

THE PONDICHERRY SETTLEMENT ACT, 1970

(Act No.28 of 1970)

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28th October, 1970.

AN ACT

to provide for the settlement of lands and assessment there on in the Union territory of Pondicherry and for the preparation of land records and for matters connected there with or ancillary thereto.

BE it enacted by the Legislative Assembly of Pondicherry in the Twenty-first Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

Short Title, extent and commencement

1. (1) This Act may be called the Pondicherry Settlement Act, 1970.

(2) It extends to the whole of the Union territory of Pondicherry.

(3) It shall come into force on such ¹ date as the Government may, by notification, appoint and different dates may be appointed for different areas.

Definitions

2. In this Act, unless the context otherwise requires:—

(a) "assessment" means the land revenue assessment fixed under the settlement made in accordance with the provisions of this Act;

(b) "Collector" means the chief officer in charge of the revenue administration of the Union territory of Pondicherry, and includes in relation to any function to be performed by the Collector under this Act, such other officer not below the rank of a gazetted officer as the Government may, by notification, appoint for the purpose;

1. The Act came into force on the 11th day of January 1971, *Vide* Notification-I in Gazette No.1 dated 5-1-1971.

- (c) "Commune" means a commune constituted under French Decree dated 12th March, 1880;
- (d) "Director" means the Director of Settlement appointed under sub-section (1) of section 3;
- (e) "fasli" means the year commencing with 1st July in any year and ending with the 30th June of the year next following;
- (f) "Government" means the Administrator appointed by the President under article, 239 of the Constitution;
- (g) "holding" means a portion of land held by a person either singly or jointly with one or more persons;
- (h) "manyam land" means land registered as manyam land in the revenue accounts in favour of any religious, charitable or educational institution or in the name of any individual for rendering any specific service to any particular community or villagers in common and for which land tax or land revenue, as the case may be is levied under the law in force;
- (i) "notification" means a notification issued by the Government or any officer authorised by it in this behalf and published in the Official Gazette;
- (j) "prescribed" means prescribed by rules framed under this Act;
- (k) "registered holder" means a registered holder as defined under the Pondicherry Survey and Boundaries Act, 1967 (Act 8 of 1967);
- (l) "settlement" means the result of the operations conducted in a zone in order to determine the land assessment;
- (m) "Settlement Officer" means an officer appointed by the Government under sub-section (2) of section 3 and includes an officer empowered under the Act to perform the functions of a Settlement Officer;
- (n) "Union territory" means the Union territory of Pondicherry; and
- (o) "zone" means a local area comprising one or more Communes or portions thereof which in the opinion of the Settlement Officer are contiguous and homogeneous in respect of soil characteristics, physical configuration, yield of principal crops, rainfall and other irrigation facilities.

CHAPTER II**OFFICERS, THEIR POWERS, DUTIES AND FUNCTIONS****Director and Settlement Officers**

3. (1) The Government may appoint a Director to carry out the settlement operations and to perform the duties and discharge the functions assigned to him by or under this Act.

(2) The Government may appoint one or more Settlement Officers to perform the duties and discharge the functions assigned to them by or under this Act.

(3) Every Settlement Officer shall be subordinate to the Director who shall have power to cancel or revise any of the orders, acts of proceedings of the Settlement Officer.

Power to take evidence on oath, etc.

4. The Director and the Settlement Officer shall, for the purposes of this Act, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:—

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of document;
- (iii) receiving evidence on affidavit;
- (iv) issuing commissions for the examination of witnesses or for local investigation;

and any proceeding before the Director or the Settlement Officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and for the purposes of section 196, of the said Code.

Power to enter upon land

5. The Director, Settlement Officer or any of the subordinates of such officers may enter upon any land with such other officers and persons as he considers necessary and make a survey and take measurements thereof or do any other act which he considers necessary for carrying out the purposes of this Act.

Provided that no person shall enter into any land, building or upon any closed court or garden attached to a dwelling house unless with the consent of the occupier thereof, without giving such occupier at least twenty-four hours notice and in making such entry due regard shall be had to the special and religious sentiments of the occupier.

CHAPTER III

SETTLEMENT AND ASSESSMENT

Settlement and resettlement

6. (1) The Government may, at any time, direct a settlement in respect of any land for which survey operations have been taken up under the provisions of the Pondicherry Survey and Boundaries Act, 1967 (Act 8 of 1967).

(2) The Government may also direct at any time a fresh settlement (hereinafter referred to as resettlement) of the assessment of such land:

Provided that no enhancement of assessment shall take effect before the expiration of the settlement for the time being in force.

Determination of assessment

7. (1) The assessment on all lands in respect of which a settlement or resettlement has been directed under section 6 shall be determined by dividing the land to be settled into groups and sub-dividing each group into classes and fixing the rates for each group or class, as the case may be.

(2) The groups and classes shall ordinarily be formed on a consideration of the following factors, namely:—

- (a) soil and physical configuration;
- (b) yield of principal crops and their prices;
- (c) facilities of irrigation and rainfall;

Provided that, if deemed necessary, the following additional factors may also be taken into consideration for forming groups or classes, namely:—

- (a) marketing facilities;

- (b) agricultural resources;
- (c) communications;
- (d) population and supply of labour;
- (e) wages and ordinary expenses for cultivation of principal crops; and
- (f) sale value of lands used for agriculture.

(3) The assessment of individual survey numbers and subdivisions shall be based on the rates fixed for the respective groups and classes.

Manner of making settlement or resettlement

8. (1) In making a settlement or resettlement, the Settlement Officer shall-

- (a) divide the lands to be settled into groups and classes; and
- (b) fix the rates of assessment for each group or class.

(2) Before lands are divided or rates fixed under sub-section (1), the Settlement Officer shall hold such enquiry as he considers necessary for the purpose and in such manner as may be prescribed

(3) In fixing the rates according to sub-section (1), regard shall be had to the cost of agricultural land, to the profits of agriculture, consideration paid for leases, sale prices of land and the principal moneys on mortgages, and in the case of non-agricultural land to the value of the land for the purposes for which it is held.

(4) The Settlement Officer shall submit to the Government through the Director a report (hereinafter referred to as the Scheme Report) containing proposals for settlement in respect of each zone.

(5) The Government shall, after considering the scheme Report and the comments thereon, if any, of the Director, approve the Scheme Report with or without modification.

(6) No Scheme Report approved by the Government under sub-section (5), shall be brought into force unless it has been laid before the Legislative Assembly of Pondicherry and has been approved by a resolution of that Assembly either with or without modification, but upon such approval being given, the Scheme Report shall be published in the Official Gazette in the form in which it has been so approved.

(7) The Government, while publishing the Scheme Report under sub-section (6), shall also specify the fasli from which the settlement covered by the Scheme Report shall be introduced by Settlement Officer.

Term of settlement and reduction, suspension or remission of assessment

9. (1) A settlement introduced under section 8 shall remain in force for a period of thirty years:

Provided that, when, in the opinion of the Government, a fresh settlement at the expiration of thirty years is inexpedient or has for any cause been delayed, the Government may extend the term of the settlement for the time being in force for such period as it may think fit.

(2) Notwithstanding anything contained in sub-section (1), the Government may, in accordance with general or special orders made in this behalf, grant reduction, suspension or remission in whole or in part of the assessment in any area in any year due to failure of crops, floods, or any other natural calamity or any reason whatsoever.

Registration of porambokes

10. All lands at the disposal of the Government and all Government lands which are in the possession and enjoyment of the Communes on the date of commencement of this Act and which are used or which may be required for communal, public or Government purposes shall be registered as porambokes during the settlement:

Provided that such of the Government lands, as are at the disposal of the Communes for remunerative purposes and assessed to land tax before the commencement of this Act shall be registered in the holding of the respective Communes on such terms and conditions as may prescribed.

Liability for payment of assessment to Government

11. Every registered holder shall, for each fasli commencing from the fasli in which settlement is introduced, be primarily liable to pay to the Government in respect of all lands included in his holding, the assessment fixed under this Act:

Provided that the payment of assessment under this section shall not affect any right or obligation of religious, charitable or educational institutions in respect of manyam lands.

Power to impose additional assessment or levy on trees

12. Notwithstanding anything contained in this Act, the Government may, at any time during the settlement for the time being in force.-

(a) impose additional assessment, not exceeding twice the amount of highest wet rate of assessment in force, for additional advantages accruing to any land on which wet crops are or may hereafter be raised, from water received on account of execution of fresh irrigation works or improvements effected by the Government in existing irrigation works completed after the introduction of the settlement, or by intercepting surface rain water or water flowing to any recognised source of irrigation;

(b) impose whatever additional assessment or ground rent on all sites of buildings and the appurtenances thereto situated within the limits of Municipal towns and other areas declared as towns by a notification and on all lands used for non-agricultural purposes, whether built upon or not, similarly situated, at a specified rate not exceeding Rs.62.50 P. per hectare for the purpose.

(c) impose a levy on all fruit bearing trees standing on porambokes, waste and other lands at the disposal of the Government, at a rate not exceeding Rs.10 per tree, such levy being payable to the Government by persons who enjoy the benefits arising out of such trees.

CHAPTER IV

LAND RECORDS

Settlement Register and Register of Rights

13. (1) The Settlement Officer shall, for every village or for every such local area as may be specified in this behalf by the Government by a notification, prepare:—

(a) a Settlement Register : and

(b) a Register of Rights, showing the consolidation of all the lands in the village or local area, holding-wise.

(2) The Settlement Register and the Register of Rights shall be prepared on the basis of survey records in such language and in such form and manner as may be prescribed and shall include the following particulars:-

(i) survey number and subdivision of the land;

- (ii) the extent of land and assessment due thereon;
- (iii) the name of the registered holder;
- (iv) the name of the tenant, if any, cultivating the land; and
- (v) such other particulars as may be prescribed.

Procedure for finalisation of the Register of Rights

14. (1) As soon as may be after the completion of the preparation of the Register of Rights for each village or local area, the Settlement Officer shall send to every person whose name is entered in the said register an extract of the entries relating to him and inform him of the date on or before which he should file his objections, if any, with the officer specified in this behalf by the Settlement Officer and such date shall also be published by notification and in such manner as may be prescribed.

(2) Any person aggrieved by the entries in the Register of Rights either on the ground that the entry in respect of particulars relating to him is incorrect or on the ground that his name or other particulars relating to the land which has been let for cultivation and in which he has interest either as registered holder or tenant have been omitted to be included in the said Register may file his objections containing such particulars as may be prescribed and shall be accompanied by the documents relied on by the objector as evidence in support of his claim.

(3) On the expiry of the period allowed for filing objections, the Settlement Officer shall-

(i) if no objection has been filed with him, finalise the Register of Rights after making such enquiry as he deems fit in the village or local area concerned; or

(ii) if objections have been received by him, fix a date for enquiry and enquire into the objections after giving sufficient notice to the objectors and other persons interested and pass such order as he deems fit together with brief reasons therefor, and finalise the Register of Rights after making alterations, if necessary, on the basis of orders passed by him.

(4) The enquiry under sub-section (3) shall be conducted in such manner as may be prescribed.

Publication of approved Register of Rights and revision of Settlement Register

15. (1) As soon as may be after the finalisation of the Register of Rights, the Settlement officer shall publish it in the manner prescribed and the Register so published shall be called the approved Register of Rights.

(2) The Settlement Officer shall revise the Settlement Register on the basis of the approved Register of Rights.

(3) The extract of the relevant entries of the approved Register of Rights, duly certified by the prescribed authority, shall be admissible in evidence before any court or tribunal.

Modification or inclusion in the approved Register of Rights

16. (1) Where any person claims that in respect of any land already included in the approved Register of Rights any modification is required in respect of the entries in the said register, either by reason of death of any person or by reason of transfer of interest or by reason of any other subsequent change in the holding, he shall apply to such officer as may be specified in this behalf by the Collector, for modification of the relevant entries in the approved Register of Rights.

(2) An application under sub-section (1) shall contain such particulars as may be prescribed and shall be accompanied by documents relied on by the applicant as evidence in support of his claim.

(3) The officer specified under sub-section (1) shall, after following such procedure as may be prescribed and after giving the person or persons interested in the land to which the particular entry relates an opportunity of being heard, pass such orders as he deems fit, either rejecting or allowing the claims made in the application and in the event of the claim being allowed the Register of Rights shall be modified accordingly.

(4) Every order passed under sub-section (3) shall contain brief reasons therefor.

Person acquiring by succession etc., to furnish information

17. (1) Any person acquiring by succession, survivorship inheritance, partition, purchase, gift, mortgage, lease or otherwise any right in a land or where such person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall report in writing his acquisition of such right to such officer as may be specified in this behalf by the Collector, within three months from the date of such acquisition and the said officer shall at once give a written acknowledgment of the receipt of the report to the person making it:

Provided that any person acquiring the right by virtue of a registered document shall be exempted from the obligation to report to the said officer.

(2) Any person who fails to make a report as required by sub-section (1) shall be liable to pay such penalty not exceeding twenty-five rupees as may be fixed by the Collector and the amount payable as penalty shall be recoverable as an arrear of land revenue:

Provided that no penalty shall be imposed under this sub-section without giving to the person concerned a reasonable opportunity of being heard.

Procedure on acquisition of right through documents registered

18. No document by virtue of which any person acquires a right in any land as registered holder, occupant, owner, mortgagee, lessee or tenant or assignee, of the rent or revenue thereunder shall be registered under the Indian Registration Act, 1908 (12 of 1908), unless the person liable to pay the registration fees also pays to the Registering authority such fees as may be prescribed for making the necessary entries in the approved Register of Rights and other connected registers and on the registration of such document the registering authority shall make a report of the acquisition of the right to the officer specified by the Collector under sub-section (1) of section 17 in the manner prescribed.

Register of Mutations

19. (1) There shall be maintained for every village a Register of mutations in such form as may be prescribed.

(2) On receipt of a report under sub-section (1) of section 17 or under section 18, the officer specified by the Collector under sub-section (1) of section 17 shall correct the entries in the approved Register of Rights after making such enquiries as are necessary, and after hearing objections, if any. Any such correction made shall be communicated by the said officer to all persons who from the Register of Rights or the Register of Mutations appear to be interested in the mutation and to any other person whom the said officer has reason to believe to be interested therein.

(3) The entries effected in the approved Register of Rights in accordance with sub-section (2) shall be tested and certified by such officer as may be specified by the Collector in this behalf.

Certified copies

20. Certified copies of extracts or entries in the approved Register of Rights and the Settlement Register may be granted to any person interested therein by such officer and on payment of such fees as may be prescribed.

Appeal

21. (1) Any person aggrieved by any order made under this Act may appeal,—

(i) if such order is made under clause (ii) of sub-section (3) of section 14, to the Director; and

(ii) if such order is made under sub-section (3) of section 16 or in the case of a correction made under sub-section (2) of section 19, to the Collector.

(2) Every appeal under sub-section (1) shall be preferred within thirty days of the date of receipt of order appealed against and the Director or the Collector, as the case may be, after giving the parties concerned an opportunity of being heard, pass such order as he deems fit.

(3) Every order made by the Director or the Collector shall, subject to section-22, be final.

Revision

22. The Government may, of its own motion or on the application of any person affected, call for and examine the record of the appellate authority in respect of any proceedings under section 21 and pass such order as it may deem fit:

Provided that the Government shall not pass any order prejudicial to any person unless he has been given a reasonable opportunity of being heard.

CHAPTER V

MISCELLANEOUS

Correction of mistakes in records

23.(1) The Director or the Settlement Officer may either of his own motion or on the application of any person—

(a) if he is satisfied that a *bonafide* mistake has been made in regard to any decision or proceedings under this Act, make or cause to be made the necessary correction thereon;

(b) at any time correct or cause to be corrected any clerical or arithmetical mistake in any such decision or proceeding.

(2) The Collector may, at any time during the currency of the settlement, correct any error in the area or assessment of any Survey number or sub-division due to a mistake of survey or arithmetical miscalculation:

Provided that no arrears of land revenue accruing to the Government or refund thereof to the registered holder shall become payable by reason of such correction.

Delegation of powers

24. The Government may, by notification, direct that any power or function exercisable by the Settlement Officer under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions as may be specified in such notification, be exercisable also by such other officer as may be specified in such notification.

Bar of suits in Civil Courts

25. (1) No suit shall lie in any civil court to set aside or modify any assessment made under this Act.

(2) Except as otherwise provided in this Act, the decision of any authority or officer under this Act shall be final and no civil court shall have jurisdiction to decide or deal with any question which by or under this Act is required to be decided or dealt with by the authorities or officers under this Act.

Protection of action taken in good faith

26. No suit, prosecution or other legal proceedings shall lie against the Government, the Director, the Settlement Officer, or any other officer empowered by or under this Act for anything which is, in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Power to make rules

27. (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

- (a) the manner of holding enquiry under sub-section (2) of section 8;
- (b) the terms and conditions subject to which the lands in the holding of the communes shall be registered under section 10;
- (c) the language, form and the manner in which the records shall be prepared and such other particulars which the record shall contain under sub-section (2) of section 13;
- (d) the manner in which the notification under sub-section (1) of section 14 shall be published;
- (e) the particulars to be given while filing the objections under sub-section (2) of section 14;
- (f) the manner of conducting enquiry under sub-section (4) of section 14;
- (g) the manner in which the Register of Rights shall be published under sub-section (1) of section 15;
- (h) the particulars to be given in an application under sub-section (2) of section 16;
- (i) the procedure to be followed by the officer under sub-section (3) of section 16;
- (j) the fees to be paid for making entries in the approved Register of Rights and the manner in which the report shall be made by the registering authority under section 18;
- (k) the form of the Register of Mutations under sub-section (1) of section 19;
- (l) the officer by whom and the fees on payment of which certified copies may be granted under section 20; and
- (m) any other matter which under this Act is to be, or may be, prescribed.

(3) All rules made under this Act, shall, as soon as may be after they are made, be laid before the Legislative Assembly of Pondicherry while it is in session for a total period of fourteen days which

may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid, or the sessions aforesaid, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Amendment to Act 8 of 1967

28. In the Pondicherry Survey and Boundaries Act, 1967 (Act 8 of 1967), Chapter III (sections 15 to 23 both inclusive) shall be deleted.

Certain assessments to continue

29. Notwithstanding anything contained in this Act all assessment rates in force at the commencement of this Act shall be deemed to have been determined and introduced in accordance with the provisions of this Act and shall remain in force until the introduction of assessment rates under this Act and such rates may be introduced at any time after the commencement of this Act.

Repeal and savings

30. (1) As from the date of commencement of this Act, all laws in force in the Union territory including the Deliberations dated 13th November, 1910 and 11th December, 1912, the Decree dated 27th June, 1912 and the Arrete dated 21st January, 1910, in so far as they make provisions for matters concerned by this Act, shall stand repealed.

(2) The repeal by sub-section (1) shall not affect—

- (a) the previous operation of any such law or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any such law; or
- (c) any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against any such law; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such fine, penalty, forfeiture or punishment may be imposed as if this section had not been in force.

(3) Subject to the provisions of sub-section (2), anything done or any action taken, including any appointment made, notification, order instruction or direction issued or any rule or form framed under any such law shall be deemed to have been done or taken under this Act and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under this Act.

Power to remove difficulty

31. If any difficulty arises in giving effect to the provisions of the Act, the Government may, by general or special order, do anything not inconsistent with such provisions which appear to the Government to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made under the section after the expiration of two years from the publication of this Act in the Official Gazette.