

**THE PUDUCHERRY OCCUPANTS OF KUDIYIRUPPU (CONFERMENT
OF OWNERSHIP) ACT, 1973**

(No. 8 of 1974)

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**THE PUDUCHERRY OCCUPANTS OF KUDIYIRUPPU (CONFERMENT
OF OWNERSHIP) ACT, 1973**

(No. 8 of 1974)

(21-8-1974)

AN ACT

to provide for the conferment of ownership rights on occupants of kudiyiruppu in certain regions in the Union territory of Puducherry.

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

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1973.

(2) It extends to the regions known as Puducherry, Karaikal and Yanam in the Union territory of Puducherry.

+ (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Act not to apply in certain cases

2. Nothing in this Act shall apply to the lands belonging to or vested in the Government of the Union territory of Puducherry, the Government of India, the Government of any State in India, a local authority or a corporation owned or controlled by any of the said Governments or authority.

Definitions

3. In this Act, unless the context otherwise requires, --

(1) "agricultural labourer" means a person whose principal means of livelihood is the income he gets as wages for his manual labour on agricultural land;

+ This Act came into force in the regions known as Puducherry, Karaikal and Yanam in the Union Territory of Puducherry w.e.f 01.12.1974 vide Notification published in the EG. No.150 dt. 28.11.1974.

(2) "agricultural land" means any land used for any of the following purposes, namely:-

- (a) horticulture;
- (b) the raising of crops, grass or garden produce;
- (c) grazing;
- (d) the raising of manure crops;
- (e) dairy farming;
- (f) poultry farming;
- (g) livestock breeding;
- (h) growing of trees; and

(i) includes any land used for any purposes subservient to the above purposes, any forest land, pasture land, plantation, orchard and tope, but

(ii) does not include house-site or land used exclusively for non-agricultural purposes;

(3) "agriculturist" means a person who cultivates agricultural land by the contribution of his own manual labour or of the manual labour of any member of his family;

(4) "authorised officer" means any Gazetted Officer authorised by the Government by notification in the Official Gazette to exercise the powers conferred on, and discharge the duties imposed upon, the authorised officer under this Act, for such area as may be specified in the notification;

(5) "Court" means the Court of Subordinate Judge having jurisdiction and if there are more than one such Court, the Court of the Principal Subordinate Judge;

(6) "Government" means the Administrator of the Union territory of Puducherry appointed under article 239 of the Constitution;

(7) "kudiyiruppu" means the site of any dwelling house or hut occupied, either as tenant or as licensee, by any agriculturist or agricultural labourer and includes such other area adjacent to the dwelling house or hut as may be necessary for the convenient enjoyment of such dwelling house or hut.

⁺[*Explanation-I.* -- It shall be presumed that any person occupying the kudiyruppu is an agricultural labourer or an agriculturist, until the contrary is proved.

Explanation-II. – For the purpose of determining whether any area adjacent to the dwelling house or hut is necessary for the convenient enjoyment of such dwelling house or hut, the area which the agriculturist or agricultural labourer had been enjoying immediately before the 27th day of March 1972, and such other factors as may be prescribed shall be taken into account].

(8) "person interested", in relation to any kudiyruppu or superstructure thereon, includes any person claiming, or entitled to claim, an interest in the amount payable on account of the vesting of that kudiyruppu or superstructure in the occupant of the kudiyruppu;

(9) "prescribed" means prescribed by rules made under this Act;

⁺[(9-A) "rural area" means any area declared by the Government, by notification in the Official Gazette, to be a rural area having regard to its population, development and such other relevant factors as the circumstances of the case may require].

(10) "Schedule" means the Schedule appended to this Act;

(11) "tenant" means any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter under an agreement, express or implied, and includes his heirs and legal representatives;

⁺[(11-A) "urban area" means any area other than a rural area];

(12) "vested kudiyruppu or superstructure" means the kudiyruppu or the superstructure which has vested absolutely in the occupant of the kudiyruppu ⁺[under the provisions of this Act].

Occupant of kudiyruppu to become owner

4. ⁺[(1) Subject to the provisions of section 4A, any agriculturist or any agricultural labourer, who was occupying any kudiyruppu on the 27th day of March, 1972, either as tenant or as licensee, shall, with effect from the commencement of this Act, be deemed to have become the owner thereof and such kudiyruppu shall vest in him free from all encumbrances:

Provided that such agriculturist or agricultural labourer does not already own, within any area to which this Act extends, a dwelling house or hut erected on a site, or a housesite, which is eighty-four square metres or more in extent:

Provided further that the extent of the kudiyruppu which shall so vest in any agriculturist or agricultural labourer shall be such (which in no case shall exceed three ares in rural areas and two ares in urban areas) as may be determined by the authorised officer after giving a reasonable opportunity to the occupant of the kudiyruppu and the person interested, of being heard in the matter].

(2) Where, in the case of an occupant of kudiyruppu referred to in sub-section (1), the superstructure belongs to any person other than such occupant, such superstructure shall also, with effect from the date of commencement of this Act, vest in such occupant absolutely free from all encumbrances.

Provision of alternative site in certain cases

⁺[4-A. (1) (a) Where on application by the owner of any land, the authorised officer is satisfied that the kudiyruppu referred to in sub-section (1) of section 4 (hereinafter referred to as the original kudiyruppu) is so located as to cause inconvenience for the convenient enjoyment of the land as a whole by such owner, the authorised officer, may, by order, permit the shifting of the kudiyruppu to another part of such land or to an alternative site possessed by such owner, within such distance and within such period as may be prescribed.

(b) The alternative site shall satisfy the following conditions, namely:-

(i) it shall be fit for erection of a dwelling house or hut, if there is not already any dwelling house or hut on the site,

- (ii) its extent shall not be less than the extent of the original kudiyruppu, subject to a maximum of three ares in rural areas and two ares in urban areas, and
- (iii) such other conditions as may be prescribed.

(2) The authorised officer, while granting permission under sub-section (1), shall also direct the payment, by the owner to the agriculturist or agricultural labourer occupying the original kudiyruppu, within such period as may be prescribed, of such costs as may be considered by the authorised officer to be reasonable for shifting of the residence to the alternative site including the cost for erecting a superstructure on the said site and the authorised officer shall, before granting permission under sub-section (1), satisfy himself that the conditions specified in clause (b) of sub-section (1) are complied with:

Provided that before granting such permission, the authorised officer shall give an opportunity of being heard to the agriculturist or agricultural labourer concerned.

(3) If such owner fails to provide the alternative site as permitted by the authorised officer within the prescribed period or if such owner fails to comply with any direction given under sub-section (2) in regard to payment of costs, the agriculturist or agricultural labourer shall continue to be the owner of the original kudiyruppu under sub-section (1) of section 4.

(4) In such owner provides an alternative site in pursuance of the permission granted under sub-section (1), the agriculturist or agricultural labourer concerned shall be given an opportunity to occupy the alternative site within such period as may be prescribed and he shall be deemed to have become the owner of such kudiyruppu from the date on which he so occupies the same and such alternative kudiyruppu shall with the superstructure thereon, if any, with effect from such date, be deemed to have vested in him absolutely free from all encumbrances and the site of the original kudiyruppu shall revert to the owner.

(5) The amount payable under clause (a) of sub-section (2) of section 8 shall be determined for the kudiyruppu deemed to have vested under sub-section (4) and in case payment has already been made for the original kudiyruppu, the difference, if any, between the amount already paid for the original kudiyruppu and the payable for the kudiyruppu deemed to have vested shall be paid to, or collected from, the owner, as the case may be.

(6) (a) Where any agriculturist or agricultural labourer fails or refuses to shift to the alternative site provided by the owner in pursuance of a permission granted under sub-section (1) within such period as may be prescribed, such agriculturist or agricultural labourer shall not be entitled to the benefits of this Act but shall continue to be entitled to the protection under the Puducherry Occupants of Kudiyiruppu (Protection from Eviction) Act, 1970 (Puducherry Act 11 of 1971).

(b) The amount, if any, paid by the owner to such agriculturist or agricultural labourer under sub-section (2) shall, on his failure to shift the original kudiyiruppu to the alternative site, be recovered from him as if it were an arrear of land revenue and shall be refunded to the owner within such period and in such manner as may be prescribed].

Decision by authorised officer

5. +[(1) If any dispute arises as to whether---

(a) any person is an agriculturist or an agricultural labourer; or

(b) any land is an agricultural land; or

(c) any site is a kudiyiruppu; or

(d) any area adjacent to a dwelling house or hut is necessary for the convenient enjoyment of such dwelling house or hut; or

(e) any agriculturist or agricultural labourer was occupying any kudiyiruppu on the 27th day of March, 1972; or

(f) any agriculturist or agricultural labourer is having any house or housesite or hut of his own,

such dispute shall be decided by the authorised officer].

(2) In deciding the dispute under sub-section (1) the authorised officer shall follow such procedure as may be prescribed.

Appeal

6. (1) Any person aggrieved by the decision of the authorised officer ⁺[under section 4A or section 5] may, within such period as may be prescribed, appeal to the Collector, or such other officer as may be authorised by the Government in this behalf.

(2) In deciding the appeal under sub-section (1), the Collector, or the officer referred to in sub-section (1), shall follow such procedure as may be prescribed.

Right to receive amount

7. Every person having any interest in any vested kudiyruppu or superstructure shall be entitled to receive and be paid the amount as provided hereunder.

Amount

8. (1) The amount payable in respect of any vested kudiyruppu or superstructure shall be as specified in the Schedule.

(2) (a) The authorised officer shall, after holding an inquiry in the prescribed manner, determine by order the amount payable under sub-section (1) and publish the said order in the Official Gazette.

(b) A copy of the said order shall be communicated to the person who immediately before the date of commencement of this Act owned the kudiyruppu or superstructure and to every person interested therein.

(3) Where the owner of the kudiyruppu and the owner of the superstructure on such kudiyruppu are different, the authorised officer shall apportion the amount between the owner of the kudiyruppu and the owner of the superstructure.

⁺ Amended by Act 5 of 1983 and shall be deemed to have come into force w.e.f 01.12.1974.

Appeal

9. Any person who does not agree to the amount as determined by the authorised officer under sub-section (2) of section 8 may prefer an appeal to the Court within such period as may be prescribed.

Apportionment of amount

10. (1) Where several persons claim to be interested in the amount determined under sub-section (2) of section 8, the authorised officer shall determine:-

- (a) the persons who, in his opinion, are entitled to receive such amount; and
- (b) the amount payable to each of the persons referred to in clause (a).

(2) If any dispute arises as to the apportionment of the amount or any part thereof or as to the persons to whom the same or any part thereof is payable, the authorised officer may refer such dispute to the decision of the Court and the Court shall, in deciding any such dispute, follow as far as may be the provisions of Part III of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

Payment of amount

11. ⁺[(1) After the amount has been determined, the Government shall, pay it to the persons entitled thereto].

(2) If the persons entitled to the amount do not consent to receive it or if the authorised officer is satisfied that the Kudiyiruppu or superstructure in respect whereof the amount is to be awarded belonged to any person who had no power to alienate the same, or if there is any dispute as to the title to receive the amount, or as to the apportionment of it, the authorised officer shall deposit the amount in the Court, and the Court shall deal with the amount so deposited in the manner laid down in section 32 and section 33 of the Land Acquisition Act, 1894.

⁺ Amended by Act 5 of 1983 and came into force w.e.f 04.06.1983.

Second Appeal to High Court in certain cases

12. Subject to the provisions of the Code of Civil Procedure, 1908 applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, a second appeal shall only lie to the High Court from any decision of the Court under this Act, if the amount as determined by the authorised officer exceeds such amount as may be prescribed.

Power of authorised officer to call for information

13. (1) The authorised officer may, for the purpose of carrying out the provisions of this Act, by order require any person to furnish such information in his possession relating to any vested kudiyruppu or superstructure.

(2) The authorised officer shall, while holding an inquiry under this Act, have all the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely: --

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving of evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing commissions for the examination of witness.

Mode of payment of amount

14. (1) The amount as finally determined under this Act shall, within such period as may be prescribed, be paid either in cash or in bonds or partly in cash and partly in bonds as the Government may prescribe.

(2) (a) The bonds shall be issued on such terms and carry such rate of interest as may be prescribed.

(b) The interest shall be paid in the case of any kudiyruppu or superstructure with effect from the date of vesting *[under the provisions of this Act].

***[15. Omitted]**

Issue of title deed

16. +[The authorised officer shall issue a title deed in such form and imposing such conditions as may be prescribed to every occupant of Kudiyruppu in whom the kudiyruppu and the superstructure, if any, has vested under the provisions of this Act].

Prohibition of transfer of kudiyruppu or superstructure

17. +[(1) The rights of a person in whom the kudiyruppu or superstructure has vested under the provisions of this Act are heritable but not alienable:

Provided that such person or his heir or legal representative may surrender at any time, the kudiyruppu with or without superstructure, as the case may be, free from all encumbrances to the Government.

(2) Any transfer made in contravention of sub-section (1) shall be void and the kudiyruppu with or without superstructure, as the case may be, so transferred shall vest in the Government free from all encumbrances from the date of such transfer and no claim from the transferee shall lie as against Government in respect of such kudiyruppu with superstructure, if any.

(3) Where any kudiyruppu with or without any superstructure, as the case may be, is surrendered under the proviso to sub-section (1), any amount which the original occupant or heir or legal representative or such person has already paid to the Government before the date of publication of the Puducherry Occupants of Kudiyruppu (Conferment of Ownership) (Amendment) Act, 1982 shall be refunded within such period and in such manner as may be prescribed to the person entitled to receive it.

* Amended by Act 5 of 1983 and shall be deemed to have come into force w.e.f 01.12.1974.

+ Amended by Act 5 of 1983 which came into force w.e.f 04.06.1983.

(4) The kudiyruppu with or without superstructure, as the case may be, surrendered to or vesting in the Government, under the proviso to sub-section (1) or under sub-section (2) may be allotted to any agriculturist or agricultural labourer by the Government and on such allotment, the kudiyruppu with or without superstructure, as the case may be, shall vest in such agriculturist or agricultural labourer and the provisions of this Act shall apply to such vesting.

(5) In the event of the death of any person in whom the kudiyruppu, with superstructure, if any, had vested under the provisions of this Act, the person to whom the title of the deceased may be transferred as heir or other-wise shall give notice of such transfer to such officer and in such form as may be prescribed, within three months from the date of death of the deceased.

(6) The person to whom the title passes shall, if so required, be bound to produce before the officer prescribed under sub-section (5) any document evidencing such succession].

Transitional provision in regard to certain liabilities

18. (1) All claims and liabilities in respect of the kudiyruppu or the superstructure enforceable immediately before the date of commencement of this Act +[or the date of vesting of the kudiyruppu or the superstructure, as the case may be] against any person interested shall, on or after that date, be set off against the amount payable to the person interested under this Act to the same extent to which such claims and liabilities were enforceable against such person immediately before such date.

(2) (a) A court shall, on or after the date of commencement of this Act +[or the date of vesting of the kudiyruppu or the superstructure, as the case may be] order or continue execution in respect of any decree or order passed against the person interested in conformity with the provisions of sub-section (1) only as against the amount payable to such person.

(b) No court shall, in enforcing any claim or liability against the person interested in respect of any kudiyruppu or superstructure, allow interest at a rate exceeding six per cent per annum simple interest for any period after the date of the commencement of this Act.

+ Amended vide Act 5 of 1983 and shall be deemed to have come into force w.e.f 01.12.1974.

Power to acquire land used for common purposes

19. (1) Where the Government is satisfied that any land is used by the occupants of kudiyruppu immediately before the date of commencement of this Act for a common purpose, it may acquire the land by publishing in the Official Gazette a notification to the effect that it has decided to acquire the land in pursuance of this section:

Provided that, before publishing a notification, the Government may call upon the owner or any other person, who, in the opinion of the Government, may be interested in such land, to show cause why it should not be acquired; and after considering the cause, if any, shown by the owner or any other person interested in the land, the Government may pass such orders as it deems fit.

(2) When a notification under sub-section (1) is published in the Official Gazette, the land to which the said notification relates shall, on and from the date on which the said notification is so published, vest absolutely in the Government free from all encumbrances.

(3) The Government shall make available the land acquired under this section to be used by the occupants of kudiyruppu for the same common purpose for which it was used immediately before the date referred to in sub-section (2).

(4) Every person having any interest in any land acquired under this section shall be entitled to receive and be paid an amount as specified in the Schedule.

(5) Save as otherwise provided in this section, the provisions contained in sections 9 to 14 (both inclusive), 18, 20 to 22 (both inclusive) shall apply to the land acquired under this section as they apply to the vested kudiyruppu or superstructure.

Explanation. – For the purposes of this section, "common purpose" includes the use of land for road, pathway, threshing-floor and cattle stand.

Service of notices and orders

20. (1) save as otherwise provided in this Act and subject to the provisions of this section and of any rule made in this behalf, every notice issued or order made under this Act shall :-

(a) in the case of any notice or order of a general nature or affecting a class of persons, be published in the Official Gazette;

(b) in the case of any notice or order affecting any company or other body corporate or any firm, be served in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908; and

(c) in the case of any notice or order affecting an individual person (not being a company or other body corporate or firm), be served on such person –

(i) by delivering or tendering it to that person; or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to the head of the office in which such person is employed, or to any adult male servant of such person, or to any adult male member of the family of such person, or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain; or

(iii) failing service by any of the means aforesaid, by post or by affixing a copy of the said notice or order on some conspicuous part of the kudiyruppu or superstructure to which it relates.

(2) Where the notice or order cannot be served without undue delay, due to any dispute in the ownership of the kudiyruppu or the superstructure or due to the person to whom the notice or order is intended being not readily traceable, the notice or order may be served by publishing it in the Official Gazette, and where possible by affixing a copy thereof on some conspicuous part of the kudiyruppu or superstructure to which it relates.

Power of entry

21. It shall be lawful for any person authorised by the authorised officer in this behalf to enter into or upon any kudiyruppu or superstructure with or without assistants for purposes of giving effect to the provisions of this Act.

Penalties

22. Any person who obstructs any officer or person authorised by the authorised officer to enter into or upon any kudiyruppu or superstructure or molests such officer or person after such entry, shall be punishable with fine which may extend to one thousand rupees.

Offences by companies

23. (1) If a person committing an offence under this Act is a company, every person, who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purpose of this section,--

(a) "Company" means a body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Prosecution and trial of offence

24. (1) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the authorised officer.

(2) No court inferior to that of a salaried magistrate of the first class shall try any offence punishable under this Act.

Bar of jurisdiction of Civil Courts

25. Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Government or the authorised officer is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Authorised officer, etc., to be public servants

26. The authorised officer and any person authorised by him under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Protection of action taken in good faith

27.(1) No suit, prosecution or other legal proceeding shall lie against the Government or any person exercising any power or discharging any functions or performing any duties under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

Act to override other laws

28. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom, usage, or contract or decree or order of a court or other authority.

Power to make rules

29. (1) The Government may make rules for carrying out all or any of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: --

+[(a) the distance from the existing kudiyruppu and the period within which an alternative site may be provided under sub-section (1) of section 4A, the other conditions that such site shall satisfy and the period within which costs determined by the authorised officer under sub-section (2) of that section shall be paid, the period within which the agriculturist or agricultural labourer shall shift to the alternative site and the period within which and the manner in which refund shall be made under sub-section (6) of that section];

(aa) the procedure to be followed by the authorised officer in deciding a dispute under sub-section (1) of section 5;

(b) the period within which an appeal may be preferred under sub-section (1) of section 6 to the Collector or such other officer as may be authorised by the Government in this behalf and the procedure to be followed by such Collector or other officer in deciding such appeal;

(c) the manner in which an inquiry may be held by the authorised officer under section 8;

(d) the period within which an appeal may be preferred to the Court under section 9;

(e) the maximum amount in respect of which a second appeal may lie to the High Court under section 12;

(f) the period within which, and the terms and the rate of interest at which, amount is payable under section 14 to the persons interested;

⁺[(g) omitted]

⁺[(h) omitted]

(i) the form of title deed to be issued under section 16 and the conditions governing it;

⁺⁺[(j) the period within which and the manner in which the amount shall be refunded under sub-section (3) of section 17 and the form in which and the officer to whom a notice is to be given under sub-section (5) of that section].

(k) the fee payable in respect of any appeal, application or statement under this Act;

(l) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly of Puducherry, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that any such rule should not be made, that 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.

⁺ Amended by Act 5 of 1983 which came into force w.e.f 04.06.1983.

⁺⁺ Amended by Act 5 of 1983 which came into force w.e.f 1.12.1974.

THE SCHEDULE

[See sections 8 (1) and (19) (4)]

1. The amount payable in respect of the kudiyruppu or the land shall be one hundred times the survey assessment on the kudiyruppu or the land, as the case may be:

Provided that where the kudiyruppu or the land forms part of a survey field and is not separately assessed to revenue, the amount payable for such kudiyruppu or land shall be deemed to be one hundred times such proportion of the survey assessment as the part bears to the entire survey field:

Provided further that where the survey field in which the kudiyruppu or land exists is unassessed, the amount shall be determined with reference to the highest rate of survey assessment of the village, and where no such rate exists, the highest rate of survey assessment of the village situated nearest to the kudiyruppu, or land, as the case may be.

Explanation. --- For the purposes of this paragraph, "survey assessment" means the land tax levied in accordance with the Deliberation of the Council General dated the 24th December, 1933 enforced by the Arrete dated the 22nd August, 1934 and includes fifty per cent surcharge levied pursuant to the Deliberation dated the 20th September, 1950 enforced by the Arrete dated the 4th December, 1950.

2. The amount payable in respect of the superstructure shall be the market value of such superstructure.

Explanation.—For the purpose of this schedule, –

- (i) "kudiyruppu" means the kudiyruppu vested in the occupant of kudiyruppu +[under the provisions of this Act];
- (ii) "land" means the land acquired under section 19, and
- (iii) "superstructure" means the superstructure on the kudiyruppu vested in the occupant of kudiyruppu +[under the provisions of this Act].

+ Amended vide Act 5 of 1983 and shall be deemed to have come into force w.e.f 1.12.1974.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.8 OF 1974

The Puducherry Occupants of Kudiyruppu (Protection from Eviction) Act, 1970 (Act 4 of 1971) is already in force in Puducherry, Karaikal and Yanam regions of this Union Territory. The Act provides for prevention from eviction of homestead lands by the landlords, pursuant to the policy of this Government to bring forward progressive Land Reforms Measures with a view to usher in a socialist society, the Chief Minister, during the Budget Speech of the Legislative Assembly on 27-3-72, announced, among others, the proposal to confer rights of ownership to the occupants of kudiyruppu in Puducherry, Karaikal and Yanam regions on the pattern of the Tamil Nadu Occupants of Kudiyruppu (Conferment of Ownership) Act, 1971. Under the proposal, any agriculturist or agricultural labourer who not having a dwelling house or house site or a hut of his was occupying on 27-3-72 any kudiyruppu either as tenant or as licensee, shall, with effect from the date of commencement of the Bill, be the owner of such kudiyruppu and such kudiyruppu shall vest in him free from all encumbrances.

The present Bill seeks to achieve the above object.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.5 OF 1983

The Puducherry Occupants of Kudiyruppu (Conferment of ownership) Act, 1973 was intended to make the agriculturists and agricultural labourers the owners of the houses occupied by them as on 27-3-1972 provided that they do not have any house or hut of their own. The principal Act permits by implication alienation of kudiyruppu. But on the instructions from the Home Ministry and also in accordance with the recommendations of the State Housing Ministers' Conference held at Srinagar in 1973, a policy decision was taken to prohibit alienation of kudiyruppu.

The Tamil Nadu Government had also introduced certain amendments to its kudiyruppu (Conferment of ownership), Act. Since our Act is also based on the Tamil Nadu Act, such amendments are also sought to be incorporated in our Act. The Government of India also have agreed to the proposal of this Administration for waiving the amount to be collected from the beneficiaries. All these measures have been incorporated in the draft Bill. This consolidated amendment thus seeks to achieve the following objects: --

(i) to enable the landowner to provide alternative site where the vesting of any kudiyruppu in any kudiyrupputar may cause inconvenience for the convenient enjoyment of the land as a whole by the landowner subject to the conditions that the alternative site should be of the same extent of the existing site and that a reasonable cost for shifting and for erecting the superstructure in the alternative site as fixed by the Authorised Officer should be borne by the landowner;

(ii) to recover the amount under the Revenue Recovery Act if the kudiyrupputar refuses or fails to move to the alternative site after having received amount from the owner and to make him not eligible to get the benefit of this Act, but continue to be entitled to the protection under the Puducherry Occupants of Kudiyruppu (Protection from Eviction) Act, 1970;

(iii) to amplify section 5 of the Act to enable the Authorised Officer to decide whether a person is an agriculturist agricultural labourer, whether any land is an agricultural land, etc.;

(iv) to enable the Government to define the terms "rural area" and "urban area" by notifications issued from time to time;

(v) to define the term owning a house-site as "owing a house site of 84 square metres or more in extent within any area to which the Act applies";

(vi) to delete section 15 of the Act so as to issue the title deed to the beneficiary under the Act, free of cost;

(vii) to amend section 17 of the Act so as to make the conferment of ownership under the Act heritable but not alienable;

(viii) to permit the kudiyrupputar or his heir to surrender the kudiyruppu to Government and to receive back the amount if any already paid to Government;

(ix) to enable the Government to take the kudiyruppu on violation of conditions without refunding any amount paid to the Government and to regrant it to such person as may be prescribed; and

(x) to provide a period of three months to give notice to the specified officer about the death of any person in whom the kudiyruppu had vested under the Act.
