if any shall be disposed of in the manner laid down in sub-section (4) or section 411.

Provided that if the proceeds from the disposal are less than the amount of pound-fee and the expenses chargeable under section 412, the deficit in the amount due an account of the said fee and expenses shall be written off as irrecoverable in the manner laid down in section 187.

16. Declaration of Ownership of and Security Deposit for Impounded Cattle.—

(1) Every pound-keeper shall before releasing any impounded cattle require,—

(a) the owner of such cattle or his agent to make a declaration of ownership of such cattle in Form H, and

(b) such owner or his agent to deposit by way of security for each head of cattle specified in Column I Schedule. II an amount specified in column 2. of that Schedule.

(2) Every pound-keeper who shall be provided with the receipt book by the Municipal Council, shall on payment of the security deposit, give a receipt to the owner, or his agent in token of having received the deposit for the cattle released by him.

(3) If any cattle belonging to a person who has paid a security deposit under sub-rule (1) is impounded within a period of six months from the date on which the deposit is made, and if the seizure is not adjudged as illegal, half the amount of deposit shall stand forfeited to the Municipal Council, and for any such subsequent seizure within the said period of six months, the remaining amount shall stand forfeited to the Municipal Council. No cattle shall be released unless the owner makes good any part of the deposit forfeited under this rule.

(4) The security deposit paid by any person for the impounded cattle shall be refunded to that person after six months

from the date of impounding, if the amount of security deposit is not forfeited as above.

17. Inspection of Registers and Accounts:-- The Commissioner or any other officer duly authorised by him in this behalf shall inspect the registers and the accounts maintained by the pound-keeper and shall also check the each balance with him at least once in every three months and shall sign in token of such inspection.

FORM—A
(See Rule 4)

REGISTER OF CATTLE SEIZED AND IMPOUNDED

Serial No.	Name and residence of the person who seized the cattle— Date of receipt (hour/date/month and year)	The place where it was seized	Signature or thumb impression of the seizer of the person who brings the cattle to the pound.	Number of cattle.
(1)	(2)	(3)	(4)	(5)

Description of cattle.					Name of the owner and his place of residence, if known.
Kind	Age	Value	Height	Special mark and colour.	(11)
(6)	(7)	(8)	(9)	(10)	(11)

Date of return of cattle to the owner and signature or thumb impression of recipient	Pound fee	Amount of expenses chargeable under section 412 (2)	Total of columns 13 and 14	Receipt No. by which amount received
(12)	(13)	(14)	(15)	(16)

Date of report to the Commissioner under rule 9.	Date of sending cattle for sale.	Signature of the pound-keeper
(17)	(18)	(19)

FORM-B

(See rule 4)

AMOUNT OF CATTLE-POUND RECEIPTS AND EXPENDI-
TURE FOR THE YEAR 19

Dr.			
Date		Details	Amount
Day	Month		
...	...	Pound fee on account of cattle registered No.	Rs. P. _____
...	...	Expenses chargeable under section 412 (2) of cattle registe- red No.	_____
Balance.			_____

Date		Details	Cr.	
Day	Month.		Amount .	
			Rs.	P.
...	...	By payment of self on account of expenses chargeable under section 412(2) of cattle registered No.
		On payment of advance (as the case may be)
		Balance.	-----	-----

Notes: — (1) All collection made in the shape of pound-fees and expenses chargeable under section 412(2) shall be carefully entered by the pound-keeper every day in this register as the transactions occur.

(2) The pound-keeper will be held personally responsible for omissions of mistakes in the accounts.

FORM. C.

(See rule 5)

FORM OF REGISTER OF ADVANCES.

Dr.		
Date	Details	Amount
Day	Month	
...	... The amount of advance received this day from Municipal Council under its order No. date.....	_____ Balance _____
	The amount received from Shri..... (an account of expen- ses chargeable under section 412 (2) of cattle registered No.	_____ Balance _____

Date		Details	Cr.
Day	month		Amount
...	...	By amount paid on account of expenses chargeable under section 412 (2) of cattle registered No. .	
		Balance	-----
		By amount paid on account of expenses chargeable under section 412 (2) of cattle registered No.	
		Balance	-----

FORM. D

(See Rule 6)

FORM OF REMITTANCE RECEIPT TO BE MADE BY THE POUND-KEEPER.

Date	Registered No.	Amount of Pound-fee
1)	(2)	(3)

.....
Signature of Pound-Keeper

N. B: - This report should be prepared in duplicate. The Commissioner should return one copy endorsing on it the receipt of the amount and should retain the other copy in his office for record.

FORM—E

(See rule 9)

REPORT TO BE SENT BY THE POUND-KEEPER TO THE COMMISSIONER

Serial number.	Register No. name of the person who seized the cattle, the place where the cattle were seized and the date and hour when impounded.	Description of cattle.				Special marks and colour.
		Kind	Age	Value	Height	
1.	2.	3.	4.	5.	6.	7.
Pound fee	Expenses chargeable under section 412 (2) fee incurred by the pound-keeper.	Remarks.				
8.	9.	10.				

FORM — F.

(See rule 10)

Notice is hereby given that cattle described below and seized at have been sent on to the cattle pound of the Municipality and that they have been detained there, for a period exceeding ten days. Any person having a claim to the aforesaid cattle is hereby required to appear before the pound-keeper of the said town to establish his claim and get his cattle released on payment of pound-fee and expenses chargeable under section 412 and on deposit by way of security under sub-section (1)

of section 410 in respect of the said cattle. In the event of failure of any such person to appear and claim the said cattle within seven days next after the date of this notice, the cattle will be sold by public auction and the pound fees and other expenses shall be deducted from the sale proceeds, and the surplus amount if any, shall be disposed of according to sub-section (4) of section 411.

Description of cattle

Commissioner

..... Municipality.

FORM - G

(See rule 13)

REGISTER OF CASES OF CATTLE RECEIVED BY THE
POUND-KEEPER FOR AUCTION UNDER SECTION 411.

Sl. No.	Name of Pound from which received.	Register No. of the cattle pound, name of the person who seized, the place where they were seized, the date and hour when they were impounded.	Description of cattle.					Special marks and colour.
			Kind	Age	Value	Height		
1.	2.	3.	4.	5.	6.	7.	8.	

Date of issuing notice.	Signature or mark of the person receiving cattle after establishing his claim.	Name of the purchaser and his signature in token of his having received the cattle	Date of sale and amount of sale	As what rate and for what period excess is paid to the pound-keeper on account of feeding charges etc., and signature of receipt.	Amount of pound fee.	Surplus sale proceeds to be refunded to the owner.
9.	10.	11.	12.	13.	14.	15.

FORM—H.

(See rule 16)

**DECLARATION OF OWNERSHIP OF THE IMPOUNDED
CATTLE AND TO DEPOSIT THE AMOUNT
BY WAY OF SECURITY**

To

The Pound-Keeper

.

I, . . . do hereby declare that the following impounded cattle belong to me/Shri I hereby deposit the sum of Rs. . . . by way of security in respect, of the said impounded cattle. I further declare that: if any cattle belonging to me/Thiru . . . are impounded within a period of six months from this day, and if the seizure is not adjudged illegal, for the first seizure one-half amount of deposit shall stand forfeited to the Municipal

council and for subsequent seizure retaining half-amount of deposit.

- (1)
- (2)
- (3)

(Signature/thumb impression of
owner of the impounded cattle
or his agent.)

Date:

SCHEDULE I

(See rule 6)

Cattle.	Pound fee per head of cattle per day.
	Rs. P.
i) Elephant, camel or buffalow.	2-50
ii) Horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, or heifer.	2-00
iii) calf, ass.	1-50
iv) Ram, ewe, sheep, lamb, goat or kid.	1-00

SCHEDULE II

(See rule 16)

Cattle. (1)	Amount of secu- rity deposit per head of cattle. (2)
	Rs. P.
i) Elephant, camel or buffalow.	8-00
ii) Horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer.	6-00
iii) calf, ass.	5-00
iv) Ram, ewe, sheep, lamb, goat or kid.	3-00

[G. O. Ms. No. 82 dated 20-3-1979-LAD]

CHAPTER. VIII. EVICTION OF PERSONS FROM
MUNICIPAL PREMISES.

57. (a) THE PONDICHERRY MUNICIPALITIES
(EVICTION OF UNAUTHORISED OCCUPANTS FROM
MUNICIPAL PREMISES) RULES, 1974.

In exercise of the powers conferred by section 423 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:—

PRELIMINARY

Short title, extent and commencement.

1. (1) These rules may be called the Pondicherry Municipalities (Eviction of Unauthorised Occupants from Municipal Premises) Rules, 1974.
- (2) They shall extend to the whole of the Union Territory of Pondicherry.
- (3) They shall come into force at once.

Definitions.

2. In these rules, unless the context otherwise requires:—
 - (a) 'Act' means the Pondicherry Municipalities Act, 1973;
 - (b) 'Form' means a Form appended to these rules;
 - (c) 'section' means a section of the Act.

EVICTION OF PERSONS FROM MUNICIPAL PREMISES

Form of notices and orders.

3. A notice or order under the Act shall be in one of the appropriate forms appended to these rules'

Manner of service of notices and orders.

4. (1) In addition to any mode of service specified in the Act, a notice issued under sub-section (1) of section 415 or sub-section (1) of section 417 or sub-section (1) or (2) of section 418 of the Act shall be served by delivering or tendering a copy of the notice to the person for whom it is intended or to any adult member of his family, or by sending it by registered post acknowledgement due in a letter addressed to that person at his usual or last-known place of residence or business.

(2) Where the copy of the notice under sub-rule (1) is delivered or tendered, the signature of the person to whom the copy is so delivered or tendered should be obtained in token of acknowledgement of the service.

(3) In respect of a notice issued under sub-section (1) of section 415 or sub-section (1) of section 417 or sub-section (1) or (2) of section 418 of the Act, where the person or the adult member of the family of such person refuses to sign the acknowledgement, or where such person cannot be found after using all due and reasonable diligence, and there is no adult member of the family of such person, a copy of the notice shall be affixed on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and the original shall be returned to the Commissioner who issued the notice, with a report endorsed thereon or annexed thereto stating that a copy has been so affixed, the circumstances under which it was done so and the name and address of the person if any, by whom the ordinary residence or usual place of business was identified and in whose presence the copy was affixed.

(4) If a notice issued under sub-section (1) of section 415 or sub-section (1) or (2) of section 418 of the Act cannot be served in the manner provided in sub-rule (1), the Commissioner may, if he thinks fit, direct that such notice shall also be published in at least one newspaper having circulation in the

locality and he may also proclaim the contents of any notice in the locality by beat of drum.

Holding of inquiries.

(5) (1) Where any person on whom a notice or order under this Act has been served desires to be heard through his representative, he should authorise such representative in writing.

(2) The Commissioner shall record the summary of the evidence tendered before him. The summary of such evidence and any relevant documents, filed before him shall form part of the records of the proceedings.

Manner of taking possession of municipal premises.

6 (1) If any obstruction is offered, or is in the opinion of the Commissioner likely to be offered, to the taking possession of any municipal premises under the Act, the Commissioner or any other officer duly authorised by him in this behalf may obtain necessary police assistance.

(2) Where any municipal premises of which possession is to be taken under the Act is found locked, the Commissioner or any other officer duly authorised by him in this behalf may either seal the premises or in the presence of two witnesses break open the locks or open or cause to be opened any door, gate or other barrier and enter the premises:

Provided that:-

(i) no entry shall be made into, or possession taken of, a municipal premises before sunrise or after sunset:

(ii) Where any municipal premises is forced open, an inventory of the articles found in the premises shall be taken in the presence of two witnesses.

Assessment of damages.

7. In assessing damages for unauthorised use and occupation of any municipal premises the Commissioner shall take into consideration the following matters, namely:

- (a) the purpose and the period for which the municipal premises were in unauthorised occupation;
- (b) the nature, size and standard of the accommodation available in such premises;
- (c) the rent that would have been realised if the premises had been let on rent for the period of unauthorised occupation to a private person;
- (d) any damage done to the premises during the period of unauthorised occupation;
- (e) any other matter relevant for the purpose of assessing the damages.

Procedure in appeals.

8. (1) An appeal preferred under section 420 of the Act shall be in writing, setting forth concisely the grounds of objection to the order appealed against and shall be accompanied by a copy of such order.

(2) On receipt of the appeal and after calling for and perusing the record of the proceedings before the Commissioner, the appellate officer shall appoint a time and place for the hearing of the appeal and shall give notice thereof to the Commissioner, against whose orders the appeal is preferred, to the appellant.

FORM 'A'

Form of notice under sub-section (1) of section 415 of the
Pondicherry Municipalities Act, 1973.

To

Thiru/Thirumathi/Selvi

Whereas I, the under signed, am of opinion, on the grounds

specified below, that you are in unauthorised occupation of the municipal premises mentioned in the Schedule below and that you should be evicted from the said premises:

Grounds.

Now, therefore, in pursuance of sub-section (1) of section 415 of the Pondicherry Municipalities Act, 1973, I hereby call upon you to show cause on or before the * why such an order of eviction should not be made.

Schedule.

Date

Signature and seal of
the Commissioner.

(*This date should be a date not earlier than ten days from the date of issue of the notice.)

FORM--'B'

Order under sub-section (1) of section 416 of the Pondicherry Municipalities Act, 1973.

Whereas I, the undersigned, am satisfied for the reasons recorded below that Thiru/Thirumathi/Selvi is/are in unauthorised occupation of the municipal premises specified in the Schedule below:

Reasons.

Now, therefore, in exercise of the powers conferred on me under sub-section (1) of section 416 of the Pondicherry Municipalities Act, 1973, I hereby order the said Thiru/Thirumathi/Selvi and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within thirty days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above, the said Thiru/Thirumathi/Selvi --

and all other persons concerned are liable to be evicted from the said premises. If need be, by the use of such force as may be necessary.

Schedule

Date

Signature and seal of the
Commissioner

FORM 'C'

Form of notice under sub-section (1) of section 417 of the
Pondicherry Municipalities Act, 1973.

To

Thiru/Thirumathi/Selvi

Whereas on the you were evicted from the municipal premises described in the Schedule below which was unauthorisedly occupied by you:

Now, therefore in exercise of the powers conferred on me by sub-section (1) of section 417 of the Pondicherry Municipalities Act, 1973, I hereby give you notice that after fourteen days of the service of this notice on you, any property remaining on the said premises will be liable to be removed or disposed of by public auction. In case you desire to take possession of your property and to remove the same from the said premises, you will be permitted to do so on written authority from the undersigned provided a y arrears of rent/damages/costs due from you are paid within the said period of fourteen days.

Schedule.

Date

Signature and seal of the
Commissioner

FORM 'D'

Notice under sub-section (3) of section 418 of the Pondicherry Municipalities Act, 1973.

To

Thiru/Thirumathi/Selvi

Whereas you are/were in occupation of the municipal premises described in the Schedule below:

And whereas, a sum of Rs being the arrears of rent from the day of 19 , upto the , day of 19 , (both days inclusive) in respect of the said premises is due and payable by you to the Municipality;

Now, therefore, in pursuance of sub-section (3) of section 418 of the Pondicherry Municipalities Act, 1973, I hereby call upon you to show cause on or before the why an order requiring you to pay the said arrears of rent should not be made.

Schedule.

Date.

Signature and seal of the
Commissioner.

FORM 'E'

Form of Order under sub-section (1) of section 418 of the Pondicherry Municipalities Act, 1973.

To

Thiru/Thirumathi/Selvi

Whereas you are/were in occupation of the Municipal premises described in the Schedule below:

And whereas, by a written notice dated you were called upon to show cause on or before

why an order requiring you to pay a sum of Rs. being the rent payable in respect of the said premises should not be made.

And where as, I have considered your objection and/or the evidence produced by you;

And whereas, you have not made any objections or produced any evidence before the said date;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 418 of the Pondicherry Municipalities Act, 1973, I hereby require you to pay the sum of Rs. (Rupees) as follows:—

In the case the said sum is not paid within the said period or in the said manner, it will be recovered in the manner provided under section 175 of the aforesaid Act.

Schedule.

Date

Signature and seal of
the Commissioner.

FORM—'F'

Notice under sub-section (3) of section 418 of the Pondicherry Municipalities Act, 1973.

To

Thiru/Thirumathi/Selvi... ..

Whereas I, the undersigned, am satisfied that you are/were in unauthorised occupation of the municipal premises mentioned in Schedule I below:

And whereas, in exercise of the powers conferred on me by sub-section (2) of section 418 of the Pondicherry Municipalities Act, 1973, I consider the damages amounting to Rs. are due for the period(s) and at the rate(s) shown in Schedule II

below, on account of unauthorised use and occupation of the said premise:

Now, therefore, under the provisions of sub-section (3) of section 418 of the Pondicherry Municipalities Act, 1973, I hereby call upon you to show cause on or before the why an order requiring you to pay the said damages should not be made.

Schedule I

Schedule II

Date

Signature and seal of
the Commissioner.

FORM 'G'

Form of Order under sub-section (2) of section 418 of the
Pondicherry Municipalities Act, 1973.

To

Thiru/Thirumathi/Selvi

Whereas I, the undersigned, am satisfied that you are/were in unauthorised occupation of the municipal premises mentioned in Schedule below:

And whereas by a written notice dated you were called upon to show cause on or before the why an order requiring you to pay damages of Rs. for unauthorised use and occupation of the said premises should not be made:

And whereas I have considered your objections and/or the evidence produced by you:

And whereas you have not made any objections or produced any evidence before the said date;

Now, therefore, in exercise of the powers conferred on me by sub-section (2) of section 418 of the Pondicherry Municipalities Act, 1973, I hereby order you to pay the sum of Rs. assessed by me as damages on account of your unauthorised occupation of the said premises within months in equal instalments of Rs.

In the event of your refusal or failure to pay the damages or any instalment thereof within the said period or in the manner aforesaid the amount will be recovered in the manner provided under section 475 of the aforesaid Act.

Schedule.

Date:

Signature and seal of the
Commissioner.

[G. O. Ms. No. 128/74/LAD dated 29--5--1974 LAD]

57. (b) THE PONDICHERRY MUNICIPALITIES (EVICTION OF UNAUTHORISED OCCUPANTS FROM MUNICIPAL PREMISES) (AMENDMENT) RULES, 1978.

NOTIFICATION

In exercise of the powers conferred by section 423 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf the Lieutenant-Governor, Pondicherry, hereby makes the following amendment to the Pondicherry Municipalities (Eviction of Unauthorised Occupants from Municipal Premises) Rules, 1974, namely:—

(1) Short titles extend and commencement: (1) These rules may be called the Pondicherry Municipality (Eviction of Unauthorised Occupants from Municipal Premises) (Amendment) Rules, 1978.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. Amendment of Form 'B':-- In Form 'B' appended to the Pondicherry Municipalities (Eviction of Unauthorised Occupants from Municipal Premises) Rules, 1974, for the words "thirty days", the words "thirty-five days" shall be substituted.

[G. O. Ms. No. 145 dated 9-5-1978 LAD]

CHAPTER IX. PREVENTION OF DISEASES.

53. THE PONDICHERRY MUNICIPALITIES (ENFORCEMENT OF VACCINATION IN MUNICIPAL AREAS) RULES, 1976.

In exercise of the powers conferred by section 437 read with section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:--

1. Short title, extent and commencement:-- (1) These rules may be called the Pondicherry Municipalities (Enforcement of Vaccination in Municipal Areas) Rules, 1976.

2. They shall extend to the whole of the Union territory of Pondicherry.

3. They shall come into force at once.

2. Definitions:-- In these rules, unless the context otherwise requires:--

(a) 'child' means a boy or girl who has not attained the age of eighteen;

(b) 'guardian' means any person who has accepted or assumed the care, nurture or custody of any child or to whom the care, nurture or custody of any child falls by laws or by natural right or recognised usage or to whom the care, nurture or custody of any child has been entrusted by any lawful authority;

(c) 'parent' means the father or mother of a legitimate child and the mother of an illegitimate child

(d) 'person' means a male or female who has attained the age of eighteen years;

(e) 'unprotected child' means a child who has not been protected from smallpox by having had the disease either naturally or by having been successfully vaccinated or revaccinated within a period of ten years immediately preceding;

(f) 'unprotected person' means a person who has no visible marks of smallpox or is unable to provide satisfactory evidence of successful vaccination or revaccination carried out within a period of ten years immediately preceding;

(g) 'vaccination or revaccination' is an operation by which sufficient vaccine lymph is introduced into the skin and allowed to be absorbed without any interference or exposure to sun for at least fifteen minutes following the operation;

(h) 'vaccination depot' means a place or building where vaccination is performed free of charge by direction of the Commissioner or any person authorised by him in this behalf; and

(i) 'vaccinator' means:

(ii) any person possessing the qualifications laid down by the Government for a vaccinator and employed in the municipality, or

(iii) any person qualified to hold the post of a Sanitary Inspector.

3. (1) The parent or guardian of every unprotected child who is not less than six months old and who is residing within the limits of the municipality shall procure its vaccination by a vaccinator or shall take or cause the child to be taken to a vaccination depot for such vaccination.

(2) Every unprotected person residing within the limits of the municipality shall get himself vaccinated at the vaccination depot or by any other vaccinator.

4. The Municipal Health Officer or the Commissioner or any person duly authorised by the Municipal Health Officer or the Commissioner may direct the vaccination of any unprotected child of person in the Municipality :

Provided that if any person who, or a child in whose care, is sought to be vaccinated in pursuance of this rule declares before a Magistrate that as a result of a careful enquiry into the subject, he believes that such vaccination will be injurious to his health or the health of the child as the case may be, the Magistrate may, after giving notice to the Municipal Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination, on condition of the persons aforesaid undertaking to subject himself and the members of his family to isolation of such description and of such period and to such further restrictions, if any as may be directed by the Magistrate:

Provided further that any person who commits a breach of any undertaking given by him shall be punished with imprisonment which may extend to three months or with fine, or with both;

Provided also that any exemption granted under the first proviso shall cease to have effect after conviction under the second proviso and no exemption shall be granted to any person who has been so convicted.

5. Whenever the residence of an unprotected person or child is changed, such person, or the parent or guardian of such

child as the case may be, shall, within one month of such change of residence notify the same to the Municipal Health Officer or the Commissioner or any other person authorized by him in that behalf furnishing full particulars as to the address of the new residence of the person or child as the case may be.

6. (1) If a vaccinator finds that an unprotected person or child is not in a fit state of health to be vaccinated, he shall deliver to such person or the parent or guardian of such child, as the case may be, a certificate in Form I annexed to these rules to the effect that the person or child is not then in a fit state for vaccination. Such certificate shall remain in force for the period specified therein not exceeding one month but may be renewed from time to time by the Municipal Health Officer or the Medical Officer-in-charge of vaccination, if such person or child continues to be unfit for vaccination. The reason for the unfitness shall be specified in the certificate.

(2) If a vaccinator finds that an unprotected person or child is in a state of health fit for vaccination, he shall forthwith vaccinate such person or child, and deliver to such person or the parent or guardian of such child, as the case may be a memorandum stating the date on which the vaccination was performed and specifying the date on which and the time and place at which the person or the child should be present or be produced, as the case may be for inspection;

7. (1) On the date and at the time and place notified as aforesaid the vaccinated person or child shall be presented or be produced, as the case may be, for inspection.

(2) If the inspecting officer finds that the vaccination has been successful he shall give to such person or the parent or guardian of such child as the case may be, a certificate to that effect in Form II annexed to these rules.

(3) In the event of the vaccination being unsuccessful the Inspecting Officer, if he thinks fit, may direct that the unprotected

person or child shall forthwith again be vaccinated and subsequently inspected as provided in these rules. Such person or the parent or guardian of such child shall be bound to comply with such direction.

(4) If the inspecting officer is of opinion that an unprotected person or child who has been three times unsuccessfully vaccinated is insusceptible to vaccination, he shall issue a certificate to that effect.

8. When an unprotected person or child is successfully vaccinated by a vaccinator not employed by the Municipality such person or the parent or guardian of such child, as the case may be, shall forward within fifteen days of the date of the vaccination, a copy or certificate in Form II annexed to these rules of successful vaccination from such vaccinator, to the Municipal Health Officer or the Commissioner or to such person as may be authorized by the Municipal Health Officer or the Commissioner in that behalf.

9. The Municipal Health Officer or the Commissioner may cancel any certificate given under these rules if he is satisfied that such certificate has been improperly given or obtained on behalf of any unprotected person or child and thereupon such certificate shall cease to be valid and notice of such cancellation shall forthwith be given to such unprotected person or the parent or guardian of such unprotected child, as the case may be.

10. No fee or remuneration shall be accepted by a vaccinator employed by the Municipality for any vaccination performed or certificate given under these rules;

Provided that the Municipal Health Officer or the Commissioner or any person authorized by the Municipal Health Officer or Commissioner in that behalf, may on application by any person and upon payment of such fee as the Municipal Council may have fixed, direct a vaccinator to perform the vaccination and cause the result of the vaccination to be ascertained as herein before provided at the residence of such person.

11. The Municipal Health Officer or the Commissioner or any person authorized by the Municipal Health Officer or Commissioner in this behalf may with a view to find out if any unprotected person or child lives in any house in the municipality, call upon,—

(a) any person to produce a certificate of vaccination or to be present for inspection between the hours of 6 a. m. and 6 p. m. and if found unprotected to state his name, age, parentage, place of birth and the duration of his residence in the Municipality;

(b) the owner or occupier of a house or the tenant of any portion thereof;

(i) to produce all children living with him or under his care or guardianship for inspection between the hours of 6 a. m. and 6 p. m. and to state the name, age, sex, parentage and place of birth and the duration of residence in the municipality of each of such children.

(ii) to state the name, age, sex and parentage of every person living with him, or under his care.

(2) The Municipal Health Officer or Commissioner or any person authorized by the Municipal Health Officer or Commissioner may if he becomes aware of the existence of any person or child who is unprotected and is fit for vaccination, deliver to such person or the parent or guardian of such child or cause to be affixed at the residence of such person or of such parent or guardian a notice requiring the person or the child, as the case may be, to be vaccinated on such date, at such time and place to be specified in the said notice. The person or guardian to whom such notice is delivered or at whose residence it is affixed shall be bound to comply with it unless a certificate is produced from a vaccinator to the effect that such person or child has either been successfully vaccinated already or a medical certificate is produced that such person or child is unfit for vaccination or exemption from vaccination is claimed under the first proviso to rule 4

12. These rules shall apply, so far as may be, to the vaccination of any unprotected person or child.

13. In Municipalities where there is no Municipal Health Officer or wherefrom the Municipal Health Officer is absent from duty the Commissioner shall exercise the powers of the Municipal Health Officer under these rules.

14. Save as otherwise provided by or under these rules, whoever commits a breach of any of the above rules shall be punishable with fine which may extend to one hundred rupees.

FORM-I.

Form of certificate referred to in rule 6(1)

The child † person aged _____ residing at _____
is not in a fit state for vaccination for a
period of _____ on account of _____

Date. _____

† Note:- In the case of child, name of parent or guardian of the child.

FORM-II

Form of certificate referred to in rules 7(2) and 8

It is hereby certified that child * person
aged _____ residing at _____
has been vaccinated/revaccinated on _____
and bears _____ Marks
Date:- _____

* In the case of child, name of parent or guardian of the child.

CHAPTER. X.MISCELLANEOUS.**59. THE PONDICHERRY MUNICIPALITIES (ACQUISITION AND TRANSFER OF IMMOVABLE PROPERTIES BY THE MUNICIPAL COUNCIL) RULES, 1977.**

In exercise of the powers conferred by clause (c) of subsection (2) of section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

PRELIMINARYShort title, extent and commencement.

1. (1) These rules may be called the Pondicherry Municipalities (Acquisition and Transfer of Immovable Properties by Municipal Councils) Rules, 1977.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

(3) They shall come into force at once.

2. In these rules, unless the context otherwise requires,—

(a) 'Act' means the Pondicherry Municipalities Act, 1973;

(b) 'section' means a section of the Act.

ACQUISITION AND TRANSFER OF IMMOVABLE PROPERTIES BY MUNICIPAL COUNCILS

Conditions under which immovable property may be acquired by a municipal council.

3. (1) A municipal council shall acquire any immovable property under the following conditions, namely:—

(a) the property, if intended for any purpose other than roads, bridges, culverts and quarries, is approved by the Municipal Health Officer or if there is no Municipal Health Officer, by the Commissioner in consultation with the Director of Health and Family Planning Services as to the suitability from the sanitary point of view for the purpose for which it is intended ;

(b) the property intended for roads, road junctions, streets, housing schemes and buildings covered by the detailed town planning schemes, housing schemes and other slum development schemes is approved by the Senior Town Planner after getting the opinion of the Town planning Officer or the Head of the town planning section in the municipality, as the case may be from the town planning point of view and also approved by the Municipal Health Officer and if there is no Municipal Health Officer by the Commissioner in consultation with the Director of Health and Family Planning Services from the sanitary point of view for the purpose for which it is intended;

(c) the property, if intended for the construction or extension of buildings in areas outside the town planning area is approved by the Municipal Engineer I and II grade if the value of the property exceeds rupees ten thousand and of the Municipal Engineer III grade, if the value of the property does not exceed rupees ten thousand:

Provided that in the case of a municipality where there is a Municipal Engineer III grade and when the value of the property exceeds rupees ten thousand or where there is no Municipal Engineer, the approval of the Executive Engineer concerned of the Public Works Department or the Assistant Engineer acting under his orders shall be obtained as to the suitability of the purpose for which it is intended.

(d) the property, if its value exceeds Rs. 2, 500/- and if it is intended for hospitals and dispensaries, is approved by the Director of Health and Family Planning Services also;

(e) in the case of buildings, a valuation certificate and a certificate regarding structural stability are obtained from the Municipal Engineer or if there is no Municipal Engineer, from the Executive Engineer concerned of the Public Works Department or of the Assistant Engineer acting under the orders of the Executive Engineer;

(f) any immovable property may be acquired under the Land Acquisition Act, 1894;

(g) in case such a property is proposed to be acquired otherwise than under the Land Acquisition Act, 1894, the prior approval of the Director shall be obtained. While according his approval, the Director shall determine in consultation with the Collector the value at which the property is to be acquired and thereafter the Municipal Council shall obtain the sanction of the Government before acquiring the property.

(h) in every case where the consideration for the property is not less than Rs. 250/- an encumbrance certificate is obtained from the registration office in respect of such property the charges being met from the Municipal funds and examined by the standing counsel of the Municipal Council and where there is no standing counsel, by any other counsel engaged for that purpose unless the nature of the transaction is such as will, by law pass the property free of all encumbrances; and.

(i) Where the properties are acquired with the prior approval of the Director in accordance with sub-section (2) of section 84 of the Act and if the valuation certificate and the certificate regarding structural stability are obtained from an Executive Engineer of the Public Works Department, or an Assistant Engineer acting under his orders, the Municipal Council shall pay to the Government in respect of the services so rendered, a fee (which shall be credited to the Public Works Department's Account) calculated at the rate of one per cent of the value of the buildings, subject to a minimum of 35 rupees. The municipal council shall also pay the travelling allowances of these officers in respect of journeys performed by them in accordance with the travelling

allowance rules as applicable to them. The minimum fee of 35 rupees and the travelling allowance of the officer concerned shall also be payable by a Municipal Council in cases, where an Executive Engineer concerned of the Public Works Department or an Assistant Engineer acting under his orders, inspects a building but does not actually furnish the valuation certificate and certificate regarding structural stability on the ground that the building found unfit for purchase.

(2) The deed transferring the property to the Municipal Council shall be in the appropriate form in Schedule I appended to these rules, with such variations as circumstances may require.

(3) The provisions of sub-rules (1) and (2) shall not apply to a case where the Municipal Council has to purchase immovable property brought to sale in execution of a decree obtained by it.

TRANSFER OF IMMOVABLE PROPERTY

Transfers otherwise than by lease of immovable property vesting in but not belonging to a municipal council.

4. (1) Immovable property vesting in but not belonging to a municipal council shall not be transferred or charged in contravention of the conditions subject to which such property became vested in the council.

(2) The deed of transfer of immovable property shall be in the appropriate form in Schedule II appended to these rules, with such variations as circumstances may require.

Transfer otherwise than by lease of immovable property belonging to Municipal Council.

5. (1) A Municipal Council shall not without the previous sanction of the Director make or sanction any transfer except by way of lease of any immovable property belonging to it or create or sanction the creation of any charge noup any such property. If the value of the property so transferred or the amount for

which the charge is so created exceeds Rs. 10,000/- the previous sanction of the Government shall also be obtained for the transaction.

(2) The deed of transfer of immovable property shall be in the appropriate form in Schedule II appended to these rules with such variations as circumstances may require.

Transfer by lease of immovable property belonging to
Municipal Council.

6. (1) A Municipal Council may lease out any immovable property belonging to it :

Provided that no such lease shall be valid in case the period of the lease exceeds five years in the case of shops and godowns and one year in other cases, at a time and where the lessee is permitted to put up any building or structure whether of masonry, bricks, wood, mud or metal the prior sanction of the Director has been obtained therefor.

(2) The lease-deed shall be in Form III (a) in Schedule III appended to these rules with such variations as circumstances may require.

Transfer by lease of immovable property vested in but not
belonging to a municipal council.

7. (1) A municipal council may lease out any property vested in it but not belonging to the council other than road sides and street margins:

Provided that no lease shall be granted—

(a) in contravention of the conditions subject to which the property became vested in the council,

(b) for a period exceeding twelve months without the previous sanction of the Director ;

Provided further that no such lease shall be valid, if the lessee is permitted to put up any building or structure whether of masonry, bricks, wood, mud or any other material, unless the sanction of the Government in the case of Government lands and of the Director in other cases has been obtained therefor.

(2) The lease-deed shall be in Form III (a) in Schedule III appended to these rules with such variation as circumstances may require.

Lease of road sides and street margins.

8. (1) Leases of road sides and street margins vested in the Municipal Council shall be subject to the conditions and restrictions imposed by the Municipal Council and the Commissioner and the rules made by the Government under sub-section (6) of section 275 of the Pondicherry Municipalities Act, 1973.

(2) The lease-deed shall be in Form III (b) in Schedule III appended to these rules with such variations as circumstances may require.

Publication of proposed transfers and leases.

9. (1) In every case of transfer falling under rules 3 and 4 the Municipal Council shall publish a notice of the proposed transfer giving full particulars of the property to be transferred, the name of the proposed transferee and the considerations for the transfer—

(a) in the official gazette, if the consideration for the transfer exceeds Rs. 10,000/-;

(b) by affixture in a conspicuous position

(i) at the office of the municipal council, the Director and the Administrator in outlying settlements;

(ii) at the taluk sub-taluk officers;

(iii) at the Karnam office of the village in which the property is situated, and

(iv) on the property to be transferred.

(2) In case of leases under rules 5 and 6, notices should be published giving full particulars of the properties to be leased and the consideration for the rent reserved under the lease together with the name of the lessee and the period of lease in the Municipal Office and also other public places.

(3) In every case where such transfer or lease is to be by public auction, a notice with full particulars of the property to be transferred or leased shall be published--

(a) in the official gazette and in one or two prominent newspapers circulated within the jurisdiction of the municipal council if the consideration for the transfer exceeds Rs. 10,000/- or if the reserved under the lease exceeds Rs. 900/- per annum;

(b) in the manner specified in clause (b) of sub-rule (1) and sub-rule (2);

(c) by beat of drum in suitable places, and

(d) by announcing through microphone where it is possible to do so.

(4) The municipal council may dispense with the publication in the official gazette and the newspapers as required by sub-rule (3) in the case of leases which are granted during the cool of a financial year owing to the failure of the original lessee to fulfil the terms of his lease.

Transfers and leases to the subject to conditions of transferee or lessee paying assessment, ground-rent to Government.

10. (1) Except in cases falling under sub-rules (3) and (4) of this rule no transfer or lease of any immovable property made by the municipal council shall be valid unless it be a condition thereof that the transferee or lessee shall be liable to pay to the

Government such assessment, ground-rent as the Director may determine to be payable in respect of the property and that the said assesment. ground-rent is subject to revision from time to time in accordance with the rules in force at the time of such revision.

(2) Nothing contained in this rule shall affect the right of the Government to recover from the Municipal Council the assessment, ground rent leviable on lands not transferred by sale or exchange or otherwise permanently alienated.

(3) In cases where the assessment, ground-rent leviable on the land after transfer is already being paid by the Municipal Council and the land is not transferred by sale or exchange, leased in perpetuity or otherwise permanently alienated, the Municipal Council shall continue to pay such assessment ground-rent and the liability shall not be imposed on the transferee.

(4) In the case of leases falling under rule 8 the Municipal Council shall furnish to the Director with a return of such leases whereupon the Director will fix the assessment or ground-rent on the basis of the information in the return and collect it from the Municipal Council.

SCHEDULE I

See rule 3 (2))

FORM I (a)

Transfer by Sale

THIS INDEITURE made the
 day of _____ 19____ between Thiru
 son of Thiru _____
 residing at _____ (hereinafter called the
 "vendor" which expression shall where the context so admits
 include his heirs, executors, administrators and legal
 representatives) of the one part and the Municipal Council of
 Municipality constituted under the Pondicherry
 Municipalities Act, 1973 (Act 9 of 1973) (hereinafter called the

purchaser, which term shall mean and include its representatives and successors in Office and assigns) of the other part;

Where as the vendor is the absolute owner of the schedule mentioned property;

And whereas the purchaser in exercise of its powers agreed with the vendor to purchase the schedule mentioned property free from encumbrances at the price of rupees ;

Now, this Indenture witnesseth as follows; (1) That in pursuance of the said agreement and in consideration of the sum of rupees paid to the vendor by the purchaser on or before the execution of these presents (the receipt whereof the vendor doth hereby acknowledge) he the vendor doth, hereby grant convey and assign to the purchaser all that piece or parcel of land and premises situated in and more particularly described in the schedule hereunder written and which together with the message or tenement erected thereon is commonly called or known as together with all the buildings, godowns, trees, commons, hedges, ditches, fences, ways, waters, watercourses, liberties privileges, easements advantages and appurtenances whatsoever to the said piece or parcel of land, message and premises or any of them in anywise appertaining or heretofore occupied or enjoyed therewith and all the estate right, title, interest, property claim and demand whatsoever of the vendor upto and upon the same premises to have and to hold the said piece or parcel of land, message and premises hereby granted, conveyed and assigned unto the purchaser for every AND the vendor doth hereby covenant with the purchaser that he, the vendor, now hath good right and title to grant, convey and assign the premises hereby granted, conveyed and assigned unto the purchaser in manner aforesaid, and that the purchaser shall and may at all times hereafter peacefully and quietly possess and enjoy the said premises free from all encumbrances whatsoever and receive the rents and profits thereof without any lawful eviction, interruption, claim or demand whatsoever from or by the vendor or any other person

or persons AND further that the vendor and all persons having lawfully or equitably claiming any estate or interest in the said premises or any of them or part any thereof from under or in trust for the vendor or from or under any of his ancestors shall and will from time to time and at all times here after at the request and cost of the purchaser do execute and register or cause to be done, executed and registered all such acts, deeds and things whatsoever for further and more perfectly assuring the said premises and every part thereof unto the purchaser in the manner aforesaid as shall or may be reasonably required.

In witness whereof the vendor hath hereunto set his hand and seal on the date and year first above written in the presence of witnesses.

- 1.
- 2.

The Schedule above referred to

All that piece or parcel of land premises situated in the village of _____ in the registration sub-district of _____ in the registration district of _____ and bounded on the north by _____ on the south by _____ on the east by _____ and on the west by _____ bearing re-survey No. _____ and old survey No. _____ and containing on the whole by admeasurement

(be the same more or less)

Signed, sealed and delivered by the abovenamed in the presence of Signed by the Commissioner of the Municipal Council in the presence of

The common seal of the Municipal Council was hereunto affixed in the presence of.
Witnesses.

- 1.
- 2.

FORM-1 (b)

Transfer by lease

THIS INDENTURE made the _____ day of _____
 one thousand nine hundred and _____ between
 Thiru _____ residing at _____
 and carrying on business at _____

(hereinafter called the "lessor" which expression where the context so admits shall include his heirs, executors administrators, legal representatives and assigns) of the one part and the Municipal Council of _____ Municipality constituted under Pondicherry Municipalities Act, 1973 (Act 9 of 1973) (hereinafter called "the lessee" which expression where the context so admits shall include its representatives, successors, in office and assigns) of the part:—

Witnesseth as follows:—

1. In consideration of the rent hereby reserved and of the covenants by the lessor herein contained the lessor demises unto the lessee ALL that piece or parcel of land together with the building and premises known as

_____ situated in the registration sub-district of _____
 in the registration district of _____
 bearing Survey No. _____ and more particularly described in the schedule hereto for the term of _____ years from the _____ day of _____ 19 _____, paying therefor in advance the monthly rent of Rs. _____ clear of all deductions the first of such payments to be made on the _____ day of _____ 19 _____,

2. The lessee covenants with the lessor as follows:

(1) To pay the reserved rent on or before the first day of each month in advance and in manner aforesaid

(2) To bear and pay future taxes, charges, assessments and outgoings payable in respect of the said premises.

(3) To keep the exterior and the interior of the demised premises and all additions thereto, the boundary wall and fences thereof, the drains soil and other pipes, sanitary and water apparatus, electric fitting and fixtures thereof in good and tenantable repair and condition.

(4) Not to make or permit to be made under any circumstances any alterations in or additions to the demised buildings without the previous consent in writing of the lessor provided always that if the lessee is permitted to make any alterations by the lessor the lessee shall not be entitled to any compensation therefor.

(5) To permit the lessor with or without workmen or others at all reasonable times on giving one day's previous notice to enter upon the demised premises and to view the condition thereof and upon notice being given by the lessor to repair within one month from the service of the notice in accordance therewith.

(6) Not to assign, underlet or part with the possession of the demised premises or any part thereof without first obtaining the written consent of the lessor.

(7) To yield up the demised premises with all fixtures and additional thereto at the determination of the tenancy in good and tenantable repair and condition in accordance with the covenants herein contained.

3. The lessor covenants with the lessee as follows:--

(1) That the lessee paying the rent hereby reserved and observing and performing the several covenants and stipulation herein on its part contained shall peacefully hold and enjoy the demised premises during the said term without any interruption by the lessor or any person rightfully claiming under or in trust for him,

(2) To carry out all repairs to the main walls, roof and foundations due to fair wear and tear. the decision of the Executive

Engineer concerned as to the necessity for such repairs being final

4. Provided always and it is hereby expressly agreed by and between the parties hereto as follows:-

(1) If the rent hereby reserved or any part thereof shall be unpaid for 14 days after becoming payable (whether formally demanded or not) or if any covenant on the lessee's part herein contained shall not be performed or observed then and in any of the said cases it shall be lawful for the lessor at any time thereafter to re-enter upon the demised premises or any part thereof in the name of the whole and there upon this demise shall absolutely determine but without prejudice to the right of action of the lessor in respect of the breach of any of the lessee's covenants herein contained.

(2) If the lessee shall desire to determine the present demise and shall give to the lessor three calendar months previous notice in writing of such desire then immediately on the expiration of the three calendar months the present demise and everything herein contained shall cease and be void but without prejudice to the remedies of either party against the other in respect of any antecedent claim or breach of covenant.

(3) That the lessor will on the written request of the lessee made within three calendar months before the expiration of the term hereby granted, grant to the lessee a lease of the demised premises for the further term of years and containing the like covenants and proviso (s) as are herein contained except the including a covenant (s) for renewal.

IN WITNESS whereof the lessor hath hereunto set his hand and seal and the common seal of the Municipal Council of the lessee hath hereunto affixed the day and year first above written.

The schedule above referred to

ALL THAT piece or parcel of land and premises situated in the village of in the registration sub-district of

in the registration district of
 and bounded on the north by
 on the south by on the east by
 and on the west by bearing re-survey No.
 old survey No. and containing on the whole by
 admeasurement.

(be the same more or less)

Signed, sealed and delivered by the abovenamed in the
 presence of

Signed by the Commissioner of the Municipal Council of
 Municipality in the presence of
 The common seal of the Municipal Council of
 Municipality was hereunto affixed in the presence of

FORM 1 (c)

Transfer by mortgage

THIS INDENTURE made the day of 19
 between Thiru son of Thiru
 residing at (hereinafter called "the mortgagor")
 which expression shall where the context so admits include his
 heirs, executors, administrators and legal representatives) on the
 one part and the municipal council of municipality
 constituted under the Pondicherry Municipalities Act, 1973 (Act
 9 of 1973) (hereinafter called "mortgagee" which expression shall
 where the context so admits include its successors, representatives
 and assigns) of the other part;

WHEREAS the mortgagor is well and truly entitled to and
 possessed of the piece or parcel of land and premises described in
 the schedule hereto;

AND WHEREAS the mortgagee has agreed to lend the
 mortgagor the sum of Rs. on having the repayment
 thereof in manner hereinafter appearing.

NOW THIS INDENTURE WITNESSETH AS FOLLOWS:—

That in consideration of the sum of Rs.
 on or before the execution of these presents paid to the mortgagor

by the mortgagee (the receipt where of the mortgagor doth hereby acknowledge) he, the mortgagor doth hereby given, grant and assign unto the mortgagee an usufructuary mortgage of ALL THAT piece or parcel of land situated in and more particularly described in the schedule hereunder written and which together with the messuage or tenement erected thereon is commonly called or known as **TOGETHER WITH ALL** buildings, godowns, trees, commons, hedges, ditches, fences, ways water-courses, liberties privileges, easements, advantages and appurtenances whatsoever to the said piece or parcel of land, messuage and premises or any of them in anywise appertaining or heretofore or hereafter to be occupied or enjoyed therewith. AND all the estate right, title, interest property claim and demand whatsoever of the mortgagor into and upon the same premises TO HAVE AND TO HOLD the said piece or parcel of land, message and premises hereby granted, conveyed and assigned or expressed so as to be unto the mortgagee forever subject to the proviso for redemption hereinafter contained. The mortgagor hereby declares that he has put the mortgagee in possession of the mortgaged property and that the mortgagee shall continue in such possession of the property until the said sum of Rs. is repaid to the mortgagee and that the mortgagee shall appropriate the rents and profits accruing from the property in lieu of the interest due in respect of the mortgage money AND the mortgagor doth hereby covenant with the mortgagee that he, the mortgagor will as long as any money shall remain due on the security of these presents keep all the messuages and buildings now existing or hereafter to be erected, on the said premises hereinbefore expressed to be hereby granted conveyed and assigned in good and substantial repair and insured against loss or damage by fire in the sum of Rs. at least in some office approved by and in the name of the mortgagee and will duly and punctually pay all premiums and sums of money necessary for such purpose and for keeping such insurance on foot and also all assessment rates, taxes and other out-going for the time being payable in respect of or charged upon the

said premises or any of them and will forthwith deliver to the mortgagee the policy or policies of insurance and the receipt for every sum payable as aforesaid and that if default be made in keeping the said buildings so repair or in effecting or keeping on foot such insurances or in payment of any such as assessment rates, taxes and other outgoings as aforesaid, or in so delivering any policy or policies or receipt as aforesaid it shall be lawful but not incumbent upon the mortgagee to put the said premises into proper and substantial repair or (as the case may be) to insure and keep insured the said buildings in any sum not exceeding the amount aforesaid and to pay the premiums and all expenses incurred in so doing or (as the case may be) any assessment rates, taxes, or other outgoings as aforesaid. AND further that the mortgagor will forthwith repay to the mortgagee all such premiums expenses and other moneys with interest thereon at the rate of _____ per cent per annum from the time of each payment and that until repayment the premises hereby mortgaged shall stand charged with the amount to be repaid and interest thereon at the rate aforesaid and that all moneys received in respect of any insurance shall at the option of the mortgagee be applied either in reinstating or restoring the buildings insured or in or towards payment of the moneys for the time being on the security of these presents And the mortgagor doth hereby covenant with the mortgagee that he, the mortgagor howhath power to give and grant this usufructuary mortgage into the mortgagee AND it is hereby expressly agreed and declared that on payment at any time by the mortgagor to the mortgagee of the said sum of Rs. _____ and all other moneys, if any, due under these presents the mortgagee shall at the request and cost of the mortgagor reconvey and resign unto the mortgagor or as he may direct all and singular the plot or piece of land and premises hereby expressed to be granted, conveyed or assigned.

IN WITNESS whereof the mortgagor hath, hereunto set his hand and seal the day and year first above written,

The schedule above referred to

ALL THAT piece or parcel of land and premises situated in
the village _____ in the registration sub-district
of _____ in the registration district
of _____ and bounded on the north by
on the south by _____ on the east by
and on the west by _____ bearing re-survey
No. _____ and old survey No. _____
and containing on the whole by admeasurement (be the same more
or less.)

Signed, sealed and delivered by the abovenamed in the
presence of-

Witnesses 1,

2

FORM-1 (d)

Transfers by gift

THIS INDENTURE made the _____ day of one
thousand nine hundred _____ between
Thiru _____ son of Thiru _____ residing at _____ (hereinafter
called "the donor" which expression shall where the context
admits include his heirs, executors, administrators and legal
representatives) of the one part AND the Municipal Council of
Municipality constituted under the Pondicherry Municipalities
Act, 1973 (Act 9 of 1973) (hereinafter called "the donee" which
expression shall where the context admits include its successors
and assigns) of the other part;

WHEREAS the donor is well and sufficiently entitled free
from encumbrances to the piece or parcel of land and premises
hereinafter; described and intended to be hereby granted, conveyed
and assigned ;

AND WHEREAS the donor has agreed to transfer the said
piece or parcel of land and premises to the donee as a gift subject

to the payment by the donee of all existing and future taxes, charges, assessment and ground-rent in respect of the same and donee has agreed to accept the same subject to such conditions;

AND WHEREAS the said piece or parcel of land and premise is of the value of Rs. _____ for the purpose of stamp duty.

Now this indenture witnesseth as follows:—

That the donor doth hereby give, grant, convey and assign unto the donee who hereby accepts the same ALL THAT piece or parcel of land bearing survey No. _____ situated in the village of _____ in the registration sub-district of _____ in the registration district of _____ and more particulary described in the schedule hereunder written TOGETHER WITH all buildings, trees, commons, liberties, privileges, easements, advantages and appurtenances whatsoever to the said piece of parcel of land, buildings and premises or any of them in any wise appertaining or heretofore occupied or enjoyed therewith AND all the estate right, title, interest, property, claim and demand whatsoever of the donor into and unto the same premises TO HAVE AND TO HOLD the said piece or parcel of land and premises hereby granted, conveyed and assigned into the donee forever AND the donor doth hereby covenant with the donee that the donor now hath good right to grant convey and assign the premises hereby granted, conveyed and assigned unto the donee in the manner aforesaid and that the donee shall and may at all times hereafter peaceably and quietly possess and enjoy the said premises free from all encumbrances whatsoever without any lawful eviction, interruption claim or demand whatsoever from or by the donor of any person claiming under or in trust for him AND further that the donor and all persons having or lawfully or equitably claiming any estate or interest in the said premises or any part thereof from under or in trust for the donor or from or under any of his ancestors shall and will from time to time and all times hereafter at the request and cost of the donee do execute

and register or cause to be done, executed and registered all such acts, deeds and things whatsoever for further and more perfectly assuring the said premises and every part thereof unto the donee in the manner aforesaid or as shall or may be reasonably required.

The Commissioner of the Municipal Council of Municipality in token of acceptance of the gift has also signed this deed. In witness whereof the parties have hereunto set his hand and seal and the common seal of the Municipal Council of Municipality the donee was hereunto affixed the day and year first above written.

The Schedule above referred to

ALL THAT PIECE or parcel of land and premises situated in the village of _____ in the registration sub-district of _____ in the registration district of _____ and bounded on the north by _____ on the south by _____ on the east by _____ and on the west by _____ bearing resurvey No. _____ and old survey No. _____ and containing on the whole of admeasurement (be the same more or less).

Signed, sealed and delivered by the abovenamed in the presence of

Signed by the Commissioner of municipal council of Municipality in the presence of

The common seal of the municipal council was hereunto affixed in the presence of:—

- Witnesses 1.
2.

SCHEDULE—II

FORM II (a)

[See rule 4 (2)]

Transfer by sale

THIS INDENTURE made the _____ day of _____ 19____
 between the municipal council of _____ municipality
 constituted under the Pondicherry Municipalities Act, 1973 (Act 9
 of 1973) (hereinafter called "the vendor" which expression shall
 where the context so admits include its successors, rep esentatives
 and assigns) of the one part AND _____ son of _____
 residing at _____ (hereinafter called
 "the purchaser" which expression shall where the context so admits
 include his heirs, executors, administrators, legal representatives
 and assigns) of the other part;

WHEREAS the vendor is the absolute owner of the land and
 premises described in the schedule hereto and has agreed with
 the purchaser for the sale to him of the same but otherwise free
 from encumbrances for the sum of Rs. _____

AND WHEREAS the Director by an order No. _____ dated
 the _____ day of _____ has sanctioned the sale of
 the property hereinafter contained.

AND WHEREAS the Government of Pondicherry have also
 by an order No. _____ dated the _____ day of _____
 sanctioned the sale or property hereinafter contained.

(Note:— Retain this if the value exceeds Rupees ten
 thousand)

AND WHEREAS due notice of the sale of the property
 hereinafter contained has been given in accordance with the
 provisions of the rules relating thereto.

NOW THIS DEED WITNESSETH AS FOLLOWS:--

That in pursuance of the said agreement and in consideration of the sum of Rs. to the vendor paid by the purchaser on or before the execution of these presents (the receipt whereof the vendor doth hereby acknowledge) the vendor as beneficial, owner and in pursuance of every statutory and other authority it hereunto enabling doth hereby grant, convey and assign unto the purchaser. ALL THAT piece or parcel of land situated in and more particularly described in the schedule hereunder written and which together with the messuage or tenement erected thereon is commonly called or known as TOGETHER WITH all buildings, godowns, trees, commons, hedge, ditches, fences, ways, waters, water-courses, liberties, privileges, easements, advantages and appurtenances whatsoever to the said piece or parcel of land, messuage and premises or any of them in anywise appertaining or heretofore occupied or enjoyed therewith AND all the estate right, title, interest, property, claimed, demand whatsoever of the vendor into an upon the same premises TO HAVE AND TO HOLD the said piece or parcel of land, messuage and premises hereby granted, conveyed and assigned into the purchaser forever AND the vendor doth hereby covenant with the purchaser that the vendor now hath good right to grant, convey and assign the premises hereby granted, conveyed and assigned unto the purchaser in manner aforesaid AND that the purchaser shall and may at all times hereafter peaceably and quietly possess and enjoy the said premises free from all encumbrances whatsoever and receive the rents and profits thereof without any lawful eviction, interruption, claim or demand whatsoever from or by the vendor or any other person or persons AND further that the vendor and all persons having lawfully or equitably claiming any estate or interest in the said premises or any of them or any part thereof from under or in trust for the vendor shall and will from time to time and at all times hereafter at the request and cost of the purchaser do execute and register or cause to be done, executed and registered and all such acts, deeds and things

whatsoever for further and more perfectly assuring the said premises and every part thereof unto the purchaser in manner aforesaid as shall or may be reasonably required AND the purchaser doth hereby covenant with the vendor that he the purchaser as aforesaid will at all times hereafter pay all assessments and taxes that may now be payable or at any time hereafter be levied or imposed upon the said premises hereby conveyed by Government of Pondicherry under any rules that or now or may hereafter be in force for the levy of assessments and taxes on lands and premises of a like nature.

IN WITNESS whereof the common seal of the municipal council of municipality was hereunto affixed and Commissioner has hereunto affixed his hand and seal the day and year first above written.

The schedule above referred to.

ALL THAT piece or parcel of land situated in the vilage of
in the registration sub-district of bearing resurvey No.
old survey No. bounded on the north by
on the south by on the east by
and on the west by and containing by admeasurement
or thereabouts. Signed by the Commissioner of the municipal
council of municipality in the presence of

The common seal of the municipal council of was
hereunto affixed in the presence of

Signed, sealed and delivered by the abovenamed in the
peresence of:

Witnessess.

- 1.
- 2.

FORM II (b)

Transfer by exchange.

THIS INDENTURE made the day of 19 between the Municipal Council of Municipality constituted under the Pondicherry Municipalities Act, 1973 (Act 9 of 1973) (hereinafter called "Municipal Council" which expression shall where the context admits include its successors and assigns) of the one part AND son of residing at (hereinafter called the party of the second part which expression shall where the context so admits include his heirs, executors, administrators, legal representatives and assigns) of the other part;

WHEREAS the municipal council is well and truly entitled to and possessed of the piece or parcel of land more particularly described in the first schedule hereto together with the buildings thereon free from encumbrances and the party is also well and truly entitled to and possessed of the piece or parcel of land more particularly described in the second schedule hereto together with the buildings thereon free from encumbrances;

AND WHEREAS the parties here to have agreed to effect such exchange as is hereinafter contained of the said pieces or parcels of land more particularly described in the first and second schedules hereto respectively:

(AND WHEREAS the Director by an order No. dated the day of has sanctioned the exchange of the properties in manner herein after contained.

(AND WHEREAS the Government of Pondicherry have also by an order No. dated the day of sanctioned the exchange of the properties in manner hereinafter contained).

(Note:—Retain this if the value exceeds Rupees ten thousand.)

AND WHEREAS due notice of the exchange in manner hereinafter contained has been given in accordance with the provisions of the rules relating thereto;

NOW THIS INDENTURE WITNESSETH-- That in consideration of the conveyance by the party of the second part hereinafter contained the municipal council in pursuance of every statutory and other authority thereunto enabling doth hereby grant, convey and assign unto the party of the second part ALL THAT piece or parcel of land of the value of Rs. _____ or thereabouts situated in _____ and more particularly described in the first schedule hereunder written and coloured _____ on the map or plan marked. 'A' hereunto annexed TOGETHER WITH all buildings, trees, commons, hedges, ditches, fences, ways, water-courses, liberties, privileges, easements, advantages and appurtenances whatsoever to the said piece or parcel of land and premises or any of them in anywise appertaining or heretofore occupied or enjoyed therewith and all the estate right, title, interest, property claim and demand whatsoever of the municipal council into and upon the same premises TO HAVE AND TO HOLD the said piece or parcel of land and premises hereby granted and assigned or expressed so to be unto the party of the second part forever and the party of the second part doth here by covenant with the municipal council that he, the party of the second part will at all times hereafter pay the assessment or ground-rent of _____ or such other amount as the Director may from time to time determine and any other ground-rent, assessments and taxes that are or may from time to time be levied upon the said piece or parcel of land or premises by the Central Government or the Government of Pondicherry or by any local or other authority and THIS INDENTURE FURTHER WITNESSETH that in consideration of the conveyance by the municipal council hereinbefore contained the party of the second part doth hereby grant, convey and assign unto the municipal council all that piece or parcel of land of the value of rupees _____ or thereabouts situated in _____ and being

more particularly described in the second schedule hereunder written and coloured on the map or plan marked 'B' hereto annexed TOGETHER WITH ALL buildings, trees, commons, hedges, ditches, fences, ways, water, water courses, liberties, privileges, easements, advantages and appurtenances whatsoever to the said piece or parcel of land and premises or any of them in anywise appertaining or heretofore occupied or enjoyed therewith AND all the estate right, title, interest, property claim and demand whatsoever of the party of the second part into and upon such last mentioned premises TO HAVE AND TO HOLD the said piece or parcel of land and premises lastly herein before expressed to be hereby granted, conveyed and assigned unto the Municipal Council forever and the Municipal Council doth hereby covenant with the party of the second part that the Municipal Council will at all times hereafter pay the assessments and taxes that are or may from time to time be levied upon the said piece or parcel of land or premises by the Central Government or the Government of Pondichery or by any local or other authority AND THE PARTIES HERETO MUTUALLY COVENANT AND AGREE EACH WITH THE OTHER OF THEM that not withstanding any act, deed or thing done or executed or knowingly suffered to the contrary they now have good right to grant, convey and assign respectively the said premises expressed to be hereby granted, conveyed and assigned in the manner aforesaid and that either party shall and may at all times hereafter peaceably and quietly possess and enjoy such last mentioned premises and receive the rents and profits thereof without any lawful eviction, interruption claim or demand whatsoever or by the other party or any persons lawfully or equitably claiming from under or in trust for the said party and that free from all encumbrances whatsoever made or suffered by either party or any person or persons lawfully or equitably claiming as aforesaid AND FURTHER that the parties and all persons having or lawfully or equitably claiming any estate or interest in the said premises or any part thereof from under or in trust for any of the parties shall and will from time to time and

at all times hereafter at the request and cost of the other party do execute and register or cause to be done, executed and registered all such acts, deeds and things whatsoever for further and more perfectly assuring such last mentioned premisee and every part thereof unto the otherparty in manner aforesaid as shall or may be reasonably required.

IN WITNESS whereof the parties have signed and sealed this deed on the day and the year first above written in pesence of:

Witnessess.

1.

2.

The first schedule above referred to.

ALL THAT piece of parcel of land coloured in the plan marked 'A' attached hereto and situated in the village of _____ in the registration sub-district of _____ in the registration district of _____ bearing old survey No. _____ resurvey No. _____ bounded on the north by _____ on the east by _____ on the south by _____ and on the west by _____ and containing by admeasurement or thereabout.

The second schedule above referred to.

ALL THAT piece or parcel of land coloured in the plan marked 'B' here to attached and situated in the village of _____ in the registration sub-district of _____ in the registration district of _____ bearing resurvey No. _____ old survey No. _____ bounded on the north by _____ on the east by _____ on the south by _____ and on the west by _____ and containing by admeasurement or thereabouts.

The common seal of the Municipal Council of
was herewith affixed in the presence of

Signed by the Commissioner of the Municipal Council
of Municipality in the presence of

Signed, sealed and delivered by the abovenamed in the
presence of;

Witnesses;

- 1.
- 2.

FORM II (c)

Transfer by mortgage

THIS INDENTURE made by the day of 19
between the municipal council of municipality
constituted under the Pondicherry Municipalities Act, 1973 (Act
9 of 1973) (hereinafter called "the mortgagor" which expression
shall where the context so admits include its successors and
assigns) of the one part AND Thiru son of Thiru
residing at (hereinafter called
"the mortgagee" which expression shall where the context so
admits include his heirs, executors, administrators and legal
representatives) of the other part:

WHEREAS the mortgagor is the absolute owner of the piece
or parcel of land and premises described in the schedule here to;

AND WHEREAS the mortgagee has agreed to lend the
mortgagor the sum of Rs. on having the repayment
thereof with interest, at the rate hereinafter mentioned secured in
manner hereinafter appearing;

AND WHEREAS the Director by an order No.
dated the day of 19
has sanctioned the mortgage of the properties in manner herein
after contained;

(AND WHEREAS the Government of Pondicherry have also by an order No. dated the day of sanctioned the mortgage of the properties in manner herein after contained).

(Note.— Retain this if necessary).

AND WHEREAS due notice of the mortgage in manner hereinafter contained has been given in accordance with the provisions of the rules relating thereto;

NOW THIS INDENTURE WITNESSETH that in consideration of the sum of Rs. on or before the execution of these presents paid to the mortgagor by the mortgagee (the receipt whereof the mortgagor doth hereby acknowledge) the mortgagor doth hereby covenant with the mortgagee that the mortgagor will on demand pay to the mortgagee the sum of Rs. with interest thereon at the rate of Rs. per cent per annum.

AND THIS INDENTURE ALSO WITNESSETH that for the same consideration the mortgagor doth hereby give and grant unto the mortgagee a simple mortgage of ALL THAT piece or parcel of land situated in and more particularly described in the schedules hereunder written and which together with the messuage, tenement erected thereon is commonly called or known as TOGETHER WITH all the building, godowns, trees, commons, hedges, ditches, fences, ways, waters, water-courses, liberties, privileges, easements, advantages and appurtenances whatsoever to the said piece or parcel of land, messuage and premises or any of them in anywise appertaining heretofore or hereafter to be occupied or enjoyed therewith AND all the estate right, title, interest, property claim and demand whatsoever of the mortgagor into and upon the same premises AND the mortgagor doth hereby covenant with the mortgagee that the mortgagor will so long as any money shall remain due on the security of these presents keep all the messuages and buildings now

existing or hereafter to be erected on the said premises hereinbefore expressed to be hereby granted, conveyed and assigned in good and substantial repair and insured against loss or damage by fire in the sum of Rs. at the least in some office or offices approved by and in the name or names of the mortgagee and will duly and punctually pay all premiums and sums of money necessary for such purpose and for keeping such insurance on foot and also all assessment rates, taxes and other outgoings for the time being payable in respect or charged upon of the said premises or any of them and will forthwith deliver and to the mortgagee the policy or policies of insurance the receipt for every sum payable as aforesaid and that if default shall be made in keeping the said buildings so repaired or in effecting or keeping on foot such insurance or in payment of any such assessment, rates taxes and other outgoings as aforesaid or in so delivering any policies or policies or receipt as aforesaid it shall be lawful for but not incumbent upon the mortgagee to enter into and upon the said premises and put the same into proper and substantial repair or (as the cause may be) to insure and keep insured the said buildings in any sum not exceeding the amount aforesaid and to pay the premiums and all expenses incurred in so doing or (as the case may be) any such assessment, rates, taxes or other outgoings as aforesaid AND further that the mortgagor will forthwith repay to the mortgagee all such premiums, expenses and other moneys with interest thereon at the rate aforesaid from the time of each payment and that until repayment, the hereby mortgaged premises shall stand charged with the amount to be repaid and interest thereon at the rate aforesaid and that all moneys received in respect of any insurance shall at the opinion of the mortgagee be applied either in reinstating or restoring the buildings insured or in or towards payment of the moneys for the time being owing on the security of these presents AND it is hereby expressly agreed and declared that should the properties described in the schedule hereto prove insufficient when sold to satisfy the amount due under this mortgage the mortgagor will be personally liable for the amount for the time being due and owing under this mortgage.

IN WITNESS whereof the mortgagor signed and affixed the common seal on the day and year first above written.

The schedule above referred to

ALL THAT Piece or parcel of land and premises situated in the village of _____ in the registration sub-district of _____ in the registration district of _____ and bounded on the north by _____ on the south by _____ on the east by _____ and on the west by _____ bearing resurvey No. _____ and old survey No. _____ and containing on the whole by admeasurement (be the same more or less).

Signed by the Commissioner of the municipal council of _____ municipality in the presence of _____

The common seal of the municipal council of _____ municipality was hereunto affixed in the presence of _____

FORM II (d)

Transfer by gift

THIS INDENTURE made the _____ day of _____ 19____ between the municipal council of _____ municipality, constituted under the Pondicherry Municipalities Act, 1973 (Act 9 of 1973) (hereinafter called "the donor" which expression shall where the context so admits include its successors and assigns of the one part and Thiru _____ son of Thiru _____ residing at _____ (hereinafter called "the donee" which expression shall where the context so admits include his heirs, executors, administrators and legal representatives and assigns) of the other part;

WHEREAS the donor is well and sufficiently entitled free from encumbrances to the piece of land and premises hereinafter described and intended to be hereby granted, conveyed and assigned;

AND WHEREAS the donor has agreed to transfer the said piece of land and premises to the donee as a gift to be used for the purpose of _____ subject to the payment by the donee of all existing and future taxes, charges, assessments and ground-rent in respect of the same and the donee has agreed to accept the said piece of land and premises subject to the said conditions;

AND WHEREAS the said piece of land and premises is of the value of Rs. _____ for the purpose of stamp duty;

AND WHEREAS the Director by an order No. _____ dated the _____ day of _____ has sanctioned the gift of the property hereinafter contained;

AND WHEREAS due notice of the gift in the manner hereinafter contained has been given in accordance with the provisions of the rules relating therein.

(AND WHEREAS the Government of Pondicherry have also by an order No. _____ dated the _____ day of _____ have sanctioned the gift of the property hereinafter contained).

(Note:—Retain this, if necessary).

NOW THIS INDENTURE WITNESSETH as follows:—

That the donor doth hereby give, grant, convey and assign unto the donee who hereby accepts the same ALL THAT piece or parcel of land bearing survey No. _____ situated in the village of _____ in the registration sub-district of _____ in the registration district of _____ and more particularly described in the schedule-hereunder written together with all buildings, trees, commons, hedges, ditches, fences, ways, waters, water-courses, liberties, privileges, easements, advantages and appurtenances whatsoever to the said piece or parcel of land, buildings and premises or any of them in anywise appertaining or

affixed and the donee hath hereunto set his hand and seal the day and year first above written.

The schedule above referred to

ALL THAT piece or parcel of land and premises situated in the village of _____ in the registration sub-district of _____ in the registration district of _____ and bounded on the north by _____ on the south by _____ on the east by _____ and on the west by _____ bearing old survey No. _____ and resurvey No. _____ and containing on the whole by admeasurement or thereabout.

Signed, by the Commissioner, _____ Municipal Council
in the presence of _____

Signed, sealed and delivered by the abovesaid in the presence of _____

The common seal of the Municipal Council
Municipality was hereunto affixed in the presence of
Signed _____ Donee _____

SCHEDULE III

FORM III (a)

Transfer by lease

[See rule 6 (2)]

THIS INDENTURE made _____ day of 19____
BETWEEN the municipal council of _____ municipality,
constituted under the Pondicherry Municipalities Act, 1973 (Act 9
of 1973) (hereinafter called the "the lessor" which expression
where the context so admits shall means and include its successors
and assigns) of the one part AND _____ son of
residing at _____ and carrying on business as
(hereinafter called the "lessee" which expression

where the context so admits shall include his heirs, executors, administrators, legal representatives and permitted assigns) of the other part;

WHEREAS the lessee has applied to the lessor for a lease of the property more particularly described in the first schedule hereto for the period and at the rate of rent and subject to the terms and conditions hereinafter contained;

AND WHEREAS, the lessor has agreed to grant a lease of the said property in the manner hereinafter contained;

AND WHEREAS, the Director by an order No. dated day of has sanctioned the lease of the property on and subject to the special conditions contained in the second schedule hereto.

(Note:--Retain this, if necessary).

AND WHEREAS due notice of the lease of the property has been given in accordance with the provisions of the rules relating thereto.

NOW THIS INDENTURE WITNESSETH:—

1. That in consideration of the rent hereby reserved and of the covenants by the lessee herein contained the lessor demises unto the lessee all that piece or parcel of land together with the building and premises known as situated in the registration sub-district of in the registration district of bearing survey No. for the term of years from the day of 19 paying therefor in advance the monthly rent of Rs. clear of all deductions the first of such payments to be made on the day of 19.

2. The lessee covenants with the lessor as follows:—

(1) To pay the reserved rent on or before the first day of each month in advance in manner aforesaid and he subject

to all the rules concerning the lease as contained in the rules for acquisition and transfer of immovable properties by municipal councils.

(2) To hear pay and discharge all existing and future charges, assessment and out goings payable in respect of the said premises inclusive of the ground-rent of Rs. or any other sum that may from time to time be levied as such upon the piece or parcel of land by the Director on behalf of the Central Government or the Government of Pondicherry.

(3) To keep the exterior and the interior of the demised premises and all additions thereto and the boundary walls and fences thereof and the drains soil and other pipes and sanitary and water apparatus and electric fittings and fixtures thereof in good and tenantable repair and condition.

(4) Not to make or permit to be made under any circumstances any alterations in or additions to the demised buildings without the previous consent in writing of the lessor or its duly authorised officers provided always that if the lessee is permitted to make any alterations by the lessor or its duly authorised officers the lessee shall not be entitled to any compensation therefor.

(5) To permit the lessor and its authorised officers or agents with or without workmen or others at all reasonable times on giving one day's previous notice to enter upon the demised premises and to view the conditions thereof and upon notice being given by the lessor or its authorised officers to repair within one month from the service of the notice in accordance therewith.

(6) To observe and fulfil the terms and conditions prescribed by the Director and contained in the second Scheduled hereto annexed.

(7) Not to assign, underlet or part with possession of the demised premises or any part thereof without first obtaining the written consent of the lessor or its authorised officers.

(8) To yield up the demised premises with all fixtures and additions thereto at the determination of tenancy in good and tenable repair and condition in accordance with the covenants herein contained.

3. The lessor covenants with the lessee as follows:—

(1) The lessee paying the rent hereby reserved and observing and performing the several covenants and stipulations herein on his part contained shall peaceably hold and enjoy the demised premises during the said term without any interruption by the lessor or any person rightfully claiming under or in trust for him.

(2) To carry out all repairs to main walls, roof and foundations due to fair reasonable wear and tear, the decision of the Executive Engineer concerned as to the necessity for such repairs being final.

4. PROVIDED ALWAYS and it is hereby expressly agreed by and between the parties hereto as follows:—

(1) If the rent hereby reserved or any part thereof shall be unpaid for 14 days after becoming payable (whether formally demanded or not) or if any covenant on the lessee's part herein contained shall not be performed or observed or if the lessee or other person in whom for the time being the term hereby created shall be vested shall become insolvent then and in any of the said cases it shall be lawful for the lessor or its authorised officers at any time thereafter to re-enter upon the demised premises or any part thereof in the name of the whole and thereupon this demise shall absolutely determine but without prejudice to the right of auction of the lessor in respect of the breach of any of the lessee's covenants herein contained.

(2) If at any time it appears to the Director or the lessor (whose decision shall be final) that it is necessary in the public interest to determine the lease it shall be lawful for the said Director or the lessor forthwith to cancel this lease by

notice in writing addressed to the lessee at his last known place of residence and thereupon this demise shall absolutely determine and the lessee shall not be entitled to any compensation whatsoever in respect of such determination except proportionate abatement of any rent that may have been paid by the lessee in advance.

IN WITNESS whereof the common seal of the municipal council of _____ municipality, the lessor was hereunto affixed and the lessee hath hereunto set his hand and seal the day and year first above written.

The first schedule above referred to.

ALL THAT piece or parcel of land and premises situated in the village of _____ in the registration sub-district of _____ in the registration district of _____ and bounded on the north by _____ on the south by _____ on the east by _____ and on the west by _____ bearing re-survey No. _____ and old survey No. _____ and door No. _____ and containing on the whole by admeasurement (be the same more or less)

The second schedule above referred to.

Conditions if any imposed by the Government in pursuance of the provisions of sub-section (6) of section 275 of the Pondicherry Municipalities Act, 1973.

Signed by the Commissioner of the Municipal Council of _____ in the presence of _____

The common seal of the Municipal Council of _____ municipality was hereunto affixed in the presence of _____

Signed, sealed and delivered by the abovesaid _____ in the presence of witnesses.

1.

2.

FORM III (b)

Transfer by lease

(See rule (2)).

THIS INDENTURE made _____ day
of _____ 19 _____ between the municipal council of _____
municipality, constituted under the Pondicherry Municipalities
Act, 1973 (Act 9 of 1973) (hereinafter called the "the lessor"
which expression where the context admits shall include its
successors, representatives and assigns) of the one part,
AND _____ son of _____
_____ residing at _____ and
_____ carrying on business as _____ (hereinafter called
"the lessee" which expression where the context admits shall
include his heirs, executors, administrators, legal representatives
and permitted assigns) of the other part;

WHEREAS the lessee has applied to the lessor for a lease
of the property more particularly described in the first schedule
hereto for the period and at the rate of rent and subject to the
terms and conditions hereinafter contained and whereas the lessor
has agreed to grant a lease of the said property in manner
hereinafter contained.

AND WHEREAS the Director by an order No. _____
dated _____ day of _____ has sanctioned the lease of
the property on and subject to the special conditions contained
in the second schedule hereto.

(Note - Retain this if necessary)

AND WHEREAS due notice of the lease of the property has
been given in accordance with the provision of the rules relating
thereto.

NOW THIS INDENTURE WITNESSETH AS FOLLOWS:—

1. In consideration of the rent hereby reserved and of the
covenants by the lessee herein contained the lessor demises unto

the lessee. All that piece of land forming part of the road side/ street margin and more particularly described in the schedule attached hereto for a term of _____ years from the day _____ 19 _____ of paying therefor in advance the monthly rent of Rs. _____ clear of all deductions the first of such payments to be made on the _____ day of _____ 19 _____

2. The lessee covenants with the lessor as follows:—

(1) To pay the reserved rent on or before the 1st day of each month in advance and in manner aforesaid and be subject to all the rules covering the lease as contained in the rules for acquisition and transfer of immovable properties by municipal councils.

(2) To bear, pay and discharge all existing and future taxes, charges, assessments and outgoings payable in respect of the demised land (inclusive of the ground-rent of Rs. _____ or any other sum that may from time to time be levied as such upon that piece or parcel of land by the Director on behalf of the Central Government or the Government of Pondicherry)

(3) To keep the demised land in good condition.

(4) Not to make or permit to be made under any circumstances any alterations in or additions with demised land without the previous consent in writing of the lessor or its duly authorised officers provided always that in the lessee is permitted to make any alterations by the lessor or its duly authorised officers the lessee shall not be entitled to any compensation therefor.

(5) To permit the lessor and its authorised officers or agents with or without workmen at all reasonable times on giving one day's previous notice to enter upon the demised land and to view the condition thereof.

(6) To use the demised land only for the purpose for which it is leased.

(7) Not to assign or under-let or part with the possession of the demised land or any part thereof without first obtaining the written consent of the lessor or its authorised officers.

(8) To yield up the demised land in good condition in accordance with the covenants herein contained.

3. The lessor covenants with the lessee that the lessee paying the rent hereby reserved and observing and performing the several covenants and stipulations herein on his part contained shall peaceably hold and enjoy the demised land during the said term without any interruption by the lessor or any person rightly claiming under or in trust for the lessor.

4. The lease is liable to be terminated at any time within the period of the lease without payment of any compensation to the lessee if in the opinion of the lessor or of the Director it is necessary in the public interest to remove any structure erected on the demised land.

5. If the rent hereby reserved or any part thereof is not paid whether formally demanded or not in accordance with the stipulation herein contained or if any covenant on the lessor's part herein contained shall not be performed or observed or if the lessee or other person in whom for the time being the term hereby created shall be vested shall become insolvent then and in any of the said cases it shall be lawful for the lessor or its authorised officers at any time thereafter to re-enter upon the demised land or any part thereof in the name of the whole and thereupon this demise shall absolutely determine but without prejudice to the right of action of the lessor in respect of the breach of any of the lessee's covenants herein contained.

6. On the expiry of the period for which the lease is granted unless the lease is renewed by the lessor or when the lease is terminated under clause 4 the lessee is bound to remove all the structures existing on the demised land. If the lessee fails to remove

the structure within the time stipulated in the notice the lessor shall be at liberty to cause the same to be removed without notice to the lessee and the lessee hereby makes himself liable for the costs of such removal and the lessee shall not claim any compensation for the structure so removed or for any damage or loss caused by such removal.

7. IN WITNESS whereof the common seal of the Municipal Council of _____ Municipality. The lessor was hereunto affixed and the lessee hath hereunto set his hand and seal the day and year first above written.

The first schedule above referred to.

ALL THAT piece or parcel of land and premises vested in the lessor situated in the village of _____ in the registration sub-district of _____ in the registration district of _____ and bounded on the north by _____ on the south by _____ on the east by _____ and on the west by _____ bearing re-survey No. _____ and old survey No. _____ and door No. _____ and containing on the whole by admeasurement by the same more or less.

The second schedule above referred to.

Conditions if any imposed by the Government in pursuance of the provisions of sub-section (6) of section 275 of the Pondicherry Municipalities Act, 1973.

Signed by the Commissioner of the municipal council of _____ municipality in the presence of _____

Witnesses,

- 1.
- 2.

The common seal of the municipal council of _____ municipality was hereunto affixed in the presence of _____

Signed, sealed and delivered by the abovenamed in the presence of _____

Witnessess.

- 1.
- 2.

(G. O. Ms. No. 188, dated 19-7-1977 - LAD)

60(a) THE PONDICHERRY MUNICIPALITIES (POWERS AND PROCEDURE FOR THE INVITATION AND DISPOSAL OF TENDERS FOR WORKS AND STORES) RULES, 1979.

In exercise of the powers conferred by section 198 read with section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules namely:—

1. Short title and commencement:— (1) These rules may be called the Pondicherry Municipalities (Powers and Procedure for the Invitation and Disposal of Tenders for works and stores,) Rules, 1979.

(2) They shall come into force from the date of their publication in the official gazette.

2. Financial powers of the municipal council and Commissioner:— (1) The municipal council and the Commissioner, as the case may be, shall exercise the financial powers to the extent specified in Schedules I and II respectively appended to these rules, subject to the availability of funds in the relevant head of account of the budget of the year.

(2) When there is no provision in the relevant head of account in the budget, the municipal council or the Commissioner, as the case may be, shall not exercise these powers in anticipation of funds or of transfer of funds from one head to another or otherwise, unless the prior approval of the Director is obtained. The exercise of financial powers delegated shall further be subject to the provisions of the Act and to the special or general orders, if any, as may be issued by the Director from time to time.

(3) The Commissioner shall obtain prior approval of the Director for incurring any expenditure in respect of items which are not covered by powers delegated in Schedules I and II, or for incurring expenditure in excess of the extent of powers delegated under these rules. No expenditure shall also be incurred in anticipation of approval of the authority competent to sanction the expenditure.

3. Technical powers of municipal engineer and assistant engineer:— The municipal engineer in the grade of executive engineer and the assistant engineer, as the case may be, shall exercise the technical powers to the extent specified in Schedule III appended to these rules.

4. Procedure for the invitation and disposal of tenders for civil works:—The procedure for invitation and disposal of tenders for all civil works irrespective of whether such works are carried out from the funds of the municipal council or under grant-in-aid loan or other schemes, sanctioned by the Government shall be as indicated in Schedule IV, appended to these rules.

5. Procedure for invitation and disposal of tenders relating to purchase of materials, goods etc., to the municipality:— The procedure for invitation and disposal of tenders relating to purchase of materials, goods, etc., to the municipality shall be as indicated in Schedule V, appended to these rules.

SCHEDULE-I

(See rule 2)

FINANCIAL POWERS OF THE—MUNICIPAL COUNCILS

		Financial powers of the councils		
Sl. No.	Description of items	Pondichery Municipal Council	Karaikal Municipal Council	Mahe and Yanam Municipal Councils
(1)	(2)	(3)	(4)	(5)
1	Motor Cycle; a) Repairs, b) Cost of petrol & oil	Rs. 50/- per vehicle per annum. Rs. 250 /- per vehicle per mensem.	Rs. 300/- per vehicle per annum. Rs. 150/- per vehicle per mensem.	Rs. 250/- per vehicle per annum. Rs. 100/- per vehicle per mensem.
2	Jeep, car, lorry, tractor, van, road roller and the like, a) Repairs,	Rs. 300/- in each case subject to a maximum of Rs. 1,000/- per annum per vehicle.	Rs. 300/- in each case subject to a maximum of Rs. 1,000/- per annum per vehicle.	Rs. 300/- in each case subject to a maximum of Rs. 1,000/- per annum per vehicle.

(1)	(2)	(3)	(4)	(5)
b)	Cost of petrol/diesel oil and other lubricants in respect of lorry, tractor, road roller, and other vehicles used for sanitary purposes.	Rs. 500/- per mensem for each vehicle.	Rs. 500/- per mensem for each vehicle.	Rs. 300 per mensem for each vehicle.
c)	Cost of oil/diesel/ petrol and other lubricants in respect of other vehicles:			
i)	Petrol vehicles.	Rs. 500/- per mensem per vehicle.	Rs. 500/- per mensem per vehicle.	Rs. 300/- per mensem per vehicle.
iii)	Diesel vehicles.	Rs. 300/- per mensem per vehicle.	Rs. 200/- per mensem per vehicle.	Rs. 200/- per mensem per vehicle.
3	Printing and Binding.	Rs. 2,000/- per annum.	Rs. 1,000/- per annum.	Rs. 1,000/- per annum.
4	Books and Publications.	Rs. 2,000/ per annum.	Rs. 500/- per annum,	Rs. 250/- per annum.
5	Purchase of stationery.	Rs. 1,000/- per annum.	Rs. 1,000/- per annum.	Rs. 1,000/- per annum.
6	Typewriter/Duplicator repairs.	Full powers.	Full powers.	Full powers.

(1)	(2)	(3)	(4)	(5)
7. Furniture :	a) Purchase.	Rs. 2,500/- per annum.	Rs. 2,000/- per annum.	Rs. 2,000/- per annum
b) Repairs.	Full powers	Full powers.	Full powers.	Full powers.
8. Legal charges (Except appeal cases and cases filed directly before the High Court)	Full powers subject to the engagement of advocate at Government rate payable to Government Pleader/Public Prosecutor.	Full powers subject to the engagement of advocate at Government rate payable to Government Pleader/Public Prosecutor.	Full powers subject to the engagement of advocate at Government rate payable to Government Pleader/Public Prosecutor.	Full powers subject to the engagement of advocate at Government rate payable to Government Pleader/Public Prosecutor.
9. Execution of civil works.	upto Rs.20,000/- per work.	upto Rs. 10,000/- per work.	upto Rs. 10,000/- per work.	upto Rs. 10,000/- per work.
10. Purchase of stores in connection with the execution of civil works.	upto Rs.10,000/- at a time.	upto Rs. 5,000/- at a time.	upto Rs. 5,000/- at a time.	upto Rs. 5,000/- at a time.
11. Repairing of motors and motor-pump sets of over-head tanks/ water supply system.	Full powers.	Full powers.	Full powers.	Full powers.

SCHEDULE—II

(See rule 2)

FINANCIAL POWERS OF THE COMMISSIONERS OF THE MUNICIPALITIES.

Sl. No. (1)	Description of items (2)	Extent of powers (3)
1	Bicycles—(i) Hiring of vehicle (ii) Repairs	Full powers. Rs.75/- per annum for each cycle.
2	Freight charges excluding demurrage charges.	Full powers
3	Purchase of rubber stamps and office seals	Full powers
4	Electricity and water charges	Full powers
5	Postage and telegram	Full powers
6	Trunk call and telephone charges	Full powers except no delay calls.
7	Light refreshment charges: (i) Council meeting (ii) Other meeting	Not exceeding Rs. 2/- per head per day of meeting Not exceeding Re. 1/- per head per day of meeting.
8	Other petty contingent and miscellaneous expenditure.	(i) Rs. 250/- per mensem for Commissioner, Pondicherry Muni- cipality. (ii) Rs. 150/- per mensem for Commissioner, Karaikal Municipality (iii) Rs.100/- per mensem for Commissioner, Yanam/Mahe Municipalities.

Explanation:- (a) "Contingent expenditure" means all incidental and other expenditure including expenditure on stores which is incurred for the management of an office, for the working of technical establishment such as a laboratory, workshop, industrial installation, store depot, and the like but does not include any expenditure which has been specifically classified as falling under some other head of expenditure such as work and tools and plants; and

(b) "Miscellaneous expenditure" means all expenditure other than expenditure falling under the category of pay and allowances of municipal servants leave salary, pension, contingencies, grant-in-aid, contributions, works, stock, tools and plants and the like.

SCHEDULE-III

(See rule 3)

TECHNICAL POWERS OF THE MUNICIPAL ENGINEER IN THE GRADE OF EXECUTIVE ENGINEER AND THE ASSISTANT ENGINEER

Sl. No.	Description of items	Extent of power	
		Municipal engineer in the grade of executive engineer.	Municipal engineer in the grade of assistant engineer and assistant engineer
(1)	(2)	(3)	(4)
1	Accord of technical sanction	Rs. 1,00,000—00	Rs. 5,000—00
2	Accord of sanction to extra items.	Items of the value of Rs.250—00 or 5% of the contract amount whichever is less in respect of works the value which does not exceed of Rs. 5,000/-	25% of the contract value subject to a ceiling of Rs.5,000—00 for schedule and agreement items and Rs. 2,000—00 for other items.

(1)	(2)	(3)	(4)
3	Award of additional quantities against abnormally high or low rated items (variation at more than 25% as compared to the estimated rates).	Rs. 5,000/-	Rs. 1,000/-
4	Measurement and check measurement.	Full powers as enjoyed by the executive engineer in Public Works Department.	Full powers as enjoyed by the assistant engineer in Public Works Department.

SCHEDULE IV.

(See rule 4)

PROCEDURE FOR THE INVITATION AND DISPOSAL OF TENDERS FOR CIVIL WORKS

1. In all cases where the estimated cost exceeds Rs. 2,000/- the tender notices shall be prepared by the municipal engineer and, if there is no municipal engineer by the Commissioner. If the technical authority approving the estimate certifies at the time of sanction that the tender notice shall be approved by him also, the approval of that authority shall be obtained for the issue of tender notice. A work must not be split up into parts so as to make the cost less than Rs. 2,000/- with a view to give the contracts on nomination basis.

2. The competent authority shall not, where the works or schemes are aided with loans by the Government, depart from the advice tendered in this behalf by the engineering authority concerned or the Director of Public Works Department, except with their previous sanction.

r. Where the tender, which the competent authority proposes to accept, exceeds the sanctioned estimate by more than five per

centum, the authority who is competent to accord technical approval to such work as well as the Secretary, Local Administration shall be consulted before the tender is accepted,

4. In the selection of tenders, the competent authority shall pay due regard to the advice given by the municipal engineer, executive engineer, and the Director, as the case may be.

5. (a) The Commissioner shall invite tenders for every contract for the execution of a work the estimated cost of which exceeds Rs. 2,000/-

6. Provided that the invitation of tenders may be dispensed with in the case of contracts relating to works under emergency.

(b) The works whose estimated cost is below Rs. 2,000/- may be given on nomination basis by the Commissioner with the previous approval of the chairman to a registered contractor of the Public Works Department at rates not exceeding the estimated rates.

6. (1) Tenders shall be invited by the Commissioner in sealed covers in the most open and public manner possible: --

(a) in all cases by a notice in the language or the languages or the region pasted at the municipal office and such other places as the Commissioner may deem fit; and

(b) when the cost exceeds rupees ten thousand by advertisement in atleast one newspaper having circulation in the region.

(2) Every notice and advertisement published by the Commissioner shall state inter alia:

(i) when and where the contract documents may be inspected the blank forms of tenders can be obtained and the charge payable for a set of forms and other tender documents;

(ii) the precise form of tendering, that is whether it should be at a specified percentage below or above the estimate

rates or whether definite rate should be quoted for each item of work included in the schedule;

(iii) when and to whom tenders are to be submitted;

NOTE:— A minimum period of at least 15 days from the date of publication of the notice at the Municipal office or of the first advertisement, as the case may be, in a newspaper, shall be allowed for submission of tenders. If the fifteenth day happens to be a holiday the tenders received in the next working day shall be treated as having been received in time.

(iv) when and where they are to be opened,

(v) the amount of earnest money which should accompany the tender and the amount and nature of security required in case the tender is accepted.

Provided that the earnest money shall in case be less than 2½% of the sanctioned estimate unless the Government relax the limit in special circumstances;

(vi) the authority to accept the tender;

(vii) that the authority competent to accept the tender reserves the right to reject any or all of the tenders received without assigning any reason;

(viii) that a tenderer who withdraws his tender without valid reasons (to be decided by the authority competent to accept the tender) shall be liable to have his subsequent tender summarily rejected and;

(ix) that the earnest money remitted by a tenderer shall be forfeited to the municipal funds in case the tenderer on intimation of the acceptance of the tender, fails to deposit the requisite security and enter into required agreement.

7. (1) Tenders shall be opened by the Commissioner at the time and place specified in the tender notice in the presence of

such tenderers or their authorised agents as may be present. On opening the tenders, the Commissioner shall invariably date and initial not only the corrections in schedule of quantities, schedule of materials to be issued, specifications and other essential parts of the contract documents but also date and initial all the pages of the schedule of the quantities irrespective of the fact whether they contain corrections, overwritings etc., or not. If in the tender there are corrections unattested by the tenderer, a note of such corrections shall be made on the tender itself when it is opened. The commissioner shall keep a personal note of the total number of covers received and the total number of tenders opened by him in a register and verify with the number shown in the comparative statement of tenders. The tenders shall then be handed over to the municipal engineer, if there is a municipal engineer, who will tabulate and scrutinise the tenders and send them to the commissioner for placing the same before the competent authority with his recommendation for consideration and approval. Where there is no municipal engineer, the commissioner himself shall tabulate and scrutinise the tenders and get the advise of the engineering cell in the Local Administration Department, on the tenders, in all case, before placing them before the competent authority with his recommendation for consideration and approval.

(2) Tenders from the contractors registered with the Public Works Department of Pondicherry only shall be considered. In the case of contracts the value of which exceeds rupees twenty thousand tenders from the engineering firms of repute and from contractors registered in or outside the region may be considered, provided that they get themselves registered as contractors of the Public Works Department of the Government prior to the submission of the tenders. Tender schedules may be sold to unregistered contractors also.

8. The lowest tender should ordinarily be accepted. When it is considered undesirable to accept the lowest tender by the competent authority, the next lowest tender should be accepted

only with the prior approval of the Secretary, Local Administration Department. Adequate grounds for rejection the lowest tender and for accepting of the next lowest tender shall be recorded in writing. They should be kept confidential and however be made available for audit if so desired.

9. (1) In selecting tenders, the financial status of the tenderers, their capacity, the security offered by them and the record of their execution of any works previously done shall be taken into consideration. Other conditions being equal, the lowest tender shall be accepted.

(2) Where the capacity for the work and integrity of the tenderer are not known, such tenders need not necessarily be rejected. In such a case, extra security of 5 to 10 per cent of the estimated value shall be taken if the competent authority considers it necessary.

10. In no case shall a tender be accepted at rates other than the rates specified in that tender. If however the authority competent to accept the tender considers that the rates for certain items in an otherwise lowest tender which is under consideration, are pitched too high, it may negotiate with the tenderer and secure reasonable rates for these items.

11. There shall be no avoidable delay in the disposal of tenders after they are opened. Ordinarily they shall be disposed off within a week from the date of opening and in no case shall the period exceed one month. In case in which negotiations are started, the period may be extended by another month.

12. If none of the tenders is acceptable to the competent authority fresh tenders may be invited. Rejecting all the tenders previously received for rejecting them shall be recorded in writing and made available for audit.

13. In cases where tenders are not received although they were invited, fresh tenders should be invited again, and if tenders

are not received even then, quotations should be invited. The procedure to be followed after the receipt of quotations should, as far as possible, be the same as that laid down for the disposal of tenders.

14. Notwithstanding anything contained in the foregoing paragraphs, the competent authority shall negotiate with the tenderers in order to entrust the work to the most suitable tenderer having regard to all the local conditions and accept an offer at a rate lower than that specified in the tender with the concurrence of the authority who is empowered to accord technical sanction to the estimate for the work.

Note:- When negotiations are resorted to, the competent authority shall first negotiate with the lowest tenderer. Only in the event of his refusal to reduce the rate to the extent desirable by the competent authority, negotiations shall be had with next higher tenderer.

15. When any tender is accepted before the order for work is given, an agreement shall be drawn up and signed by the contractor or by his authorised agent as the first party and the commissioner as the second party to the contract. Such agreement shall contain among other provisions for the due fulfilment of the works and penalties for default, if any.

SCHEDULE V

(See rule 5)

Procedure for invitation and disposal of tenders relating to purchase of materials, goods, articles etc, to the municipality.

1. In all cases where the cost of purchase of materials, goods etc., is less than Rs. 1,000 tenders may be dispensed with but at least three quotations must be called for and the lowest shall be accepted. If for any reasons lowest quotation is not to be accepted, order of the Secretary, Local Administration must be obtained.

2. Tenders shall be opened by the Commissioner at the time and place specified in the notice inviting tenders in the presence of such of the tenderers or their authorised agents as may be present. On opening the tenders, the Commissioner shall invariably date and initial not only the corrections in schedule of quantities, schedule of materials to be used, specifications and other essential parts of the contract document, but also date and initial all the pages of the schedule of quantities irrespective of the fact whether they contain corrections overwriting, etc., or not. If, in the tender, there are corrections, unattested by the tenderer, a note of such corrections shall be made on the tender itself when it is opened. The Commissioner shall keep a personal note of the total number of covers received and total number of tenders opened by him in a register and verify with the number shown in the comparative statement of tenders. The tenders shall then be handed over to the Municipal engineer if the materials etc., relate to engineering branch or to the Municipal Health Office if they relate to public health branch, as the case may be, who will scrutinise and tabulate the tenders and send with his recommendation to the Commissioner for placing them before the competent authority for consideration and approval. Where there is no Municipal engineer or Municipal Health Officer, the Commissioner himself shall scrutinise and tabulate the tenders and get the advise of the engineering sell of the Local Administration Department, on those tenders in all cases, before placing them with his recommendation before the competent authority for consideration and approval.

3. The lowest tender should ordinarily be accepted. Where it is considered undesirable to accept the lowest tender by the competent authority, the next lowest tender should be accepted only with the prior approval of the Secretary, Local Administration Department. Adequate grounds for rejecting the lowest tender and for accepting the next lowest tender shall be recorded in writing. They should be kept confidential and however be made available for audit if so desired.

Note:-- Where a tender is in respect of more than one articles for example, stationery articles, the comparative prices can be considered either individually for each article or conjointly for all the articles or for specified groups of articles, as long as the lowest tender is accepted, provided that the intent on of the authority competent to accept tenders to select the lowest tender in any of these ways is made clear in the tender notice. If the tender notice is considered conjointly for all the articles or for groups of articles the cost of the probable requirements in respect of all articles or of all articles in each group, as the case may be, shall be worked out with reference to the rates given in each tender and the lowest tender will be that according to which the total cost of the probable requirements of all the articles proposed to be taken together works out to be the least.

4. In selecting a tender, the financial status of tenderers, their capacity, the security offered by them and the record of their execution of any contracts previously entered into, shall be taken into consideration. Other things being equal, the lowest tender shall be accepted.

5. Where the capacity for supply and the integrity of a tenderer are not known, his tender need not necessarily be refused. In such a case, extra security of five to ten per cent of the estimated value shall be taken if the competent authority considers it necessary.

6. Notwithstanding anything contained in foregoing paragraphs, the Municipal Council, as competent authority to accept tenders, may refer the matter if it so wishes to the Secretary, Local Administration and accept the tender recommended by the Secretary, Local Administration Department.

7. In no case shall a tender be accepted at the rates other than those specified in the tender. If, however, the authority competent to accept the tender considers that the rates for certain items in an otherwise lowest tender, which is under consideration, are pitched too high, it may negotiate with the tenderer and secure

reasonable rates for those items and then accept the tender with the rates agreed to by negotiation.

8. There shall be no avoidable delay in the disposal of tenders after they are opened. Ordinarily they shall be disposed off within a week of the date on which they are opened and in no case shall tenders remain undisposed off for a period exceeding one month. In cases in which negotiations are started, the period may be extended by another month.

9. In case the tenders received are not accepted or in case where no tenders are received fresh tenders should be invited again and if tenders are not received then, quotations should be invited. The procedure to be followed after the receipt of quotations shall, as far as possible, be the same as that laid down for the disposal of tenders.

10. Notwithstanding anything contained in the aforesaid paragraphs, the competent authority may negotiate with the tenderers in order to entrust the supply of articles etc., to the most suitable tenderer having regard to all the local conditions and accept an offer at a rate lower than that specified in the tender with the concurrence of the Secretary, Local Administration Department.

NOTE: When negotiations are resorted to, the competent authority shall first negotiate with lowest tenderer. Only in the event of his refusal to reduce the rates to the extent desirable by the competent authority, negotiations may be made with the next higher tenderer.

11. (1) In selecting tenders for electrical and mechanical plants and equipments, the tendered price shall not be the only factor to be considered. Particular attention shall be paid to efficiency, running cost, durability of materials, reliability of guarantees, necessity for repair and attention, saving in spare parts

due to standardization, purpose in view and technical qualifications and financial standing of the tenderer.

(2) In case it is found difficult to select a tender in view of the technical intricacies involved, the Director of Public Works Department may be requested to offer his opinion in case of mechanical plant and equipment while in case of electrical equipment, the Director of Electricity may be consulted. Other concerned Heads of Departments of Government may also be consulted, wherever necessary.

12. (1) Tenders shall be invited by the Commissioner in sealed covers in the most open and public manner possible:—

(a) in all cases, by a notice in the language or languages of the region pasted at the municipal office and such other places as the Commissioner may deem fit; and

(b) when the cost exceeds rupees five thousand by advertisement in at least one newspaper having circulation in the region.

(2) Every notice and advertisement published by the Commissioner shall state inter alia—

(i) the conditions under which and the officer from whom a copy of the schedule of quantities of the various kinds of articles can be had if they cannot be mentioned in detail in the notice or advertisement;

(ii) the precise form of tendering that is whether the comparative value of the tender will be examined with reference to each article mentioned in the schedule of quantities or for all articles conjointly or for a group of articles;

(iii) when and where tenders are to be submitted;

NOTE:— A minimum period of at least fifteen days from the date of the publication of the notice at the municipal office or of the first advertisement, as the case may be, in a newspaper, shall be allowed for the submission of tenders. If the fifteenth day

happens to be a holiday, the tenders received on the next working day shall be treated as having been received in time.

(iv) when and where they are to be opened;

(v) the amount of earnest money which should accompany the tender and the amount and nature of security required in case the tender is accepted:

Provided that the earnest money deposit shall, in no case, be less than $2\frac{1}{2}$ per cent of the sanctioned estimate, unless the Government relax this limit in special circumstances;

(vi) the authority competent to accept the tender;

(vii) that the authority competent to accept the tender reserve the right to reject any or all of the tenders received without assigning any reasons:

(viii) that the tenderer who withdraws his tender without valid reasons (to be decided by the authority competent to accept the tender) shall be liable to have his subsequent tender summarily rejected; and

(ix) that the earnest money remitted by a tenderer shall be forfeited to the municipal funds in case the tenderer on intimation of the acceptance of the tender fails to deposit the requisite security and enter into required agreement.

13. The above procedure shall not apply to--

(i) the purchase of stores through the Co-operative Stores authorised by the Registrar of Co-operative Societies;

(ii) the purchase of stationery stores through the Director of Government Press, Pondicherry;

(iii) the purchase of articles from the metal and timber works and factories run by the Government;

(iv) the purchase of bulls for conservancy and other purposes;

(v) the purchase of controlled articles at controlled rates through a permit issued on orders of the Government or their agents;

(vi) the purchase of articles manufactured by training-cum-production centres of the Government;

(vii) the purchase of articles manufactured by convicts in jails; and

(viii) the purchase of Petrol, Diesel, Kerosene Oil, Grease, Engine Oil, and other lubricants from standard firms or their authorised agents:

14. The Municipal Council with the previous sanction of the Secretary, Local Administration may dispense with tenders in respect of the following or similar classes of cases, namely:

(i) purchase of materials or goods which are patented or are manufactured and sold solely by particular firms or their authorised agents; and

(ii) standard materials or goods the prices of which are liable to continued fluctuation due to the unsettled conditions of the market.

NOTE:— The classes of cases mentioned in this para are only illustrative and not exhaustive.

15. Before an order is placed for supplies, an agreement shall be drawn up and signed by the supplier or his authorised agent as the first party and the Commissioner as the second party to the contract. Such agreement shall contain, among other, provisions for the due fulfilment of the supply of materials etc, and penalties for defaults, if any.

(G. O. Ms. No. 199, dated 18th August, 1979.)

GOVERNMENT OF PONDICHERRY

(ABSTRACT)

THE PONDICHERRY MUNICIPALITIES (POWERS AND PROCEDURE FOR EXECUTION OF WORKS AND FOR PURCHASE OF STORES) RULES, 1980- NOTIFICATION, ISSUED.

LOCAL ADMINISTRATION DEPARTMENT.

G. O. Ms. No. 205.

Pondicherry, the 20th August 1980.

The following Notification shall be published in an extraordinary Gazette Immediately.

NOTIFICATION.

In exercise of the power conferred by section 198 read with section 440 of the Pondicherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

1. Short title and commencement:— (1) These rules may be called the Pondicherry Municipalities (powers and procedure for Execution of works and for purchase of Stores) Rules, 1980.

2. They shall come into force with effect from 20th August, 1980.

2. Financial powers of the Municipal Council and the Commissioners:—

(1) The Municipal Council and the Commissioner, as the case may be, shall exercise the financial powers to the extent specified respectively in Schedule I and Schedule II appended to these rules, subject to availability of funds in the relevant head of account of the budget of the year.

(2) When there is no provision in the relevant head of account in the budget, the Municipal Council or the Commissioner, as the case may be, shall not exercise these powers in anticipation of funds, or of transfer of funds from one head to another or otherwise, unless the prior approval of the Director is obtained. The exercise of the financial powers shall further be subject to the provisions of the Act and to the special or general orders, if any, as may be issued by the Government or the Director from time to time.

(3) The Commissioner shall obtain prior approval of the Director for incurring any expenditure in respect of items not included in Schedule I or Schedule II, or for incurring any expenditure in excess of the limit of powers specified under the said schedules. No expenditure shall be incurred in anticipation of approval of the authority competent to sanction the expenditure.

3. Technical powers of authorities:— (1) The Engineering officers of the municipalities, Engineering Cell in the Local Administration Department, Pondicherry and the Public Works Department, Pondicherry may exercise the technical powers to the extent of the limit specified in Schedule III.

(2) The technical powers exceeding the limit specified in Schedule III shall be exercised by the Superintending Engineer of the Public Works Department, Pondicherry.

4. Procedure for the execution of works and for the purchase of stores:—

The procedure for execution of works including works sanctioned by the Government under grant or loan and other schemes entrusted to the Municipal Council for execution and for purchase of stores shall be as prescribed respectively in Schedule IV and Schedule V appended to these rules.

5. Repeal:— The Pondicherry Municipalities (Powers and Procedure for the invitation and Disposal of Tenders for works and stores) Rules, 1979 are hereby repealed provided that such repeal shall not affect anything duly done or suffered thereunder.

[BY ORDER OF THE LIEUTENANT-GOVERNOR]

(Sd.) J. ROYALSAMY,

UNDER SECRETARY TO GOVERNMENT.

To

The Director, Government press, Pondicherry. It is requested that 750 copies of the Gazette may kindly be supplied to this Department.

Copy to:—

1. The Director of Rural Development, Pondicherry.
2. The Director of Public Works Department. / The Executive Engineer, Engg. Cell. L. A. D.
3. Additional Director, of Rural Development.
4. The Pay & Accounts Officer, Pondicherry.
5. The Asst. Examiner, L. F. A., Pondicherry.
6. The Asst. pay and Accounts Officer., Karaikal. / Asst. Engineer, P. W. D., Mahe/Yanam.
7. The Branch Officer, Pay and Accounts Office, Mahe/Yanam.
8. All the Commissioners of the Municipalities (Through the Special Officer)
9. The Deputy Director (Municipal Administration), L. A. D.
10. The The Deputy Director (Rural Development), L. A. D.
11. The Regional Panchayat Officer, Karaikal.
12. The Assistant Engineer, Engg. Cell, L. A. D. Pondicherry.
13. The Asst. Engineer. -do- Thalatheru, Karaikal.
14. The Special Officer (D&M) Chief Sectt., Pondicherry.
15. The Superintendent/Section dealing with the Municipalities/Grants-in-aid/Budget.
16. The G. O. File.
17. SPARES.

SCHEDULE I
(See rule 2)
FINANCIAL POWERS OF THE MUNICIPAL COUNCILS

FINANCIAL POWERS OF THE MUNICIPAL COUNCILS

Sl. No.	2	3	4	5
DESCRIPTION OF ITEMS	Pondicherry Municipal Council.	Karaikal Municipal Council	Mahe and Yanam Municipal Council.	
1.				
	1. Motor Cycle:	Rs. 500/- per vehicle	Rs. 500/- per vehicle	Rs. 500/- per vehicle
	(a) Repairs	per annum.	per annum.	per annum.
	(b) Cost of petrol and oil.	Rs. 350/- per vehicle per mensem.	Rs. 350/- per vehicle per mensem.	Rs. 350/- per vehicle per mensem.
2.				
	2. Jeep, Car, Lorry, Tractor, Van, Road Roller and the like:			
	(a) Repairs	(i) Full powers if the repairs are carried out in Government Automobile/Municipal Workshop.	(i) Full powers if the repairs are carried out in Government Automobile/Municipal Workshop	(i) Full powers, if the repairs are carried out in Government Automobile/ Municipal workshop

(1)	(2)	(3)	(4)	(5)
(a) repairs	(ii)	Rs. 1,000/- at a time for each vehicle if repairs are carried out in a private workshop.	(ii) Rs. 500 at a time for each vehicle subject to a maximum of Rs. 2,000 per annum per vehicle, if repairs are carried out in a private workshop.	Rs. 500 at a time for each vehicle subject to a maximum of Rs. 2,000/- per annum per vehicle if repairs are carried out in a private workshop.
(b) Purchase of spare parts	(i)	Rs. 50,000/- per annum but the reserve limit of stock should not exceed Rs. 25,000/-	(ii) Rs. 5,000/- per annum, but the reserve limit of stock should not exceed Rs. 2,500/-.	Rs. 5,000/- per annum but the reserve limit of stock should not exceed Rs. 2,500/-
(c) Costs of Petrol/ Diesel oil and other lubricants in respect of lorry, tractor, road roller, and other vehicles used for sanitary purposes.	(i)	Rs. 800/- per menscm each vehicle.	Rs. 600/- per menscm for each vehicle	Rs. 300/- per menscm for each vehicle.

(1)	(2)	(3)	(4)	(5)
(d) Cost of oil/diesel/ petrol and other Lubricants in respect of other vehicles.				
(i) Petrol vehicles	Rs. 600/- per mensem per vehicle.	Rs. 600/- per mensem per vehicle.	Rs. 400/- per mensem per vehicle.	
(ii) Diesel vehicle	Rs. 500/- per mensem per vehicle.	Rs. 200/- per mensem per vehicle.	Rs. 200/- per mensem per vehicle	
3. Printing and binding	(i) Full powers for printing and binding through Government press	(i) Full powers for printing and binding through Government Press;	(i) Full powers for printing and binding through Government Press	
	(ii) Rs. 2,000/- per annum for printing and binding in private press.	(ii) Rs. 1,000/- per annum for printing and binding in private press.	Rs 1,000/- per annum for printing and binding in private press.	
4. Books and publications.	Rs. 2,000/- per annum	Rs. 500/- per annum	Rs. 250/- per annum	

(1)	(2)	(3)	4	5
5.	Purchase of stationery	Rs. 10,000/- per annum	Rs. 5,000/- per annum	Rs. 2,000/- per annum
6.	Typewriter/Duplicator purchase and repairs.	Full powers	Full powers	Full powers
7.	Furniture (i) Repairs (ii) Purchase	Full powers Rs. 2,500/- per annum	Full powers Rs. 2,000/- per annum	Full powers Rs. 2,000/- per annum
8.	Legal charges (except appeal cases and cases filed directly before the High Court.)	Full powers subject to engagement of Advocate at the rates payable to Government Pleader/Public Prosecutor.	Full powers subject to the engagement of Advocate at the Government rates payable to Govt. Pleader/Public Prosecutor.	Full powers subject to engagement of advocate at the rates payable to Government Pleader/Public Prosecutor.
9.	Execution of Civil Works	Upto Rs. 40,000/- per work	Upto Rs. 20,000/- per work	Upto Rs. 20,000/- per work

(1)	(2)	(3)	(4)	(5)
10.	Purchase of stores in connection with the execution of civil works and purchase of stores for other purposes.	Upto Rs. 20,000/- at a time for non-recurring and Rs. 10,000/- per annum for recurring expenditure in respect of items for which no different limits have been laid down in this Schedule.	Upto Rs. 10,000/- at a time for non-recurring and Rs. 10,000/- per annum for recurring expenditure in respect of items for which no different limits have been laid down in this Schedule	Upto Rs. 10,000/- at a time for non-recurring and Rs. 10,000/- per annum for recurring expenditure in respect of items for which no different limits have been laid down in this Schedule
11.	Repairing of motors and motor pump sets of over head tanks/water supply system and oil engines.	Full powers	Full Powers	Full Powers
12.	Cement, bitumen etc., purchased at control rates through public sector undertakings or against release orders/permits issued by the authorities such as the Director of Civil Supplies.	Full powers	Full Powers	Full Powers

(1)	(2)	(3)	(4)	(5)
13.	Oil engines - cost of petrol/diesel/oil and other lubricants.	Rs. 1,000/- per annum per engine.	Rs. 1,000/- per annum per engine.	Rs. 1,000/- per annum per engine.
14.	Advertisement charges for publication of notice of tenders in the newspapers.	Rs. 10,000/- per annum	Rs. 5,000/- per annum	Rs. 5,000/- per annum
15.	Disposal of obsolete/unservicable articles.	Upto Rs 20,000/- (Book value) per annum	Upto Rs. 5,000/- (Book value) per annum.	Upto Rs. 5,000/- (Book value) per annum

SCHEDULE II

(See rule 2)

FINANCIAL POWERS OF THE COMMISSIONERS OF THE MUNICIPALITIES

Sl. No.	Description of items	Extent of powers
(1)	(2)	(3)
1.	Bicycles - (i) Hire of Vehicle (ii) Repairs	Full Powers Rs. 120/- per annum for each cycle
2.	Freight charges excluding demurrage charges.	Full Powers
3.	Purchase of rubber stamps and office seals	Full Power
4.	Electricity and water charges.	Full Powers
5.	Postage and Telegram	Full Powers
6.	Trunk call (excluding no delay call) and telephone charges	Full Powers
7.	Light refreshment charges: (i) Council meeting (ii) Other meeting	Not exceeding Rs. 2/- per head per day of meeting Not exceeding Re. 1/- per head per day
8.	Other petty contingent and miscellaneous expenditure.	(i) Rs. 100/- at a time for each item for which no different limits have been laid down in this schedule, for the Commissioner Pondicherry Municipality.

(1)	(2)	(3)
		(ii) Rs. 50/- at a time for each item for which no different limits have been laid down in this Schedule, for the Commissioner Karaikal Municipality.
		(iii) Rs. 25/- at a time for each item for which no different limits have been laid down in this schedule for the Commissioner, Mahe and Yanam Municipalities.
9.	Payment of land tax.	Full powers
10.	Payment of insurance charges in respect of vehicles.	Full powers
11.	Payment of charges in respect of professional services rendered by the Government departments .	Full powers

Explanation:—

(a) "Contingent expenditure" means all incidental and other expenditure including expenditure on Stores which is incurred for the management of an office, for the working of technical establishment such as a laboratory, workshop, industrial installation, store depot, and the like but does not include any expenditure which has been specifically classified as falling under some other head of expenditure such as work and tools and plants; and

(b) "Miscellaneous expenditure" means all expenditure other than expenditure falling under the category of pay and allowances of Municipal servants, leave salary, pension contingencies, grants-in-aid, contributions, works stock, stools and plants and the likes,

SCHEDULE—III

(See Rule 3)

Powers of the Engineering Officers

Sl. No.	Description of items	Extent of Power			
		Officers in the grade of Executive Engineer	3	Officers in the grade of Assistant Engineer	4
1.	Accord of technical sanction	(i) Rs. 1,00,000/- (ii) Rs. 2,00,000/-, in case if there is one Assistant Surveyor of Works in the division		Rs. 10,000/-	
2.	Accord of sanction to extra items	25% of the contract value subject to a ceiling of Rs. 5,000/- for schedule and agreement items and Rs. 5,000/- for other items		Items of the value of Rs. 1252/- or 5% of the contract amount whichever is unless in respect of works the value of which does not exceed of Rs. 5,000/-	
3.	Award of additional quantities against abnormally high or low rated items. (Variation at more than 25 % as compared to the estimated rates)		Rs. 5,000		Rs. 1,000/-
4.	Measurement and check measurement		Full powers as enjoyed by the Executive Engineer in Public Works Department		Full powers as enjoyed by the Assistant Engineer in Public Works Department.

SCHEDULE IV

(See Rule 4)

PROCEDURE FOR EXECUTION OF WORKS:

(a) Preparation of estimates and plans — plans and estimates for Municipal works shall be prepared.

(i) In Municipalities where there is a Municipal Engineer, by or under the Supervision of the Municipal Engineer; and

(ii) In Municipalities where there is no Municipal Engineer, by or under the Supervision of the highest Engineering Subordinate in charge of Municipal works.

(b) Technical Sanction— (i) powers of various technical authorities are indicated in schedule III.

9 (ii) In Municipalities where there is no Assistant Engineer, the technical sanction will be accorded by the Assistant Engineer in the Public Works Department, who has Jurisdiction over the area upto the limit of his powers to accord technical sanction.

(iii) In Municipalities where there is no Executive Engineer, the technical sanction will be accorded by the Executive Engineer of Pondicherry Municipality upto his powers of technical sanction provided that if there is no Executive Engineer also in Pondicherry Municipality technical sanction will be accorded by the Executive Engineer in the Engineering cell of the Local Administration Department upto the limit of his powers to accord technical sanction.

(c) Preparation of tender schedules and notice for inviting tenders.

The tender schedules and notice for inviting tenders shall be prepared in such manner as may be directed by the Government / Director. If the technical authority approving the plans and estimates certifies at the time of according technical

sanction that the tender schedule and notice for inviting tenders shall be approved by him also, the approval of that authority shall be obtained.

(d) procedure for the invitation and disposal of tenders:—

1. The Commissioner shall invite tenders for every contract for the execution of work, the estimated cost of which exceeds Rs. 5,000/-. The Commissioner shall call for quotations for works, the estimated cost of which is Rs. 5,000/- or below.

Explanation:—

The terms 'tender' and 'quotation' shall have the same meaning as in the General Financial Rules (Revised and Enlarged), 1963, in force in the Government.

2. The Municipal Council shall accept tenders on the advice of the following technical authorities:—

(a) upto Rs. 10,000-00 on the advice of the Assistant Engineer;

(b) Above Rs. 10,000-00 and upto Rs. 1,00,000-00 on the advice of the executive Engineer, if the division does not have an Assistant Surveyor of works and upto Rs. 2,00,000-00 if the division has an Assistant Surveyor of works;

(c) Above Rs. 1,00,000-00 or as the case may be Rs. 2,00,000-00 upto Rs. 10,00,000-00 on the advice of the Superintending Engineer, Public Works Department.

Note:— Where a contract committee exists as provided under section 85 of the Act, the contract committee is the competent authority to accept quotations if the cost of work does not exceed Rs. 1,000-00.

3. The Municipal Council may accept single tender on the advice of the following Technical Officer namely,

(a) Up to Rs. 10,000/- on the advice of the Executive Engineer, Pondicherry Municipality and in case there is no such

officer, on the advice of the Executive Engineer of the Local Administration Department;

(b) Above Rs. 10,000/- on the advice of the Superintending Engineer, Public works Department.

4. The Municipal Council may award any Work on nomination basis, in cases of emergency and in case where there was no response for the invitation of tenders quotations, on the advice of the following technical authorities, namely:-

(i) Upto Rs. 1,000/- on the advice of the Assistant Engineer;

(ii) Above Rs. 1,000/- and upto Rs. 5,000/- on the advice of the Executive Engineer.

(iii) Above Rs. 5,000/- on the advice of the Superintending Engineer, Public Works Department.

5. In the selection of tenders, the Municipal Council shall pay due regard to the advice given by the technical authorities. The financial status of the tenderers, their capacity the security offered by them and the record of their execution of any works previously done shall be taken into consideration. Where the capacity to do the work and integrity of the tenderer are not known, such tenders need not necessarily be rejected. In such cases, extra security of 5 to 10 per cent of the estimated value shall be taken if the Municipal Council considers it necessary.

6. (1) Tenders shall be invited by the Commissioner in sealed covers in the most open and public manner possible.

(a) In all cases by a notice in the language or the languages of the region pasted in the Municipal office and such other places as the Commissioner may deem fit; and

(b) When the cost is above Rs. 25,000/- but below Rs. 1,00,000/- by advertisement in atleast on newspaper having circulation in the region and when the cost exceeds Rs. 1,00,000/- by advertisement in one vernacular newspaper and one English newspaper having circulation in the region.

municipal engineer, the Commissioner shall tabulate and scrutinise the tenders with the help of the engineering staff available.

8. The lowest tender should ordinarily be accepted. If it is considered undesirable to accept the lowest tender by the Municipal Council, the next lower tender may be accepted only on the advice of the technical authority, who is next higher to the authority competent to accord technical sanction for the work. Adequate grounds for rejecting the lowest tender and for accepting the next lower tender shall be recorded in writing. They should be kept confidential and, however, be made available for audit if so desired.

9. Tenders from the contractors registered with the Public Works Department or Municipalities or Commune Panchayats if any shall be considered. Tender schedules may be sold to unregistered contractors also.

10. In no case, shall a tender be accepted at rates other than the rates specified in that tender. If, however the Municipal Council considers that the rates for certain items, in an otherwise lowest tender, which is under consideration, are pitched too high, the Municipal Council may authorise the Commissioner or any technical officer to negotiate with the tenderer and secure reasonable rates for these items.

11. There shall be no avoidable delay in the disposal of tenders after they are opened. Ordinarily they shall be disposed off within a week from the date of opening by the Municipal Council and in no case shall the period exceed one month. In cases in which negotiations are started, the period may be extended by another month.

12. If none of the tenders is acceptable to the Municipal Council, fresh tenders may be invited rejecting all the tenders previously received and the reasons for rejecting them shall be recorded in writing and made available to audit.

13. In cases where tenders are not received, although they were invited, fresh tenders should be invited again, and if tenders are not received even then, quotations should be invited. The procedure to be followed after the receipt of quotations should as far as possible, be the same as that laid down for the disposal of tenders.

14. Notwithstanding anything contained in the foregoing paragraphs the Municipal Council may authorise the Commissioner or any technical officer, to negotiate with the tenderers in order to entrust the work to the most suitable tenderer having regard to all the local conditions and accept an offer at a rate lower than that specified in the tender with the concurrence of the authority who is empowered to accord technical sanction to the estimate for the work.

Note:- When the negotiations are resorted to, the authorised officer shall first negotiate with the lowest tenderer. Only in the event of his refusal to reduce the rates to the extent desirable by the Municipal Council, negotiations shall be had with the next tenderer.

(e) Issue of work order:- The Commissioner shall issue work order to the successful tenderer within seven days from the date of acceptance of the tender by the Municipal Council, in such form as may be specified by the Director. Necessary agreement in such form as may be specified by the Director may be entered into between the contractor and the Municipal Council. The period of completion of the work shall be reckoned after 15 days from the date of issue of work order. If the acceptance of tender is not communicated to the contractor within ninety days from the date of opening of the tender, the tenderer have every right to cancel his tender and claim refund of earnest money deposit.

(f) Measurement and check Measurement:- The Executive Engineer and Assistant Engineers in the Engineering cell in the Local Administration Department, the Municipal Engineer in the

grade of Executive Engineer, the Municipal Engineer in the grade of Assistant Engineer and the Executive Engineer and the Assistant Engineer of the Municipality shall exercise the powers of measurements and check measurement of works to the extent of such technical powers as enjoyed by the Executive Engineer and Assistant Engineer, as the case may be, in the Public Works Department.

(g) Extension of time limit, levy of penalty and cancellation of contract.-

The Municipal Council shall consult the technical authority competent to accord technical sanction of the work, before extending the time limit of any contract or imposing any penalty for non-fulfilment of contract or cancelling the contract.

(h) Issue of executive instruction:-- The Director may issue executive instructions regarding the maintenance of M. Book and others registers and forms, made of preperation of work bill, supply bill etc., the registration of contractors and refund of earnest money deposit.

SCHEDULE-V

(See rule 4)

Procedure for purchase of stores:-

1. In all cases where the cost of the purchase of materials, goods etc., is less than Rs. 5,000/- open tenders may be dispensed with, but atleast three quotations must be called for and the lowest shall be accepted. If for any reasons lowest quotation is not accepted by the Municipal Council, the reasons should be recorded in writing for the acceptance of the next lower tender.

2. Tenders shall be opened by the Commissioner at the time and place specified in the notice inviting tenders in the presence of such of the tenderers or their authorised agents, as may be

present. On opening the tenders, the Commissioner shall invariably date and initial not only the corrections in the schedule of quantities, schedule of materials to be used if any specifications and other essential parts of the contract document, but also date and initial all the pages of the schedule of quantities irrespective of the fact whether they contain corrections over-writings etc., or not. If, in the tender, there are corrections, unattested by the tenderer, a note of such corrections shall be made on the tender itself when it is opened. The Commissioner shall keep a personal note of the total number of covers received and total number of tenders opened by him in a register and verify with the number shown in the comparative statement of tenders. The Commissioner shall then scrutinise and tabulate the tenders and submit with his recommendations to the Municipal Council for consideration and approval.

3. The lowest tender should ordinarily be accepted. Where it is considered undesirable to accept the lowest tender by the Municipal Council, the next lower tender should be accepted by the Municipal Council after recording reasons in writing. Adequate grounds for rejecting the lowest tender and for accepting the next lower tender shall be recorded in writing. They should be kept confidential and however be made available for audit, if so desired.

Note:- Where a tender is in respect of more than one article, for example, stationery articles, the comparative prices can be considered either individually for each articles or conjointly for all the articles or for specified groups of articles, as long as the lowest tender is accepted, provided that the intention of the municipal council to accept tenders or to select the lowest tender in any of these ways is made clear in the tender notice. If the tender notice is considered conjointly for all the articles or for groups of articles the cost of the probable requirements in respect of all articles or of all articles in each group, as the case may be, shall be worked out with reference to the rates given in each tendered and the lowest tender will be that according to which the total

cost of the probable requirements of all the articles proposed to be taken together works out to be least.

4. In selecting a tender, the financial status of tenderers, their capacity, the security offered by them and the record of their execution of any contracts previously entered into shall be taken into consideration. Other things being equal, the lowest tender shall be accepted.

5. Where the capacity for supply and the integrity of a tenderer are not known, his tender need not necessarily be refused. In such a case, extra security of five to ten percent of the estimated value shall be taken if the Municipal Council considers it necessary.

6. Notwithstanding anything contained in foregoing paragraphs, the Municipal Council may refer the matter if it so deem it fit to the Director and accept the tender recommended by the Director.

7. In no case shall a tender be accepted at the rates other than those specified in the tender. If, however, the Municipal Council considers that the rates for certain items in an otherwise lowest tender, which is under consideration, are pitched too high, it may negotiate with the tenderer and secure reasonable rates for those items and then accept the tender with the rates agreed to, by negotiation.

8. There shall be no avoidable delay in the disposal of tenders after they are opened. Ordinarily they shall be disposed off within a week from the date of acceptance. In cases in which negotiations are started, the period may be extended by another month.

9. In case the tenders received are not accepted and in case where no tenders are received fresh tenders should be invited again and if tenders are not received even then, quotations should be invited. The procedure to be followed after the receipt of quotations shall, as far as possible be the same as that laid down for the disposal of tenders.

10. Notwithstanding anything contained in the aforesaid paragraphs, the Municipal Council may authorise the Commissioner or any other officer to negotiate with the tenderers in order to untrust the supply of article: etc., to the most suitable tenderer having regard to all the local conditions and accept an officer at a rate lower than that specified in the tender.

Note:— When negotiations are resorted to, the authorised officer shall first negotiate with the lowest tenderer. Only in the event of his refusal to reduce the rates to the extent desirable by the Municipal Council, negotiations may be made with the next tenderer

11. (1) In selecting tenders for electrical and mechanical plants and equipment, the tendered price shall not be the only factor to be considered. Particular attention shall be paid to efficiency, running cost, durability of materials, reliability of guarantees, necessity for repair and attention, saving in spare parts due to standardization, purpose in view and technical qualifications and financial standing of the tender.

(2) In case it is found difficult to select a tender in view of technical intricacies involved, the Director of Public Works Department may be requested to offer his opinion in case of mechanical plant and equipment while in case of electrical equipment, the Superintending Engineer of Electricity Department may be consulted. Other concerned heads of departments of Government may also be consulted, wherever necessary.

12. (1) Quotations/tenders shall be invited by the Commissioner on behalf of the municipal council in sealed covers in the most open and public manner possible,

(a) in all cases, by a notice in the language or languages of the region posted at the municipal office and such other places, as the Commissioner may deem fit; and

(b) when the cost exceeds Rs. 25,000/- by advertisement in atleast one newspaper having circulation in the region.

(2) Every notice and advertisement published by the Commissioner shall state, inter alia:

(i) the conditions under which and the officer from whom a copy of the schedule of quantities of the various kinds of articles can be had if they cannot be mentioned in detailed in the notice or advertisement:

(ii) the precise form of tendering that is whether the comparative value of the tender will be examined with reference to each article mentioned in the schedule of quantities or for all articles conjointly or for a group of articles;

(iii) when and where tenders are to be submitted:

NOTE:— A minimum period of at least fifteen days, from the date of the publication of the notice at the Municipal office or of the first advertisement, as the case may be in a newspaper, shall be allowed for the submission of tenders. If the fifteenth day happens to be a holiday, the tenders received on the next working day shall be treated as having been received in time.

(iv) when and where they are to be opened;

(v) the amount of earnest money which should accompany the tender and the amount and nature of security required in case the tender is accepted:

Provided that the earnest money deposit shall, in no case, be less than two and a half per cent of the sanctioned estimate, unless the Director relaxes this limit in special circumstances:

(vi) the fact that the municipal council is competent to accept the tender;

(vii) that the municipal council reserves the right to reject any or all of the tenders received without assigning any reasons;

(viii) that the tenderer, who withdraws his tender without valid reasons (to be decided by the municipal council); shall be liable to have his subsequent tender summarily rejected and

(ix) that the earnest money remitted by a tenderer shall be forfeited to the Municipal funds in case the tenderer on intimation of the acceptance of the tender fails to deposit the requisite security and enter into the required agreement.

(3) (i) It is not necessary to obtain quotations for the purchase of stores upto the value of Rs. 100,- at a time, provided it is certified by the Commissioner that the rate does not exceed the market rates.

(ii) Quotations may be called for from atleast 3 dealers for the purchase of stores upto and inclusive of Rs. 5,000/- at a time,

(iii) Limited tender system may be adopted for purchase of stores, the value of which exceeds Rs. 5,000 but not exceeding Rs. 25,000/-. In such cases copies of notice should be sent to the prominent dealers and copies of notice should also be affixed in important places, such as municipality, market, etc,

13. The above procedure shall not apply to,—

(i) the purchase of stores through Co-operative Stores authorised by the Registrar of Co-operative Societies;

(ii) the purchase of stores or articles or materials through the Government Departments and public sector undertakings;

(iii) the purchase of articles from the metal and timber works and factories run by the Government;

(iv) the purchase of controlled articles at controlled rates through a permit or release order issued on orders of the Government or their agents;

(v) the purchase of articles manufactured by training-cum-production centres of the Government;

(vi) the purchase of articles manufactured by convicts in jails; and

(vii) the purchase of petrol, diesel, kerosene oil, grease, engine oil and other lubricants from standard firms or their authorised agents.

14. The Municipal Council with the previous sanction of the Director may dispense with tenders in respect of the following or similar classes of cases, namely:—

(i) purchase of materials or goods which are patented or are manufactured and sold solely by particular firms or their authorised agents; and

(ii) standard materials or goods the prices of which are liable to constant fluctuation due to the unsettled conditions of the market.

Note: The classes of cases mentioned in this para are only illustrative and not exhaustive.

15. Earnest money deposit and security deposit should be collected and agreement should be entered into when quotations/tenders are called for before orders are placed for supplies, as follows, namely:—

(a) For purchase of material/stores required for civil works, such as bricks, road metals, etc. and tools and plants required for civil works, such as tar boilers, mixtures and the like,—

(i) When the purchase is up to Rs. 5,000/- it is not necessary to obtain earnest money deposit/security deposit nor is it necessary to enter into agreement; and

(ii) When the purchase is for an amount exceeding Rs. 5,000/- earnest money deposit/security deposit may be collected but it is not necessary to enter into agreement;

(b) For purchase of material/stores required for office such as furniture etc., spare parts required for workshop, stores required for Sanitary Wing and the like—

(i) it is not necessary to obtain earnest money deposit; security deposit or enter into agreement for purchase at one time and

(ii) if, however, the purchase is a running contract, that is the supply is spread over during the year, for instance supply of firewood for the entire year and the value of purchase during the entire period of contract exceeds Rs. 25,000/- an agreement should be entered into between the municipal council and the contractor.

