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Registered No.
SSP/PY/44/2015-17
WPP No. TN/PMG(CCR)/
WPP-88/2015-17
Dated : 27-1-2017
Price : ₹ 5-00

புதுச்சேரி மாநில அரசிதழ்
La Gazette de L'État de Poudouchéry
The Gazette of Puducherry

PART - II

சிறப்பு வெளியீடு	EXTRAORDINAIRE	EXTRAORDINARY
அதிகாரம் பெற்ற வெளியீடு	Publiée par Autorité	Published by Authority
விலை : ₹ 5-00	Prix : ₹ 5-00	Price : ₹ 5-00

எண் } No. } No. }	புதுச்சேரி Poudouchéry Puducherry	வெள்ளிக்கிழமை Vendredi Friday	2017 ம் 27 27th	சனவரி மீ Janvier January	27 ௨ 2017 2017
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GOVERNMENT OF PUDUCHERRY
LEGISLATIVE ASSEMBLY SECRETARIAT

No. 104/2017-LA(Legn).

Puducherry, the 25th January 2017.

Under rule 140 of Rules of Procedure and Conduct of Business of the Puducherry Legislative Assembly, the following Bills, viz.,

- (i) The Puducherry Protection of Interests of Depositors in Financial Establishment (Amendments) Bill, 2017 (Bill No. 5 of 2017).
- (ii) The Puducherry Civil Courts (Amendment) Bill, 2017 (Bill No. 6 of 2017).
- (iii) The Puducherry Value Added Tax (Amendment) Bill, 2017 (Bill No. 7 of 2017)

which were introduced in the Legislative Assembly on January 25, 2017 is published for general information.

THE PUDUCHERRY PROTECTION OF
INTERESTS OF DEPOSITORS IN FINANCIAL
ESTABLISHMENTS (AMENDMENT) BILL, 2017
(Bill No. 5 of 2017)

A

BILL

**further to amend the Puducherry Protection of
Interests of Depositors in Financial
Establishments Act, 2004.**

BE it enacted by the Legislative Assembly of
Puducherry in the sixty-seventh year of the Republic
of India as follows :—

Short title and
commencement.

1. (1) This Act may be called the Puducherry
Protection of Interest of Depositors in Financial
Establishments (Amendment) Act, 2017.

(2) Section 2 shall come into force at once
and section 3 shall be deemed to have come into
force on and from the 15th day of March, 2005.

Amendment of
section 2.

2. In the Puducherry Protection of Interests of Depositors in Financial Establishments Act, 2004 (hereinafter referred to as the Principal Act), for the existing clause (d) of section 2, the following shall be substituted, namely:—

(d) "Financial Establishment" means an individual, association of individuals, a firm or a company registered under the Companies Act, 1956 or a Limited Liability Partnership Firm registered under the Limited Liability Partnership Act, 2008 accepting deposit under any scheme or arrangement or in any other manner, but, does not include:-

Act
No. 1
of 2005.

Act
No. 1
of 1956.

Act
No. 6
of 2009.

(i) A corporation incorporated by an Act or any Legislature; or

(ii) A co-operative society owned or controlled by any State Government or the Central Government or the Government of any Union Territory; or

Act
No. 10
of 1949. (iii) A banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949; or

(iv) Any institution as the State Government may, by notification, specify.

In the Principal Act, after section 3, the following sections shall be inserted, namely:-

Insertion of
new sections 3A
and 3B.

"3A. (1) An offence punishable under section 3 may, before the institution of prosecution, be compounded by the Competent Authority or after the institution of the prosecution, during any stage of judicial process before the Designated Court, be compounded by the Competent Authority with the permission of the Designated Court on payment of the entire amount due to the depositors with or without interest.

Compounding of
offences.

(2) Where an offence compounded under subsection (1), no proceeding or further proceeding, as the case may be, shall be taken or continued against the offender, in respect of the offence so compounded and the offender, if in custody, shall be discharged forthwith.

Act
No. 2
of 1974. 3B. Notwithstanding anything contained in section 438 of the Code of Criminal Procedure, 1973, no Court shall grant anticipatory bail to any person under this Act."

Anticipatory
bail not to
be granted.

STATEMENT OF OBJECTS AND REASONS

The Government of Puducherry enacted the Puducherry Protection of Interests of Depositors in Financial Establishments Act, 2004 (Act No. 1 of 2005) that came into force on and from the 15th day of March, 2005 to protect the interests of depositors in financial establishments and to provide relief and justice to those who had lost their money in the said establishments. This Act has been modelled on the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997. The Tamil Nadu Act contains a provision under section 5A for compounding of offence.

2. Section 5A of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act provides that an offence punishable under section 5 may, before the institution of the prosecution, be compounded by the Competent Authority or after the institution of the prosecution, be compounded by the Competent Authority with the permission of the Special Court, on payment of the entire amount due to the depositors with or without interest. Secondly, where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken or continued against the offender, in respect of the offence so compounded and the offender, if in custody, shall be discharged forthwith.

The abovesaid provision empowers the Competent Authority to compound an offence punishable under section 5, with the permission of the Special Court in cases of default in repayment of deposits with interests by the Financial Establishments. The Puducherry Act, though framed on the lines of the Tamil Nadu Act, does not have this provision, which ultimately leads to delay in settlement. If, the present position continues, settlement of money would be possible only after a lengthy judicial process. Already six years have lapsed, since the institution of such a case and the same is before the Hon'ble Designated Court. Government is in receipt of continuous representations that many of the depositors are dying due to old age and mental agony without receiving any money. Under these circumstances, it is felt that the amendment is just and essential to safeguard the interests of the depositors.

3. The Bill seeks to achieve the above objects.

V. NARAYANASAMY,
Chief Minister.

THE PUDUCHERRY CIVIL COURTS
(AMENDMENT) BILL, 2017
(Bill No. 6 of 2017)

A

BILL

**further to amend the Puducherry Civil Courts
Act, 1966.**

BE it enacted by the Legislative Assembly of Puducherry in the sixty-seventh year of the Republic of India as follows :—

1. (1) This Act may be called the Puducherry Civil Courts (Amendment) Act, 2017. Short title and commencement.

(2) It extends to the whole of 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 No. 12 of 1966. 2. In the Puducherry Civil Courts Act, 1966 Amendment of section 9. (hereinafter referred to as the Principal Act), for section 9, the following shall be substituted, namely:—

"9. Appeal from decrees and orders of District Courts, Subordinate Courts and District Munsif Courts.- (1) Appeals from the decrees and orders of District Judges at Puducherry and Karaikal shall, when such appeals are allowed by law, lie to the High Court of Judicature at Madras.

(2) Appeals from the decrees and orders of the Subordinate Judges at Puducherry shall, when such appeals are allowed by law, lie to the Court of District Judge at Puducherry.

(3) Appeals from the decrees and orders of the Subordinate Judges at Mahe and Yanam shall, when such appeals are allowed by law, lie to the High Court of Judicature at Madras:

Provided that in so far as appeals from the decrees and orders of the Subordinate Judges at Mahe and Yanam in any civil suit where the suit value does not exceed rupees five lakhs, shall, when such appeals are allowed by law, lie to the Court of District Judge at Puducherry.

(4) Appeals from the decrees and orders of the Subordinate Judge at Yanam where such decrees and orders were passed by the said Judge concerned as if, he is a District Munsif in relation to their respective jurisdictional areas shall, when such appeals are allowed by law, lie to the Court of District Judge at Puducherry.

(5) Appeals from the decrees and orders of Subordinate Judge at Karaikal shall, when such appeals are allowed by law, lie to the Court of District Judge at Karaikal.

(6) Appeals from the decrees and orders of District Munsifs shall, when such appeals are allowed by law, lie to the Court of Subordinate Judge.

Provided however that the pecuniary limit specified in this section shall not apply in the case of appeals from decrees and orders passed under and in accordance with the French Law relating to civil procedure.

(7) *Transitory provisions.*- (1) All suits pending in the District Court, Karaikal, when the amount or the value of the subject matter of the suit exceeds rupees one lakh but does not exceed rupees five lakhs shall stand transferred to the Subordinate Court at Karaikal.

(2) All first appeals from the decrees and orders of the District Munsif Court at Karaikal and pending on the file of the District Court at Karaikal and when the amount or the value of the subject matter of such appeals does not exceed rupees one lakh shall stand transferred to the Subordinate Court at Karaikal.

(3) All suits pending in the Subordinate Court at Mahe, where the amount or the subject matter of the suit does not exceed rupees one lakh shall stand transferred to the District Munsif Court at Mahe.

(4) All the part-heard and judgement reserved suits and appeal shall be heard and disposed of by the respective Courts as if, this Act has not been passed."

3. In the Principal Act, the existing section 9A shall be deleted.

Amendment of section 9A.

4. In the Principal Act, in section 15, the words "District Judge or", wherever they occur, shall be deleted.

Amendment of section 15.

5. In the Principal Act, in the Transitory provisions contained in section 15, for the existing clause (2), the following shall be substituted, namely:-

“All small cause suits pending on the file of the District Court, Karaikal, where the amount for the subject value of such small cause suits exceeds rupees two thousand but does not exceed rupees five thousand shall stand transferred to the Subordinate Court at Karaikal.”

STATEMENT OF OBJECTS AND REASONS

The Puducherry Civil Courts Act, 1966 (Act No.12 of 1966) was enacted by the Legislative Assembly of this Union territory of Puducherry for consolidating and amending the law relating to Civil Courts in the Union territory of Puducherry.

2. It is proposed to amend sections 9 and 15 of the Puducherry Civil Courts Act, 1966 so as to confer pecuniary jurisdiction to the newly constituted Subordinate Judge Court at Karaikal. For this purpose, a Bill titled as “The Puducherry Civil Courts (Amendment) Bill, 2017” is proposed to be enacted.

3. The Bill seeks to achieve the above objects.

V. NARAYANASAMY,
Chief Minister.

THE PUDUCHERRY VALUE ADDED TAX
(AMENDMENT) BILL, 2017

(Bill No. 7 of 2017)

A
BILL

**further to amend the Puducherry Value Added
Tax Act, 2007.**

BE it enacted by the Legislative Assembly of Puducherry in the sixty-seventh year of the Republic of India as follows :—

1. (1) This Act may be called the Puducherry Value Added Tax (Amendment) Act, 2017. Short title and commencement.

(2) It shall be deemed to have come into force with effect from the 1st day of October, 2016.

Act
No. 9
of 2007.

2. In the Puducherry Value Added Tax Act, 2007,- Amendment of the Schedule.
In the First Schedule,

(a) after the existing Serial Number 12A, the following shall be inserted, namely,-

"12B. Cleaning equipments and machineries sold to Local Bodies or Public Works Department of the Union territory of Puducherry for use in Swachh Bharat Mission, subject to production of a certificate issued by the Director, Local Administration Department, Government of Puducherry or the Chief Engineer, Public Works Department, Government of Puducherry, as the case may be, in the form as may be notified by the Government." ;

(b) after the existing Serial Number 31, the following shall be inserted, namely,-

"31A. Helmets";

(c) after the existing Serial Number 43A, the following shall be inserted, namely,-

"43B. Power tillers sold to farmers of the Union territory of Puducherry, subject to production of a certified copy of the Identity Book issued to the farmer by the Department of Agriculture, Government of Puducherry".

STATEMENT OF OBJECTS AND REASONS

As per the Budget 2016-17 announcements, 'Swachh Bharat equipments' sold to Local Administration Department, Government of Puducherry and Public Works Department, Government of Puducherry, Helmets and Power tillers sold to the registered farmers of the Union territory of Puducherry were exempted from levy of tax under the Puducherry Value Added Tax Act, 2007, by amending the First schedule appended to the said Act through a notification issued under sub-section (1) of section 75 of the said Act.

2. As per sub-section (2) of section 75 of the said Act, a Bill needs to be introduced in the Legislative Assembly of Puducherry to give effect to the amendment of the First schedule as specified in the notification. The abovesaid notification is proposed to be replaced. For the abovesaid purpose, a Bill titled "The Puducherry Value Added Tax (Amendment) Bill, 2017" is proposed to be enacted.

3. The Bill seeks to achieve the above objects.

V. NARAYANASAMY,
Chief Minister.

ADMINISTRATOR'S RECOMMENDATION
UNDER SUB-SECTION (1) OF SECTION 23 OF
THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

(Copy of the Letter No. 1-52/CM/2016, dated 19-1-2017 from the Hon'ble Chief Minister Thiru V. Narayanasamy to the Hon'ble Speaker, Legislative Assembly, Puducherry.)

The Lieutenant-Governor, Puducherry having been informed of the subject matter of the proposed Puducherry Value Added Tax (Amendment) Bill, 2017 providing for exemption from the levy of Value Added Tax in the Union Territory, recommends under sub-section (1) of section 23 of the Government of Union Territories Act, 1963 (Central Act 20 of 1963), the introduction in and consideration by the Legislative Assembly of the said Bill.

A. VINCENT RAYAR,
Secretary,
Legislative Assembly Secretariat.
