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GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT

MADRAS ACT No. I OF 1950.

[Received the assent of His Excellency the Governor-General on the 23rd January 1950, first published in the "Fort St. George Gazette Extraordinary" on the 25th January 1950.]

An Act to amend the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.

Madras Act
XXVI
of 1948.

WHEREAS it is expedient to amend the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1950. Short title.

Madras Act
XXVI of
1948.

2. (1) In section 40, sub-section (2), of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (hereinafter referred to as the said Act), for the words "the approval of the Provincial Legislative Assembly", the words "the approval both of the Provincial Legislative Assembly and of the Provincial Legislative Council" shall be substituted. Amendment of section 40, Madras Act XXVI of 1948.

(2) The amendment made by sub-section (1) shall not be deemed to have applied to, or to affect the validity of, any rules made under section 40 of the said Act before the commencement of this Act.

3. After section 54 of the said Act, the following headings and sections shall be inserted, namely:—

Insertion of new sections 54-A and 54-B in Madras Act XXVI of 1948.

"Advance payment of compensation."

54-A. (1) In the case of every estate not governed by section 38, the Government shall estimate roughly the amount of the compensation payable in respect of the estate, and deposit one-half of that amount within six months from the notified date in the office of the Tribunal, as advance payment on account of compensation: Advance payment of compensation and its apportionment, etc.

Provided that in the case of an estate notified before the commencement of the Madras Estates (Abolition and

Conversion into Ryotwari) Amendment Act, 1950, the deposit may be postponed to a date which is not later than the 30th day of June 1950.

(2) From the amount to be deposited under sub-section (1), the Government shall be entitled to deduct—

(a) one-half of all moneys referred to in the proviso to section 41 (1); and

(b) one-half of the basic annual sum referred to in sub-section (3) of section 50, if the deposit in pursuance of this section is made in the fasli year in which the estate is notified but after the interim payment in respect of that fasli year has been deposited under section 50.

(3) On the making of a deposit in pursuance of this section, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the amount deposited.

(4) The Tribunal shall, after such inquiry, if any, as it thinks fit, apportion the amount deposited in pursuance of this section among the principal landholder and the other persons referred to in section 42, as far as possible in accordance with the value of their respective interests; and the provisions of sections 42 to 46 (both inclusive), 48, 49, 51, 52 and 53 shall apply *mutatis mutandis* in respect of the amount so deposited.

Additional compensation.

Additional compensation and its apportionment.

54-B. (1) As soon as may be after the amounts of compensation payable in respect of all the zamindari estates have been finally determined under section 39, if it is found that the aggregate of such amounts falls short of twelve and a half crores of rupees, the Government shall be under an obligation to distribute among the zamindari estates aforesaid, an amount equal to that by which the aggregate so falls short, the sum payable in respect of each such estate being in proportion to the amount of compensation as finally determined in respect thereof under section 39.

(2) The sum payable under sub-section (1) in respect of each such estate shall be deposited by the Government in the office of the Tribunal; and on the making of such deposit the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the sum deposited.

(3) The Tribunal shall, after such inquiry, if any, as it thinks fit, apportion the sum deposited under sub-section (2) in respect of any estate among the principal landholder and the other persons referred to in section 42, as far as possible in accordance with the value of their respective interests;

and the provisions of sections 42 to 46 (both inclusive), 48, 49, 51, 52 and 53 shall apply *mutatis mutandis* in respect of the sum so deposited."

4. Section 41 of the said Act shall have effect subject to the following modification, namely:—

Modification
of section 41,
Madras Act
XXVI of
1948.

The compensation to be deposited in pursuance of sub-section (1) of that section shall be the balance left from the amount of compensation as finally determined under section 39 after deducting therefrom (a) the advance compensation referred to in section 54-A (1), and (b) all moneys of the nature referred to in the proviso to section 41 (1) still remaining due.

5. Section 50 of the said Act shall have effect as if—

(a) for sub-section (3), the following sub-section had been substituted, namely:—

Modification
of section
50,
Madras Act
XXVI of
1948.

"(3) In respect of the fasli year in which the estate is notified, they shall together be entitled to such amount as the Government may, on a rough calculation, determine to be the basic annual sum referred to in section 28, if the deposit in pursuance of section 54-A has not been already made, and to an amount equal to one-half of the basic annual sum as so calculated, if the deposit aforesaid has been already made :

Provided that in either case, the rents, if any, collected before the notified date by the landholder from the ryots in respect of that fasli year aforesaid shall be deducted."

(b) in sub-section (4), for the words "the basic annual sum", the words "one-half of the basic annual sum" had been substituted ;

(c) for sub-section (7), the following sub-section had been substituted, namely:—

"(7) After compensation has been finally determined and apportioned among the persons referred to in sub-section (2), all interim payments made under this section to each of them less any deduction made under section 54-A (2) (b), shall be adjusted on the basis that together they are entitled to the sums specified in clauses (a) and (b) below, and that each of them separately is entitled to the same share of such sums as the share of the compensation to which he is finally held to be entitled under section 44:—

(a) In respect of the fasli year in which the estate is notified, the sum to which they are together entitled shall be the basic annual sum as finally determined under section 39, after deducting therefrom—

(i) the rents, if any, collected before the notified date by the landholder from the ryots in respect of that year ; and

(ii) an amount bearing to the basic annual sum the same proportion as the amount of the advance compensation referred to in section 54-A (1) bears to the compensation as finally determined under section 39, in case the deposit in pursuance of section 54-A is made in the fasli year in which the estate is notified.

(b) In respect of each of the subsequent fasli years, the sum to which they are together entitled shall be the basic annual sum as finally determined under section 39, after deducting therefrom an amount bearing to the basic annual sum the same proportion as the amount of the advance compensation referred to in section 54-A (1) bears to the compensation as finally determined under section 39."

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. II OF 1950.

[*Received the assent of His Excellency the Governor on the 31st March 1950, first published in the "Fort St. George Gazette Extraordinary" on the 31st March 1950.*]

An Act to provide for the appropriation of moneys out of the Consolidated Fund of the State for the financial year commencing on the 1st April 1950.

WHEREAS it is necessary to provide for the appropriation of moneys out of the Consolidated Fund of the State for the financial year commencing on the 1st April 1950 ; It is hereby enacted as follows :—

1. This Act may be called the Madras Appropriation Short title Act, 1950.

2. The State Government may appropriate out of the Consolidated Fund of the State, for the financial year commencing on the 1st April 1950, a sum not exceeding ninety-eight crores, fifty-seven lakhs and twenty-nine thousand rupees, being moneys required to meet—

Appropriation out of the Consolidated Fund for the financial year commencing on the 1st April 1950.

(a) the grants made by the Madras Legislative Assembly for that year, as set forth in column (3) of the Schedule ; and

(b) the expenditure charged on the Consolidated Fund of the State for that year, as set forth in column (4) of the Schedule.

MADRAS ACT No. II OF 1950

THE SCHEDULE.

Demand number:	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund of the State.	Total.
		(3)	(4)	(5)
(1)	(2)	RS.	RS.	RS.
I	Land Revenue.	56,53,100	..	56,53,100
II	Excise ..	69,25,400	..	69,25,400
III	Stamps ..	21,02,000	..	21,02,000
IV	Forest ..	86,22,700	..	86,22,700
V	Registration ..	52,88,200	..	52,88,200
VI	Motor Vehicles	7,01,300	90,25,400	97,26,700
	Acts.			
VII	General Sales	1,38,93,600	..	1,38,93,600
	Tax and other			
	Taxes and			
	Duties.			
VIII	Irrigation ..	2,20,09,900	1,34,00,000	3,54,09,900
	Debt Charges ..	..	76,00,200	76,00,200
IX	Heads of States,	55,10,300	10,18,100	65,28,400
	Ministers and			
	Headquarters			
	staff.			
X	Legislative	29,24,900	43,400	29,68,300
	Bodies.			
XI	District Ad-	5,91,61,800	18,900	5,91,80,700
	ministration			
	and Miscel-			
	laneous.			
XII	Administration	1,37,75,500	19,37,200	1,57,12,700
	of Justice.			
XIII	Jails ..	1,12,53,200	..	1,12,53,200
XIV	Police ..	6,29,22,000	..	6,29,22,000
XV	Education ..	9,96,74,500	..	9,96,74,500
XVI	Medical ..	2,83,56,800	..	2,83,56,800
XVII	Public Health.	97,67,100	..	97,67,100
XVIII	Agriculture ..	1,87,99,400	..	1,87,99,400
XIX	Veterinary ..	47,14,900	..	47,14,900
XX	Co-operation ..	74,97,900	..	74,97,900
XXI	Industries ..	1,57,64,300	1,52,000	1,59,16,300
XXII	Cinchona and	47,45,200	5,32,600	52,77,800
	Fisheries.			
XXIII	Labour	88,31,000	..	88,31,000
	including			
	Factories and			
	Harijan Up-			
	lift.			
XXIV	Miscellaneous	47,64,000	..	47,64,000
	Departments.			
XXV	Civil Works—	5,17,23,000	3,04,900	5,20,27,900
	Works.			
XXVI	Civil Works—	1,76,17,400	..	1,76,17,400
	Establishment			
	and Tools			
	and Plant.			
XXVII	Civil Works—	71,34,600	..	71,34,600
	Grants-in-aid.			
XXVIII	Electricity ..	2,01,07,400	1,20,27,500	3,21,34,900
XXIX	Famine ..	10,00,000	..	10,00,000
XXX	Pensions ..	1,66,55,100	3,65,900	1,70,21,000
XXXI	Stationery and	67,08,100	5,42,500	72,50,600
	Printing.			
XXXII	Miscellaneous ..	1,25,87,500	5,42,300	1,31,29,800
XXXIII	Road Transport	85,90,500	1,23,300	87,13,800
	Schemes.			

<i>Demand number.</i>	<i>Services and purposes.</i>	<i>Sums not exceeding</i>		
		<i>Voted by the Legislative Assembly.</i>	<i>Charged on the Consoli- dated Fund of the State.</i>	<i>Total.</i>
		<i>RS.</i>	<i>RS.</i>	<i>RS.</i>
(1)	(2)	(3)	(4)	(5)
XXXIV	Payments of compensations to land-holders on the abolition of the zamin-dari system.	1,07,00,000	..	1,07,00,000
XXXV	Capital outlay on Irrigation.	5,75,33,700	..	5,75,33,700
XXXVI	Capital outlay on Industrial Development.	1,57,43,500	..	1,57,43,500
XXXVII	Capital outlay on Civil Works.	1,21,97,200	..	1,21,97,200
XXXVIII	Capital outlay on Electricity Schemes.	5,66,10,600	..	5,66,10,600
XXXIX	Capital outlay on Road Transport Schemes.	4,08,000	..	4,08,000
XL	Commuted value of pensions.	100	..	100
XLI	Capital outlay on Schemes of State Trading.	100	..	100
XLII	Interest-free advances.	26,78,900	..	26,78,900
XLIII	Loans and advances bearing interest.	5,16,40,500	..	5,16,40,500
	<i>Public debt— Repayment.</i>	..	18,00,00,000	18,00,00,000
	Grand Total ..	77,32,95,200	21,24,33,800	98,57,29,000

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. III OF 1950.

*[Received the assent of the President on the 13th April
1950, first published in the "Fort St. George Gazette" on the 18th April 1950.]*

An Act for the re-enactment of certain Acts.

Madras Act
X of 1949.

WHEREAS certain Acts were temporarily re-enacted up to and inclusive of the 29th day of April 1950 by the Madras Re-enacting Act, 1949;

AND WHEREAS it is expedient to re-enact one of those Acts permanently and four of those Acts temporarily for a further period of one year up to and inclusive of the 29th day of April 1951;

It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Re-enacting Act, 1950. Short title
and com-
mencement.

(2) It shall come into force on the 30th day of April 1950.

Madras Act
VIII of
1946.

2. The Madras Elementary Education (Amendment) Act, 1946, is hereby re-enacted permanently without any modification. Permanent
re-enact-
ment of
Madras Act
VIII of
1946.

3. The Acts specified in the Schedule shall remain in force up to and inclusive of the 29th day of April 1951, and upon the expiry of the said Acts— Temporary
re-enact-
ment of
certain
Acts.

Madras Act
I of 1891.

(a) section 8 of the Madras General Clauses Act, 1891, shall apply as if the said Acts had then been repealed by a Madras Act;

(b) save as provided in clause (a), the Acts, if any, amended by the said Acts shall have operation as if the latter had never been enacted.

THE SCHEDULE.

ACTS TEMPORARILY RE-ENACTED FOR A PERIOD OF ONE YEAR.

(See section 3.)

<i>Year.</i>	<i>Number.</i>	<i>Short title.</i>
(1)	(2)	(3)
1944	V	.. The Madras Hindu Religious Endowments (Amendment) Act, 1944, as amended by Madras Act X of 1946.
1944	XIII	.. The Tirumalai Tirupati Devasthanams (Amendment) Act, 1944.
1945	XVI	.. The Madras City Improvement Trust Act, 1945, as amended by Madras Act XV of 1947.
1946	X	.. The Madras Hindu Religious Endowments (Amendment) Act, 1946.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. IV OF 1950

*[Received the assent of His Excellency the Governor on
the 21st April 1950, first published in the "Fort
St. George Gazette" on the 25th April 1950.]*

*An Act further to amend the Madras Proprietary Estates' Village
Service Act, 1894, and the Madras Hereditary Village-offices
Act, 1895.*

Madras Act WHEREAS it is expedient further to amend the Madras
II of 1894. Proprietary Estates' Village Service Act, 1894, and the
Madras Act Madras Hereditary Village-offices Act, 1895, for the purposes
III of 1895. hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras Proprietary Estates' Short title.
Village Service and Hereditary Village-offices (Amendment)
Act, 1950.

Madras Act 2. In the Madras Proprietary Estates' Village Service Act, **Amendment**
II of 1894. 1894— **of Madras**
Act II of

(1) in section 10, sub-section (1), clause (ii), after sub-
clause (e), the following sub-clause shall be added,
namely :—

“(f) has been dismissed from any post under the
Government on any ground which the Revenue-officer in
charge of the division or the District Collector considers
sufficient to disqualify him for holding the office.”;

(2) in section 11, sub-section (1), for the words, brackets
and letters “sub-clauses (c) and (e)”, the words, brackets and
letters “sub-clauses (c), (e) and (f)” shall be substituted.

Madras Act 3. In the Madras Hereditary Village-offices Act, 1895, in **Amendment**
III of 1895. section 10, sub-section (1), clause (ii), after sub-clause (e), the **of Madras**
following sub-clause shall be added, namely :— **Act III of**
1895.

“(f) has been dismissed from any post under the
Government on any ground which the Collector considers
sufficient to disqualify him for holding the office.”

PRICE, 1 anna.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. V OF 1950.

[Received the assent of His Excellency the Governor on
the 21st April 1950, first published in the "Fort
St. George Gazette" on the 25th April 1950.]

*An Act to provide for controlling the prices and sales of jute
in the State of Madras.*

WHEREAS it is necessary to provide for controlling the prices
and sales of jute in the State of Madras; It is hereby
enacted as follows:—

1. (1) This Act may be called the Madras Jute (Control of Prices and Sales) Act, 1950. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(a) "jute" means the fibre of any plant belonging to any species of the genus *corchorus* and commonly called pat, kosta, nalia or bimalipatam and includes the fibre of the plant *hibiscus cannabinus*, commonly called mesta;

(b) "pucca bale" means a package containing any jute or jute cuttings (whether containing any waste product or moisture or not) pressed by any hydraulic or power-driven machinery and commonly known in the jute trade as a pucca bale;

(c) "raw jute" means jute which has not been subjected to any process of spinning or weaving and includes jute or jute cuttings, whether loose or packed in bales or drums and whether containing any waste product or moisture or not;

(d) "surplus raw jute" means raw jute in the possession or control of any person in excess of the quantity for which he holds for the time being a valid export licence under the Imports and Exports (Control) Act, 1947;

(e) "waste product" means strippings, odd filaments or fragments, droppings, sweepings or other waste products of jute, and includes articles commonly known in the jute trade as *hiji biji*.

Maximum prices.

3. (1) The State Government may, by notification in the *Fort St. George Gazette*, fix the maximum prices which may be charged for pucca bales, or for surplus raw jute (not being pucca bales).

(2) Different maximum prices may be fixed under sub-section (1)—

(a) for pucca bales, according to the quality, variety or trade description of the jute or jute cuttings contained therein ; and

(b) for surplus raw jute (not being pucca bales) according to the quality, variety or trade description thereof.

Prohibition of sales and purchases at prices exceeding the maximum prices.

4. No person shall sell, or agree to sell, or offer to sell, and no person shall buy, or agree to buy, or offer to buy, any pucca bale or any surplus raw jute (not being a pucca bale) at a price exceeding the maximum price fixed therefor under section 3.

Power of State Government to issue directions in respect of surplus raw jute.

5. The State Government may, by order in writing, direct any person having any surplus raw jute in his possession or control, to sell such surplus raw jute or any portion thereof to any specified person or persons at a price not exceeding the maximum price fixed therefor under section 3.

Power to require information, etc.

6. The State Government may, by order—

(a) require any person to give any information in his possession with respect to any business in jute carried on by him or by any other person ;

(b) authorize any officer to inspect any books or other documents belonging to or under the control of any person and relating to any business in jute, or cause any such books or documents to be inspected ;

(c) authorize any officer to enter and search any premises and seize any pucca bales or surplus raw jute in respect of which he has reason to believe that any provision of this Act has been, is being, or is about to be, contravened, or to cause such entry, search and seizure to be made.

Delegation of powers.

7. The State Government may authorize any officer to exercise any power conferred on them by section 5 or section 6.

Penalties.

8. Whoever—

(a) contravenes any of the provisions of this Act or any order made thereunder, or

(b) when required by any order made under clause (a) of section 6 to give any information, refuses or fails to give such information or gives any information which is false in any material particular and which he knows or has reason to believe to be false, or does not believe to be true, or

(c) conceals, destroys, mutilates or defaces any book or document of the nature referred to in clause (b) of section 6, or

(d) voluntarily obstructs any officer in the exercise of his powers under this Act

shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Offences by
corporations.

9. Where a person committing any offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, the director, manager, secretary, agent or other principal officer managing the affairs of such company, association or body shall be deemed to be guilty of such offence.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. VI OF 1950.

*[Received the assent of His Excellency the Governor on
the 21st April 1950, first published in the "Fort
St. George Gazette" on the 25th April 1950.]*

*An Act further to amend the Indian Stamp Act, 1899,
in its application to the State of Madras.*

Central Act II of 1899. WHEREAS it is expedient further to amend the Indian Stamp Act, 1899, in its application to the State of Madras, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Stamp (Amendment) Short title.
Act, 1950.

Central Act II of 1899. 2. In the Indian Stamp Act, 1899, in Schedule I-A, in the Amendment of Schedule I-A, Central Act II of 1899, entries in the second column relating to Article 38, in clause (b) of the proviso, for the words "at not more than five times", the words "at twenty-five times" shall be substituted.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. VII OF 1950.

[Received the assent of His Excellency the Governor on
the 21st May 1950, first published in the "Fort
St. George Gazette" on the 30th May 1950.]

*An Act further to amend the Madras City Municipal Act, 1919,
the Madras District Municipalities Act, 1920, and the
Madras Local Boards Act, 1920.*

Madras Act IV of 1919. WHEREAS it is expedient further to amend the Madras
Madras Act V of 1920. City Municipal Act, 1919, the Madras District Municipalities
Madras Act XIV of 1920. Act, 1920, and the Madras Local Boards Act, 1920, for
certain purposes; It is hereby enacted as follows :—

1. This Act may be called the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1950. Short title.

PRICE, 1 s. 9 p.]

Substitution of new section for section 135, Madras Act IV of 1919. 2. For section 135 of the Madras City Municipal Act, Madras Act IV of 1919, the following section shall be substituted, namely :—

Method of assessment of duty on transfers of property.

“135. The duty on transfers of property shall be levied—

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the State of Madras, on every instrument of the description specified below which relates to immovable property situated within the limits of the City ; and Central Act II of 1899.

(b) at such rate as may be fixed by the State Government, not exceeding five per centum, on the amount specified below against such instrument :—

Description of instrument.	Amount on which duty should be levied.
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property, as set forth in the instrument.
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage, as set forth in the instrument.”

Substitution of new section for section 116-A of Madras Act V of 1920. 3. For section 116-A of the Madras District Municipalities Act, 1920, the following section shall be substituted, namely :— Madras Act V of 1920.

Method of assessment of duty on transfers of property.

“116-A. The duty on transfers of property shall be levied—

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the State of Madras, on every instrument of the description specified below, which relates to immovable property situated within the limits of a municipality ; and Central Act II of 1899.

(b) at such rate as may be fixed by the State Government, not exceeding five per centum, on the amount specified below against such instrument :—

Description of instrument.	Amount on which duty should be levied.
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property, as set forth in the instrument.
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage, as set forth in the instrument.
(v) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument."

Madras Act XIV of 1920. 4. For section 110-A of the Madras Local Boards Act, 1920, the following section shall be substituted, namely :—

Substitution of new section for section 110-A of Madras Act XIV of 1920.

"110-A. The duty on transfers of property shall be levied—

Method of assessment of duty on transfers of property.

Central Act II of 1899. (a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the State of Madras, on every instrument of the description specified below, which relates to immovable property situated in the area under the jurisdiction of a local board; and

(b) at such rate as may be fixed by the State Government, not exceeding five per centum, on the amount specified below against such instrument :—

Description of instrument.	Amount on which duty should be levied.
(i) Sale of immovable property	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property, as set forth in the instrument.
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage, as set forth in the instrument.
(v) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument."

GOVERNMENT OF MADRAS

LEGAL DEPARTMENT.

MADRAS ACT No. VIII OF 1950.

[Received the assent of the President on the 22nd May
1950, first published in the "Fort St. George Gazette"
on the 30th May 1950.]

*An Act to amend the Madras Tenants and Ryots
Protection Act, 1949.*

Madras Act
XXIV of
1949.

WHEREAS it is expedient to amend the Madras Tenants and Ryots Protection Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Tenants and Ryots Short title.
Protection (Amendment) Act, 1950.

Madras Act
XXIV of
1949.

2. In section 1, sub-section (3), of the Madras Tenants and Ryots Protection Act, 1949 (hereinafter referred to as the said Act), for the words, figures and letters "shall remain in force up to and inclusive of the 7th October 1950", the words, figures and letters "shall remain in force up to and inclusive of the 7th October 1951" shall be substituted.

3. In section 4 of the said Act—

(i) (a) in sub-section (2), for the words "the date of institution of the suit", the words and brackets "the date on which notice of the suit was served on him by the Court (which service shall be the duty of the Court)" shall be substituted;

(b) in the same sub-section, for the words "an amount equivalent to rent for two years", the words "an amount equivalent to rent for two years immediately preceding the date aforesaid" shall be substituted;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely :—

“(2-A) In the case of a suit or proceeding for the sale of a holding to recover rent, or of a proceeding in execution of a decree or order obtained in any such suit or proceeding, or of a proceeding in execution of a decree or order for eviction, where the decree or order provides for the payment of rent—

(i) if the suit or proceeding was instituted before the commencement of the Madras Tenants and Ryots Protection (Amendment) Act, 1950, and no deposit has been made in pursuance of section 4, sub-section (3), of the Madras Tenants and Ryots Protection Act, 1946, the tenant or ryot shall deposit in Court for payment to the landlord, within two months from such commencement, (a) the amount claimed in the suit or proceeding or the amount payable under the decree or order, or (b) the rent for two years immediately preceding such commencement, whichever is less, or

Madras Act
XVII of
1946.

(ii) if the suit or proceeding is instituted after such commencement, the tenant or ryot shall deposit in Court for payment to the landlord, within two months from the date on which notice of the suit or proceeding is served on him by the Court (which service shall be the duty of the Court), (a) the amount claimed in the suit or proceeding or the amount payable under the decree or order, or (b) the rent for two years immediately preceding the date aforesaid, whichever is less, together with such interest as may be payable under law, custom, or agreement up to the date of deposit.

(2-B) Where, before the institution of any suit or proceeding of the description referred to in sub-section (1), a tenant or ryot has paid to the landlord or deposited in Court for payment to him, an amount equivalent to the rent for two years immediately preceding the date of payment or deposit or to the rent due up to such date, whichever is less, together with such interest as may be payable up to such date, under law, custom or agreement, and has continued to pay or deposit as aforesaid each year's rent, within a period of two months from the date on which it accrued due, the tenant or ryot shall not be liable to make the deposit referred to in sub-section (2), or sub-section (2-A).”;

(iii) in sub-section (3)—

(a) for the word, brackets and figure “sub-section (2)”, the words, brackets, figures and letter “sub-section (2) or (2-A)” shall be substituted;

(b) for the words “the tenant”, the words “the tenant or ryot” shall be substituted;

(iv) in sub-section (5), for the words, brackets and figures “sub-sections (2) and (4)”, the words, brackets, figures and letters “sub-sections (2), (2-A), (2-B) and (4)” shall be substituted;

(v) in sub-section (6), for the words, brackets and figures "sub-section (2) or sub-section (4)", the words, brackets, figures and letter "sub-section (2), (2-A) or (4)" shall be substituted;

(vi) in sub-section (7), for the words, brackets and figures "sub-section (2) or sub-section (4)", the words, brackets, figures and letters "sub-section (2), (2-A), (2-B) or (4)" shall be substituted.

4. Section 4, sub-section (2), of the said Act, as amended by this Act, shall apply to every suit of the description referred to in that sub-section which stood stayed at the commencement of this Act and in respect of which a period of four months from the date of institution of the suit had not expired at such commencement; but the amendments made to that sub-section by this Act shall not be deemed to have applied to, or to affect the validity of, any deposit made or deemed to have been made before the commencement of this Act.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. IX OF 1950.

[Received the assent of the President on the 9th June
1950, first published in the "Fort St. George Gazette"
on the 20th June 1950.]

*An Act further to amend the Madras Co-operative Land
Mortgage Banks Act, 1934.*

Madras Act
X of 1934.

WHEREAS it is expedient further to amend the Madras Co-operative Land Mortgage Banks Act, 1934, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras Co-operative Land Mortgage Banks (Amendment) Act, 1950. Short title.

Madras Act
X of 1934.

2. In section 4 of the Madras Co-operative Land Mortgage Banks Act, 1934 (hereinafter referred to as the said Act)— Amendment
of section 4,
Madras Act
X of 1934.

(i) in sub-section (1), clause (a), after the word "transferred", the words, figures and letter "or deemed under the provisions of section 23-A to have been transferred" shall be inserted;

(ii) in sub-section (2), for the portion commencing with the words "the total amount due on the mortgages" and ending with the words "subsisting at that time", the following shall be substituted, namely :—

"the aggregate of (a) the amounts due on the mortgages, and the value of the other assets, transferred or deemed under the provisions of section 23-A to have been transferred by the mortgage banks to the Central Mortgage Bank and subsisting at such time and (b) the amounts paid under the mortgages aforesaid and remaining in the hands of the Board or of the Trustee at that time."

3. In section 5 of the said Act, after the word "transferred" in the second sentence, the words, figures and letter "or deemed under the provisions of section 23-A to have been transferred" shall be inserted. Amendment
of section 5,
Madras Act
X of 1934.

Insertion of new section 23-A in Madras Act X of 1934.

4. In Chapter V of the said Act, before section 24, the following section shall be inserted, namely :—

Mortgages executed in favour of mortgage bank, etc., to stand vested in Central Mortgage Bank.

“ 23-A. The mortgages executed in favour of, and all other assets transferred to, a mortgage bank by the members thereof shall, with effect from the date of such execution or transfer, be deemed to have been transferred by such mortgage bank to the Central Mortgage Bank.”

Amendment of section 31, Madras Act X of 1934.

5. In section 31 of the said Act, for the words “ Notwithstanding the transfer of a mortgage by a mortgage bank to the Central Mortgage Bank ”, the words, figures and letter “ Notwithstanding that a mortgage executed in favour of a mortgage bank has been transferred, or is deemed under the provisions of section 23-A to have been transferred, to the Central Mortgage Bank ” shall be substituted.

Substitution of new section for section 32, Madras Act X of 1934.

6. For section 32 of the said Act, the following section shall be substituted, namely :—

Special provisions for mortgages executed by managers of joint Hindu families, karnavans of Marumakkattayam tarwads or tavazhis or of Nambudri illoms, etc.

“ 32. (1) Where a mortgage executed in favour of a mortgage bank either before or after the passing of this Act is called in question on the ground that it was executed by the manager of a joint Hindu family or the karnavan of a Marumakkattayam tarwad or tavazhi or of a Nambudri illom, or the manager of a Thiyya or Ezhava family, or the ejaman or ejamanthi of an Aliyasantana family, for a purpose not binding on the members thereof, whether majors or minors, the burden of proving the same shall, notwithstanding any law to the contrary, be on the party raising it.

(2) A mortgage executed in favour of a mortgage bank by the manager of a joint Hindu family or the karnavan of a Marumakkattayam tarwad or tavazhi or of a Nambudri illom or the manager of a Thiyya or Ezhava family or the ejaman or ejamanthi of an Aliyasantana family shall be binding on the members thereof, whether majors or minors, if the loan secured by the mortgage was granted for any of the following purposes, namely :—

(a) the improvement of agricultural land or of the methods of cultivation ; and

(b) the purchase of land.”

7. After section 32 of the said Act, the following section shall be inserted, namely :—

Insertion of
new section
32-A in
Madras Act
X of 1934.

“32-A. Where a tenant in the district of Malabar mortgages his holding in favour of a mortgage bank, the following provisions shall apply so long as the mortgage subsists, notwithstanding anything to the contrary contained in the Malabar Tenancy Act, 1929, or in the Malabar Compensation for Tenants Improvements Act, 1899 :—

Special
provisions
for mort-
gages by
tenants in
Malabar.

Madras Act
XIV of
1930.

Madras Act
I of 1900.

(1) Both before and after granting the loan secured by the mortgage, the mortgage bank shall give notice in writing to the landlord of the tenant, and if such landlord is himself the tenant of another landlord, also to that landlord, and likewise to every superior landlord from whom interest in the holding is derived, up to and including the janmi.

(2) Every landlord to whom notice is given under clause (1) shall give not less than fifteen days' notice in writing to the mortgage bank before instituting a suit for bringing the holding of his tenant (whether such tenant be the mortgagor or a superior landlord) to sale for default in payment of rent or michavaram or for evicting such tenant from the holding.

(3) The tenant who has mortgaged the holding to the mortgage bank shall not, except with the previous permission of the bank, surrender his holding or any part thereof to his landlord or deal with it in any other manner, and no such transaction entered into by the tenant without such permission shall affect in any way the interest of the bank in the holding.

(4) In a suit for eviction instituted against the tenant who has mortgaged the holding to the mortgage bank, the bank shall, on application to the court in which the suit is instituted, be entitled to be paid out of the amount of compensation, if any, deposited in court under sub-section (1), (2) or (3) of section 6 of the Malabar Compensation for Tenants Improvements Act, 1899, the moneys due to the bank under the mortgage.

Madras Act
I of 1900.

(5) If, on the expiry of the tenancy of the tenant who has mortgaged the holding to the mortgage bank, the tenant does not renew the tenancy, the bank shall be entitled to obtain a renewal of the tenancy on behalf of the tenant and any renewal fee paid by the bank shall be added to the principal money due under the mortgage.

(6) If the tenant who has mortgaged the holding to the mortgage bank makes default in the payment of any rent or michavaram due to his landlord, the bank shall be entitled

to pay the same to the landlord and the amount so paid shall be added to the principal money due under the mortgage.

Explanation.—In so far as the rent or michavaram is payable in kind, the mortgage bank shall have the right to pay the value thereof calculated in accordance with sub-section (2) of section 51 of the Malabar Tenancy Act, 1929.

Madras Act
XIV of 1930.

(7) Where the mortgage bank pays any renewal fee, rent or michavaram under sub-section (5) or sub-section (6), it shall be entitled to regard the whole of the mortgage money as having become payable and, after giving a reasonable opportunity to the tenant to repay the whole of the said money or such portion thereof as may be determined by the bank, to bring the holding to sale under the provisions of Chapter IV of this Act.

Explanation.—In this section, the expressions ‘tenant’, ‘holding’, ‘landlord’, ‘janmi’, ‘rent’, ‘michavaram’, ‘renewal’ and ‘renewal fee’ shall have the same meaning as in the Malabar Tenancy Act, 1929.”

Madras Act
XIV of 1930.

Amendment
of section 38,
Madras Act
X of 1934.

8. In section 38, clause (c), of the said Act, after the word “transferred”, the words, figures and letter “or deemed under the provisions of section 23-A to have been transferred” shall be inserted.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. X OF 1950.

*[Received the assent of the President on the 15th July
1950, first published in the "Fort St. George Gazette"
on the 1st August 1950.]*

*An Act to make better provision for the administration of
village affairs by panchayats.*

WHEREAS it is expedient to make better provision in a
separate enactment for the administration of village affairs
by panchayats; It is hereby enacted as follows :—

CHAPTER I.—PRELIMINARY.

1. (1) This Act may be called the Madras Village Panchayats Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Madras except the City of Madras, the municipalities governed by the Madras District Municipalities Act, 1920, and the cantonments governed by the Cantonments Act, 1924.

Madras Act
V of 1920.
Central Act
II of 1924.

(3) It shall come into force on such date as the Government may, by notification in the *Fort St. George Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context—

Definitions.

(1) ' building ' includes a house, outhouse, stable, latrine, shed, hut, wall (other than a boundary wall not exceeding

PRICE, 15 annas.]

eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(2) 'casual vacancy' means a vacancy occurring otherwise than by efflux of time, and 'casual election' means an election held to fill a casual vacancy;

(3) 'Collector' means the Collector of the revenue district;

(4) 'company' means a company as defined in the Indian Companies Act, 1913, or formed in pursuance of an Act of Parliament of the United Kingdom or of Royal Charter or Letters Patent, or of an Act of the Legislature of a British Possession and includes any firm or association carrying on business in the State of Madras, whether incorporated or not, and whether its principal place of business is situated in the said State or not; Central Act VII of 1913.

(5) 'district board' means the body constituted for the local administration of a district under section 6, sub-section (1), of the Madras District Boards Act, 1920;

(6) 'election authority' means such authority, not being the president or vice-president or a member of the panchayat, as may be prescribed; Madras Act XIV of 1920.

(7) 'executive authority' means—

(i) in the case of a panchayat having an executive officer, the executive officer, and if there is no executive officer in charge, the president of the panchayat;

(ii) in the case of any other panchayat, the president thereof;

(8) 'executive officer' means the executive officer of a panchayat;

(9) 'Government' means the State Government;

(10) 'house' means a building or hut fit for human occupation, whether as a residence or otherwise, having a separate principal entrance from the common way, and includes any shop, workshop or warehouse or any building used for garaging or parking buses or as a bus-stand;

(11) 'hut' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made, which the panchayat may declare to be a hut for the purposes of this Act;

(12) 'Inspector' means the Inspector of Municipal Councils and Local Boards, and includes any officer who is authorized by the Government to exercise or perform any of the powers or duties of the Inspector under this Act;

(13) 'latrine' includes privy, water-closet and urinal;

(14) 'member' means a member of a panchayat;

(15) 'ordinary vacancy' means a vacancy occurring by efflux of time and 'ordinary election' means an election held to fill an ordinary vacancy;

(16) 'panchayat' means the body constituted for the local administration of a village under this Act;

(17) 'prescribed' means prescribed by the Government by rules made under this Act;

(18) 'president' means the president of a panchayat;

(19) 'private road' means any street, road, square, court, alley, passage, cart-track, footpath or riding-path which is not a 'public road', but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises;

(20) 'public road' means any street, road, square, court, alley, passage, cart-track, footpath or riding-path, over which the public have a right of way, whether a thoroughfare or not, and includes—

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such road, public bridge or causeway; and

(c) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not by any pavement, veranda or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the State or Central Government;

(21) a person is deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;

(22) 'revenue village' means any local area which is recognized as a village in the revenue accounts of Government after excluding therefrom the areas, if any, included in—

(a) the City of Madras including Fort St. George with the glacis;

(b) municipalities constituted under the Madras District Municipalities Act, 1920; and

(c) cantonments constituted under the Cantonments Act, 1924;

and includes a hamlet in existence at the commencement of this Act and notified by the Inspector to be a revenue village for the purposes of this Act;

(23) 'Scheduled Castes' shall have the same meaning as in the Constitution of India;

(24) 'unreserved forest' means a forest not notified under section 4 of the Madras Forest Act, 1882, and includes unreserved land at the disposal of the Government;

Madras Act
V of 1920.

Central Act
II of 1924.

Madras Act
V of 1882.

(25) 'village' means any local area which is declared to be a village under this Act;

(26) 'water-course' includes any river, stream or channel, whether natural or artificial;

(27) 'year' means the financial year.

CHAPTER II.—CONSTITUTION, GOVERNMENT AND CONTROL OF PANCHAYATS.

Power of
Inspector to
constitute
and alter
villages for
purposes of
the Act.

3. (1) The Inspector shall, as soon as may be after the commencement of this Act, by notification—

(i) declare every revenue village with a population of not less than five hundred to be a village for the purposes of this Act and specify the name of such village;

(ii) group a revenue village with a population of less than five hundred, with any contiguous revenue village or villages so that the total population of all the revenue villages so grouped is not less than five hundred, declare the revenue villages so grouped to be a village for the purposes of this Act, and specify the name of such village.

(2) (a) The Inspector may, by notification, exclude from a village any revenue village comprised therein, provided that the population of the village, after such exclusion, is not less than five hundred.

(b) In regard to any village so excluded, the Inspector shall take action under sub-section (1) according as it has a population of not less than five hundred or of less than five hundred, as the case may be.

(c) Before issuing a notification under clause (a) or under clause (b) read with sub-section (1), the Inspector shall give the panchayat or panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanation and objections, if any, of such panchayat or panchayats.

(3) The Inspector may pass such orders as he may deem fit—

(a) as to the disposal of the property vested in a panchayat which has ceased to exist, and the discharge of its liabilities;

(b) as to the disposal of any part of the property vested in a panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the panchayat relating to such property or arising from such local area.

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Inspector may deem necessary, and in particular may direct—

(i) that any tax, fee or other sum due to the panchayat or where a panchayat has ceased to exercise jurisdiction over any local area, such tax, fee or other sum due to the panchayat as relates to that area shall be payable to such authorities as may be specified in the order;

(ii) that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the panchayat ceased to exist or, as the case may be, on the date on which the panchayat ceased to exercise jurisdiction over the local area, shall be disposed of by such authorities as may be specified in the order.

4. (1) A panchayat shall be constituted for each village with effect from a date specified in that behalf in the notification issued under section 3, sub-section (1). **Constitution of panchayats for villages and their incorporation.**

(2) Subject to the provisions of this Act, the administration of the village shall vest in the panchayat but the panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or executive authority, or to the district board or any other authority.

(3) Every panchayat shall be a body corporate by the name of the village specified in the notification issued under section 3, shall have perpetual succession and a common seal, and, subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

5. (1) (a) The Government shall classify panchayats with jurisdiction over a population estimated at not less than five thousand and with an estimated annual income of not less than ten thousand rupees as Class I panchayats. **Classification of panchayats.**

(b) Other panchayats shall be known as Class II panchayats.

(2) The Government may alter the classification of a panchayat if in their opinion the panchayat satisfies or ceases to satisfy the conditions referred to in sub-section (1), clause (a)

(3) Any decision made by the Government under this section shall not be questioned in any Court of law.

6. (1) The total number of members of a panchayat, exclusive of its president shall be notified by the Inspector in accordance with such scale as may be prescribed with reference to population. **Strength of a panchayat.**

(2) The Inspector may, from time to time, by notification, alter the total number of members of a panchayat notified under sub-section (1).

(3) The number notified under sub-section (1) or the number as altered by notification under sub-section (2) shall not be less than five or more than fifteen.

**Elected
members.**

7. The members of the panchayat shall be elected in such manner as may be prescribed.

**Reservation
of seats for
members of
Scheduled
Castes.**

8. (1) In every panchayat, the Inspector may, subject to such rules as may be prescribed, by notification, reserve such number of seats, if any, as he thinks fit for the members of the Scheduled Castes, with due regard to their population in the village.

(2) Any reservation made under sub-section (1) shall have effect only until the first ordinary elections to the panchayat after the expiration of a period of ten years from the commencement of this Act.

(3) Nothing contained in sub-section (1) shall be deemed to prevent members of the Scheduled Castes for whom seats have been reserved in any panchayat, from standing for election to the non-reserved seats in the panchayat.

**Division
into wards.**

9. (1) For the purpose of electing members to a panchayat, the Inspector shall, after consulting the panchayat, by notification, divide the village into wards and determine the number of members to be returned by each ward.

(2) A Class I panchayat village shall be divided into not less than five wards and a Class II panchayat village shall be divided, if it has a population of 1,000 or less, into two wards and if it has a population of more than 1,000 into not more than five wards.

**Term of
office of
elected
members.**

10. (1) The term of office of the members of every panchayat who are elected at ordinary elections shall, save as otherwise expressly provided in, or may be prescribed under, this Act, be three years beginning at noon on the day on which the vacancies occur :

Provided that the Inspector may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the members of any panchayat as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.

(2) Ordinary vacancies in the office of an elected member of a panchayat shall be filled at ordinary elections which shall be fixed by the election authority to take place on such day or days within three months before the occurrence of the vacancies, as he thinks fit :

Provided that the Government may for sufficient cause direct or permit the holding of any ordinary election after the occurrence of the vacancy.

(3) (a) Every casual vacancy in the office of an elected member of a panchayat shall be reported by the executive authority to the election authority within such time as may be prescribed.

(b) A member elected in a casual vacancy shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(c) Unless the Inspector otherwise directs, no casual election shall be held to a panchayat within three months before the date of retirement of its members by efflux of time.

(4) Where the number of members of a panchayat is increased, the members elected for the additional seats or the members elected in their places in casual vacancies shall hold office until the date on which the members elected to the original seats at the ordinary elections immediately preceding, will vacate office.

11. (1) If at an ordinary or casual election, no person is elected to fill the vacancy or one or more of the vacancies, as the case may be, a fresh election shall be held on such day as the Inspector may fix.

(2) If at such fresh election also, no person is elected to fill the vacancy or any of the vacancies, as the case may be, the panchayat may, in the manner prescribed, elect a qualified person to fill such vacancy.

(3) The term of office of a member of a panchayat elected under this section, shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

12. (1) An electoral roll for each panchayat showing the names of persons qualified to vote at elections thereto, shall be prepared and published, and shall be revised, at such times, by such authority, and in such manner as may be prescribed.

(2) Every person whose name is included or who is qualified to be included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly which relates to the village or any portion thereof shall be entitled to be included in the electoral roll for the panchayat, and no other person shall be entitled to be included therein.

Explanation I.—Where in the electoral roll of any territorial constituency of the Madras Legislative Assembly, there is no distinct part relating to the village, the following persons shall be entitled to be included in the electoral roll for the Panchayat:—

(a) All persons who are entered in such roll under the registration area comprising such village and whose addresses as entered in such roll are situated in such village.

(b) All persons who are qualified to be included in such roll under the registration area aforesaid and who reside in such village.

Explanation II.—In this sub-section, the expression “territorial constituency” shall have the same meaning as in the law made under Article 327 or, as the case may be, under Article 328 of the Constitution of India.

Panchayat to elect members in certain cases and the term of office of such members.

Preparation and publication of electoral roll and qualifications for inclusion therein.

(3) The name of any person shall not be included in the electoral roll for a panchayat in more than one place.

(4) The electoral roll for the panchayat shall be divided into separate parts for each ward.

(5) Every person whose name appears in the electoral roll for the panchayat shall, so long as it remains in force and subject to any revision thereof which might have taken place and subject also to the other provisions of this Act, be entitled to vote at an election; and no person whose name does not appear in such roll shall vote at an election:

Provided that a person who is of unsound mind, a deaf-mute or a leper, shall not be entitled to vote at any election.

Qualifica-
tion of
candidates.

13. No person shall be qualified for election as a member of a panchayat unless his name appears on its electoral roll.

Disqualifi-
cation of
officers and
servants of
Government
and local
bodies.

14. (1) No village headman, karnam, or village servant and no other officer or servant of the State or Central Government or of a panchayat, district board, municipal council or the Corporation of Madras shall be qualified for election as a member or for holding office as an elected member.

(2) If any question arises either before or after an election, whether any person is or is not disqualified under this section, the question shall be referred to the Government whose decision shall be final.

Disqualifi-
cation of
persons
convicted
of election
offences.

15. Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a panchayat, for a period of five years from the date of his conviction or for such shorter period as the Court may by order determine.

Central Act
XLV of
1880.

Disqualifi-
cations of
candidates.

16. (1) A person who has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months for any offence other than an offence not involving moral delinquency (such sentence not having been reversed or the offence pardoned), shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration thereof:

Provided that the Government may direct that such sentence shall not operate as a disqualification.

(2) A person shall be disqualified for election as a member if, at the date of nomination or election, he is—

(a) of unsound mind, a deaf-mute or a leper;

(b) an applicant to be adjudicated an insolvent or an undischarged insolvent;

(c) interested in a subsisting contract made with, or any work being done for, the panchayat, except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act;

(d) employed as paid legal practitioner on behalf of the panchayat or as legal practitioner against the panchayat;

Central Act
V of 1898.

(e) an honorary Magistrate under the Code of Criminal Procedure, 1898, with jurisdiction over any part of the village;

(f) already a member of the panchayat whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the panchayat whose term of office has not yet commenced;

(g) the servant or employer or the official subordinate or official superior of a member holding office at the said date; or

(h) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired.

17. Subject to the provisions of section 19, a member shall cease to hold office as such if he—

Disqualifications of members.

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 16;

Provided that the Government may direct that such sentence shall not operate as a disqualification;

(b) becomes of unsound mind, a deaf-mute or a leper;

(c) applies to be adjudicated, or is adjudicated, an insolvent;

(d) acquires any interest in any subsisting contract made with, or work being done for, the panchayat except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act;

(e) is employed as paid legal practitioner on behalf of the panchayat, or accepts employment as legal practitioner against the panchayat;

(f) is appointed as an officer or servant under this Act;

Central Act
V of 1898.

(g) is appointed as an honorary Magistrate under the Code of Criminal Procedure, 1898, with jurisdiction over any part of the village;

(h) accepts employment under, or becomes the official subordinate of, any other member;

(i) ceases to reside in the village;

(j) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat within three months after a bill or notice has been served upon him in pursuance of rules made under this Act, or where in the

case of any arrear, such rules do not require the service of any bill or notice, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the executive authority of the panchayat to serve at the earliest possible date) has been duly served upon him by the executive authority;

(k) absents himself from the meetings of the panchayat for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under section 18, sub-section (1), as the case may be, or if within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said date :

Provided that no meeting from which a member absented himself shall be counted against him under this clause if—

(i) due notice of that meeting was not given to him; or

(ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meeting; or

(iii) the meeting was held on a requisition of members; or

(l) his removed from office under section 132, sub-section (4).

Restoration
of members
to office.

18. (1) Where a person ceases to be a member under section 15 or clause (a) of section 17, he shall be restored to office for such portion of the period for which he was elected, as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision, or the disqualification caused by the sentence is removed by an order of the Government; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(2) Where a person ceases to be a member under clause (k) of section 17, the executive authority shall at once intimate the fact in writing to such person and report the same to the panchayat at its next meeting. If such person applies for restoration *suo motu* to the panchayat on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the panchayat may at the meeting next after the receipt of such application restore him to his office of member :

Provided that a member shall not be so restored more than twice during his term of office.

Authority
to decide
questions of
disqualifi-
cation of
members.

19. (1) Whenever it is alleged that any person who has been elected as a member of a panchayat is not qualified or has become disqualified under section 13, 15, 16 or 17 and such person does not admit the allegation, or whenever any member is himself in doubt whether or not he is not qualified or

has become disqualified under section 15, 16 or 17, such member or any other member may, and the executive authority shall, on the direction of the panchayat or of the Inspector, apply to the prescribed judicial authority whose decision shall be final.

(2) Pending such decision, the member shall be entitled to act as if he is qualified or were not disqualified.

President and vice-president.

20. There shall be a president and a vice-president for every panchayat.

President and vice-president of panchayat.

21. (1) The president shall be elected by the persons whose names appear in the electoral roll for the panchayat, from among themselves.

Election and term of office of president.

If at an election held under this sub-section no president is elected, a fresh election shall be held :

Provided that no member shall be eligible to stand for election as president :

Provided further that a person who stands for election as president shall not be eligible to stand for election as a member.

(2) The election of the president may be held at the same times and in the same places as the ordinary elections of the members of the panchayat.

(3) Save as otherwise expressly provided in or prescribed under this Act, the term of office of the president who is elected at an ordinary election shall be three years beginning at noon on the day on which the vacancy occurs, and if such election is held after the occurrence of the vacancy, his term of office shall commence from the date of his election and expire at the time at which it would have expired if he had been elected before the occurrence of the vacancy.

(4) Subject to the provisions of sub-section (5), any casual vacancy in the office of the president shall be filled by a fresh election and a person elected as president in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(5) Unless the Inspector otherwise directs no casual vacancy in the office of the president shall be filled within three months before the date on which the ordinary election of the president under sub-section (1) is due.

(6) The provisions of sections 14 to 19 shall apply in relation to the office of the president as they apply in relation to the office of an elected member of the panchayat.

(7) The president shall be an *ex-officio* member of the panchayat and shall be entitled to vote at meetings of the panchayat.

Election of
vice-presi-
dent.

22. The vice-president shall be elected by the panchayat from among its members.

If at an election held under this section no vice-president is elected, a fresh election shall be held.

Cessation of
office of
president
and vice-
president.

23. The president or vice-president shall cease to hold office as such—

(a) in every case, on his election as president or vice-president of the district board or of any other panchayat in the district;

(b) in the case of the president, on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office;

(c) in the case of the vice-president, on the expiry of his term of office as a member or on his otherwise ceasing to be a member or on his election as president.

Functions
of the
president.

24. The president shall—

(a) make arrangements for the election of the vice-president;

(b) convene the meetings of the panchayat;

(c) have full access to the records of the panchayat;

(d) discharge all the duties and exercise all the powers specifically imposed or conferred on the president by this Act.

Devolution
and
delegation
of presi-
dent's
functions
and filling
up of
vacancies in
the office of
president.

25. (1) When the office of president is vacant, the vice-president shall exercise the functions of the president until a new president is declared elected and assumes office.

(2) If the president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions during such absence or incapacity shall, except in such circumstances as may be prescribed, devolve on the vice-president.

(3) When the office of president is vacant or the president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated and there is either a vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the functions of the president shall devolve on a member of the panchayat appointed by the Inspector in this behalf.

The member of the panchayat so appointed (who shall be styled the temporary president) shall perform the functions of the president subject to such restrictions and conditions as may be prescribed, until a new president or vice-president is



declared elected and assumes office, or either the president or the vice-president returns to jurisdiction or recovers from his incapacity, as the case may be.

(4) Any vacancy in the office of president shall be reported to the election authority, by such person and within such time as may be prescribed, and the election authority shall arrange for the election of the president.

(5) Subject to such rules as may be prescribed, the president may, by an order in writing, delegate any of his functions, with such restrictions and conditions as may be specified in the order, to the vice-president, or in case there is a vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, to any member.

(6) The reference to the president's functions in sub-sections (1), (2), (3) and (5) shall, where he is also the executive authority, be deemed to include a reference to his functions as executive authority.

(7) The president shall have power to control and revise the exercise or discharge of any functions devolving on the vice-president under sub-section (2) or delegated to the vice-president or any member under sub-section (5).

Members.

26. (1) Any member may call the attention of the executive authority to any neglect in the execution of panchayat work, to any waste of panchayat property or to the wants of any locality, and may suggest any improvements which may appear desirable.

Rights of individual members.

(2) Every member shall have the right to move resolutions and to interpellate the president on matters connected with the administration of the panchayat, subject to such rules as may be prescribed.

(3) Every member shall have access during office hours to the records of the panchayat after giving due notice to the executive authority, provided that the executive authority may, for reasons given in writing, forbid such access.

27. No president, vice-president or member shall receive, or be paid from the funds at the disposal of or under the control of the panchayat any salary or other remuneration for services rendered by him whether in his capacity as such or in any other capacity.

No president, vice-president or member to receive remuneration.

The executive officer.

28. (1) A whole-time executive officer shall be appointed by the Government for any panchayat which may be notified by them in this behalf.

Appointment of executive officers for certain panchayats.

(2) In the case of every panchayat not so notified and also in the case of any panchayat so notified, if there is no

executive officer in charge, the president of the panchayat shall, subject to such rules as may be prescribed, perform the functions of the executive officer.

(3) Save as otherwise prescribed, no executive officer appointed under sub-section (1) shall undertake any work unconnected with his office without the sanction of the Government.

(4) The panchayat shall pay the executive officer such salary and allowances as may from time to time be fixed by the Government.

(5) The panchayat shall also make—

(a) if the executive officer is in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government to be made by him or on his behalf;

(b) if the executive officer is not in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be prescribed in this behalf.

(6) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the executive officers appointed under sub-section (1).

29. The executive officer shall—

Functions
of executive
officer.

(a) have the right to attend the meetings of the panchayat or of any committee thereof and take part in the discussions thereat but without the right to move any resolution or to vote;

(b) attend any meeting of the panchayat or of any committee thereof if required to do so by the presiding officer.

Powers and duties of the executive authority.

30. The executive authority shall—

Functions of
executive
authority.

(a) carry into effect the resolutions of the panchayat:

Provided that where the president considers that a resolution has not been legally passed or is in excess of the powers conferred by this Act or that, if carried out, it is likely to endanger human life or health or the public safety, the executive authority shall refer the matter to the Government for orders, and their decision shall be final;

(b) control all the officers and servants of the panchayat;

(c) discharge all the duties and exercise all the powers specifically imposed or conferred on the executive authority by or under this Act and subject to all restrictions and conditions imposed by or under this Act, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes thereof.

31. The executive authority may in cases of emergency direct the execution of any work or the doing of any act which requires the sanction of the panchayat and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the panchayat fund :

Emergency powers of executive authority.

Provided that—

(a) he shall not act under this section in contravention of any order of the panchayat prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report the action taken under this section and the reasons therefor to the panchayat at its next meeting.

32. The Inspector may, by general or special order, authorize the Health Officer of a panchayat, or if there is no such officer, the Health Officer of the district, to exercise such of the functions of an executive authority under this Act in such area and subject to such restrictions and conditions and to such control and revision as may be specified in such order.

Exercise of functions of executive authority by Health Officer in certain cases.

33. Subject to such restrictions and control as may be prescribed, the executive authority may, by an order in writing, delegate any of his functions as such—

Delegation of functions of executive authority.

(i) if he is the president, to the vice-president and in the absence of the vice-president, to any other member;

(ii) if he is not the president, to the president; in the absence of the president, to the vice-president; and in the absence of both the president and the vice-president, to any other member.

The exercise or discharge of any functions so delegated shall be subject to such restrictions and conditions as may be laid down by the executive authority and shall also be subject to his control and revision.

Establishment.

34. (1) Subject to such rules as may be made under sub-section (2), the Inspector shall fix, and may alter, the number, designations and grades of, and the salaries, fees and allowances payable to, the officers and servants of every panchayat, other than the executive officer :

Officers and servants of panchayats.

Provided that in an emergency, the executive authority may, subject to such rules as may be prescribed, employ temporarily additional officers and servants.

(2) The Government shall have power to make rules regarding the authorities who may appoint the officers and servants of panchayats, other than the executive officers, and the classification, methods of recruitment, pay and allowances, discipline and conduct, and conditions of service of such officers and servants.

Such rules may provide for the constitution of any class of officers or servants of panchayats other than the executive officers into a separate service for the whole of the State.

(3) Two or more panchayats may, subject to such rules as may be prescribed, and shall if so required by any authority empowered in this behalf by rules, appoint the same officer or servant to exercise or discharge any powers or duties of a similar nature for both or all of them.

(4) Notwithstanding anything contained in this Act, the Madras District Municipalities Act, 1920, or the Madras District Boards Act, 1920, any officer or servant of a panchayat (including the executive officer) may be transferred—
Madras Act V of 1920.
Madras Act XIV of 1920.

(i) to the service of any other panchayat by the Inspector;

(ii) to the service of any district board constituted under the Madras District Boards Act, 1920, or of any municipality constituted under the Madras District Municipalities Act, 1920, by the Government :
Madras Act XIV of 1920.
Madras Act V of 1920.

Provided that no officer or servant (other than the executive officer) shall be so transferred except after consulting—

(a) the executive authorities of the panchayats concerned in cases falling under clause (i) of this sub-section ; and

(b) the district board or municipal council concerned and the executive authority of the panchayat in cases falling under clause (ii) of this sub-section.

Any authority making a transfer under this sub-section may issue such general or special directions as may in its opinion be necessary for the purpose of giving due effect to such transfer.

(5) The Inspector may recover from a panchayat the whole or such proportion of the salary and allowances paid to any officer or servant of the panchayat other than the executive officer, and such contribution towards his leave allowances, pension and provident fund, as the Government may, by general or special order determine, in the following cases, namely :—

(a) where such officer or servant was appointed to the service of the panchayat by the Government; and

(b) where such officer or servant is a servant of the Government.

(6) All officers and servants of the panchayat shall be subordinate to the executive authority, and save as otherwise provided in this Act or in the rules made thereunder and subject to such restrictions and control and such rights of appeal as may be prescribed in such rules, the executive authority may—

(a) appoint all officers and servants of the panchayat;

(b) grant leave to any such officer or servant; and

(c) for any good and sufficient reason, censure, fine, withhold increments or promotion from, reduce to a lower rank in the seniority list or to a lower post or time-scale or to a lower stage in a time-scale, suspend, remove or dismiss any such officer or servant.

Madras Act
III of 1939.

(7) The provisions of this section shall also apply to the public health establishments of panchayats, notwithstanding anything contained in the Madras Public Health Act, 1939.

(8) (i) Notwithstanding anything contained in this Act, and subject to such rules as may be prescribed, the Inspector may—

(a) appoint such engineering and other staff as he considers necessary for the purposes of any panchayat and recover from it the salary and allowances paid to the members of such staff and such contribution towards their leave allowances, pension and provident fund as he may, by general or special order, determine;

(b) appoint a common engineering or other staff for the purposes of two or more panchayats and recover from each of the panchayats concerned such proportion of the salary and allowances paid to the members of such staff and such contribution towards their leave allowances, pension and provident fund as he may, by general or special order, determine.

(ii) The pay and allowances and conditions of service of any member of the staff appointed under clause (i) shall be such as may be prescribed.

Procedure.

35. (1) Every meeting of a panchayat shall be presided over by the president, in his absence, by the vice-president, and in the absence of both the president and the vice-president, by a member chosen by the meeting to preside for the occasion. ^{Presidency at meetings.}

(2) The president shall preserve order and decide all points of order arising at or in connexion with meetings. There shall be no discussion on any point of order and the decision of the president on any point of order shall, save as otherwise expressly provided in this Act, be final.

(3) A vice-president or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the president.

36. A copy of the minutes of the proceedings at every meeting of a panchayat as well as of all minutes of dissent in respect of such proceedings received from any member (other than the president) present at the meeting, within 48 hours of the close thereof, shall be submitted by the president within three days of the date of the meeting to the Inspector : ^{Minutes of proceedings.}

Provided that the Inspector may direct that such minutes shall be submitted either generally or in any specified classes of cases to any officer empowered by him in this behalf.

**Power of
panchayat
to call for
records.**

37. A panchayat may require the executive authority to produce any document which is in his custody and he shall, subject to such rules as may be prescribed, comply with every such requisition.

**Proceedings
of pancha-
yats and
committees.**

38. (1) The proceedings of every panchayat and of all committees thereof shall be governed by such rules as may be prescribed and by regulations, not inconsistent with such rules or the provisions of this Act, made by the panchayat with the approval of the Inspector.

(2) The Inspector shall have power to add to, omit, or alter any regulations submitted for his approval under sub-section (1).

(3) The rules referred to in sub-section (1) may provide for preventing any member or president or any member or chairman of a committee from voting on, or taking part in the discussion of, any matter in which apart from its general application to the public, he has any direct or indirect pecuniary interest, whether by himself or through some other person, or from being present or presiding at any meeting of the panchayat or of the committee during the discussion of any such matter.

**Appoint-
ment of
joint com-
mittees.**

39. (1) A panchayat may, and if so required by the Inspector shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose for which they are jointly responsible.

(2) The constitution, powers and procedure of a joint committee and the method of settling differences of opinion arising in connexion with the committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

**Administra-
tion report.**

40. (1) Every panchayat shall submit to the Inspector a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details, and through such authority as may be prescribed.

(2) The report shall be prepared by the executive authority and the panchayat shall consider it and forward the same to the Inspector with its resolutions thereon, if any.

(3) The Inspector shall submit to the Government a general report on the administration of panchayats in the State during the year.

Validation of proceedings.

41. No act of a panchayat or of a committee thereof or of any person acting as president, vice-president, chairman or member of such panchayat or committee shall be deemed to be invalid by reason only of a defect in the establishment of such panchayat or committee, or on the ground that the president, vice-president, chairman or any member of such panchayat or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election, or by reason of such act having been done during the period of any vacancy in the office of president, vice-president, chairman or member of such panchayat or committee.

Acts of panchayats, etc., not to be invalidated by informality, vacancy, etc.

Control.

42. (1) The Inspector shall supervise the administration of all panchayats in the State and shall also exercise the powers and perform the duties vested in him by or under this Act. He shall be assisted by one or more Regional Inspectors appointed by the Government.

Inspecting and superintending officers and their Government's powers.

(2) (a) The Government may appoint such other officers as they may consider necessary for the purpose of inspecting or superintending the operations of all or any of the panchayats constituted under this Act.

(b) In particular and without prejudice to the generality of the foregoing provision, the Government may appoint one or more District Panchayat Officers and one or more Deputy Panchayat Officers for each revenue district.

(c) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers referred to in clauses (a) and (b) and of the members of their establishment.

(3) The cost of the officers and the members of the establishment aforesaid shall be paid out of the Consolidated Fund of the State.

(4) The District and the Deputy Panchayat Officers shall exercise such powers and perform such duties as may be prescribed, or as may be delegated to them under this Act.

(5) The Inspector or the Collector or any officer appointed under sub-section (1) or any other officer or person whom the Government, or the Inspector or the Collector may empower in this behalf, may enter on and inspect, or cause to be entered on and inspected—

(a) any immovable property, or any work in progress, under the control of any panchayat or executive officer;

(b) any school, hospital, dispensary, vaccination station, choultry or other institution maintained by, or under the control of, any panchayat and any records, registers or other documents kept in such institution;

(c) the office of any panchayat and any records, registers or other documents kept therein.

Panchayats and their presidents, executive authorities, officers and servants shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to panchayat property or premises and to all documents as may, in the opinion of such officers or persons, subject to such rules as may be prescribed, be necessary to enable them to discharge their duties under this section.

(6) The Inspector or any officer or person whom the Government, or the Inspector may empower in this behalf may—

(a) direct the panchayat to make provision for and to execute or provide any public work or amenity, or service of the description referred to in section 50 ;

(b) call for any record, register or other document in the possession, or under the control, of any panchayat or executive authority;

(c) require any panchayat or executive authority to furnish any return, plan, estimate, statement, account or statistics;

(d) require any panchayat or executive authority to furnish any information or report on any matter connected with such panchayat;

(e) record in writing for the consideration of any panchayat or executive authority any observations in regard to its or his proceedings or duties.

Power to
suspend
or cancel
resolution,
etc., under
the Act.

43. (1) The Inspector may, by order in writing,—

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted, or

(ii) prohibit the doing of any act which is about to be done or is being done,

in pursuance or under colour of this Act if, in his opinion,—

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized, or

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law or an abuse of such powers or is considered by the Inspector to be otherwise undesirable, or

(c) the execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray :

Provided that nothing in this sub-section shall enable the Inspector to set aside an election which has been held.

(2) The Inspector shall, before taking action on any of the grounds referred to in clauses (a) and (b) of sub-section (1), give the authority or person concerned an opportunity for explanation.

(3) The power conferred on the Inspector under clause (c) of sub-section (1) may be exercised by the Collector in accordance with the provisions of that clause.

44. Subject to such control as may be prescribed, the Inspector or the Collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which a panchayat or executive authority is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the panchayat fund in priority to any other charge against such fund except charges for the service of authorized loans.

Central
Act XI of
1910.

Central Act
LIV of 1948.

45. The administration by a panchayat of any undertaking for the generation, transmission, supply or use of electrical energy shall be subject to such control as may be prescribed, not inconsistent with the Indian Electricity Act, 1910, or the Electricity (Supply) Act, 1948, as in force for the time being, the rules made under those Acts, and the terms of the licence granted under them to the panchayat.

46. (1) If at any time it appears to the Inspector that a panchayat, president or executive authority has made default in performing any duty imposed by or under this or any other Act, he may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Inspector may appoint some person to perform it, and may direct that the expense of performing it shall be paid by the person having the custody of the panchayat fund in priority to any other charges against such fund except charges for the service of authorized loans.

47. (1) The Inspector may, by notification and with effect from a date to be specified therein, remove any president or vice-president who, in his opinion, wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations or lawful orders issued thereunder, or abuses the powers vested in him.

(2) The Inspector may, by notification and with effect from a date to be specified therein, remove any member who, in his opinion, is guilty of any misconduct in the discharge of his duties.

(3) The Inspector shall, when he proposes to take action under sub-section (1) or (2), give the president, vice-president or member concerned an opportunity for explanation, and the notification issued shall contain a statement of the reasons for the action taken.

(4) The Government shall have power to cancel any notification issued under sub-section (1) or (2) and may, pending a decision on the question of such cancellation, postpone the date specified in such notification.

(5) Any person in respect of whom a notification has been issued under sub-section (1) or (2) removing him from the office of president, vice-president or member shall, unless the notification is cancelled under sub-section (4), be ineligible for election as president or vice-president or for election as member or from holding any of those offices until the date on which notice of the next ordinary elections to the panchayat is published in the prescribed manner, or the expiry of one year from the date specified in such notification as postponed by the order, if any, issued under sub-section (4), whichever is earlier.

**Dissolution
and super-
session of
panchayats.**

48. (1) If, in the opinion of the Government, a panchayat is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, they may, by notification—

(a) direct that the panchayat be dissolved with effect from a specified date and reconstituted either immediately or with effect from another specified date, or

(b) supersede the panchayat for a period not exceeding one year from a specified date.

(2) Nothing contained in sub-section (1) shall affect the continuance in office of the president during the period of dissolution or supersession of the panchayat.

(3) Before publishing a notification under sub-section (1), the Government shall communicate to the panchayat the grounds on which they propose to do so, fix a reasonable period for the panchayat to show cause against the proposal, and consider its explanations and objections, if any.

(4) On the date fixed for the dissolution or supersession of a panchayat under sub-section (1), all its members as well as its vice-president shall forthwith be deemed to have vacated their offices as such.

(5) During the interval, if any, between the dissolution and the reconstitution of a panchayat or during the period of its supersession, as the case may be, the president shall exercise and discharge the powers and duties of the panchayat as far as may be and to such extent as the Government may determine in that behalf. In case the office of president is

vacant on the date of dissolution or supersession of the panchayat or falls vacant before the reconstitution of the panchayat, the Inspector may appoint a person to exercise the powers and discharge the duties of the panchayat and of its president including where the president is also the executive authority, his powers and duties as such until the reconstitution of the panchayat. Any person other than the executive officer who is so appointed may, if the Inspector so directs, receive payment for his services from the panchayat.

(6) The members, other than the president, of a reconstituted panchayat shall enter upon their offices on the date fixed for its reconstitution and their term of office shall expire in such year and on such date as the Government may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any panchayat in the same district. The date so fixed shall not be later than the 31st day of December.

(7) When a panchayat is dissolved or superseded under this section, the Government until the date of the reconstitution thereof, and the reconstituted panchayat thereafter, shall be entitled to all the assets and be subject to all the liabilities of the panchayat as on the date of the dissolution or supersession and on the date of the reconstitution respectively.

49. The Government, the Inspector or any other person lawfully taking action on behalf, or in default, of a panchayat under this Act, shall have such powers as are necessary for the purpose and shall be entitled to the same protection under this Act as the panchayat or its officers or servants whose powers are exercised; and compensation shall be recoverable from the panchayat fund by any person suffering damage from the exercise of such powers to the same extent, as if the action had been taken by the panchayat or its officers or servants.

Powers of officers acting for, or in default of, panchayat and liability of panchayat fund.

CHAPTER III.—FUNCTIONS, POWERS AND PROPERTY OF PANCHAYATS.

50. Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the village in respect of the following matters, namely:—

Duty of panchayat to provide for certain matters.

(a) the construction, repair and maintenance of all public roads in the village (other than district roads and roads which are classified by the Government as national and State highways) and of all bridges, culverts, road-dams and causeways on such roads;

(b) the lighting of public roads and public places;

(c) the construction of drains and the disposal of drainage water and sullage;

(d) the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, and other improvements of the sanitary condition of the village;

(e) the provision of public latrines and arrangements to cleanse latrines whether public or private;

(f) the opening and maintenance of burial and burning grounds;

(g) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for washing and bathing purposes and of protected water for drinking purposes;

(h) preventive and remedial measures connected with any epidemic, or with malaria.

Power of
panchayat
to provide
for certain
other
matters.

51. Subject to the provisions of this Act and the rules made thereunder, a panchayat may also make such provision as it thinks fit for carrying out the requirements of the village in respect of the following matters, namely :—

(a) the planting and preservation of trees on the sides of public roads in the village not being district roads or roads classified by the Government as national or State highways;

(b) the opening and maintenance of public markets other than markets which are classified as district markets;

(c) the control of fairs and festivals other than those classified as district fairs and festivals;

(d) the opening and maintenance of public landing places, halting places and cart-stands and of public cattle-sheds;

(e) the opening and maintenance of public slaughter-houses;

(f) the establishment and maintenance of choultries other than those classified as district choultries;

(g) the extension of village-sites and the regulation of building;

(h) the registration of births and deaths;

(i) improvements of agriculture and agricultural stock and the holding of agricultural shows;

(j) the promotion and encouragement of cottage industries;

(k) the opening and maintenance of elementary schools;

(l) the opening and maintenance of reading rooms and of libraries which are not classified as district libraries;

(m) the establishment and maintenance of wireless receiving sets, playgrounds, sports clubs and centres of physical culture;

(n) the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners;

(o) the establishment and maintenance of maternity and child-welfare centres;

(p) veterinary relief;

(q) other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the village.

52. Subject to the provisions of this Act and the rules made thereunder, two or more panchayats may establish and maintain common dispensaries, child-welfare centres and institutions of such other kind as may be prescribed.

Maintenance of common dispensaries, child-welfare centres, etc.

53. (1) (a) All unreserved forests in the village at the commencement of this Act shall vest in the panchayat and be administered by it for the benefit of the villagers.

(b) In respect of every forest so vested, the panchayat shall, if so required by the Collector, pay to the Government such rent as the Collector may, from time to time, subject to the control of the Board of Revenue, fix in this behalf.

Transfer to panchayats of unreserved forests and other institutions or works.

(2) (a) If the Revenue Divisional Officer is of opinion that a panchayat is not administering properly a forest vesting in it under sub-section (1), he may, by order, withdraw such forest from the control of the panchayat for such period as may be specified in the order, not exceeding the period, if any, prescribed in this behalf.

(b) The Revenue Divisional Officer may, from time to time, by order, extend the period specified in any order issued under clause (a).

(c) Before issuing an order under clause (a) or (b), a reasonable opportunity shall be given to the panchayat to show cause against such issue.

(d) Where an order is issued under clause (a) or (b), the panchayat concerned may, within three months of the service of the order, appeal against it to the Collector; and the Collector may confirm, modify or reverse the order.

(3) The Board of Revenue may, in its discretion, at any time, either *suo motu* or on application, call for and examine the record of any order issued by the Revenue Divisional Officer or the Collector under sub-section (2) for the purpose of satisfying itself as to the legality or propriety of such order, and may pass such order in reference thereto as it thinks fit.

(4) Subject to such rules as may be prescribed, the Government, the Board of Revenue, the Collector or Revenue Divisional Officer, the district board or its executive authority, or any person or body of persons, may transfer to the panchayat, with its consent and subject to such conditions as may be agreed upon, the management of any institution, or the execution or maintenance of any work, or the exercise of

any power or the discharge of any duty, whether within or without the village, and whether provided for in this Act or not.

Power of Board of Revenue to transfer or resume control of endowments and inams.

54. (1) (a) Subject to the control of the Government, the Board of Revenue may, by notification, make over to a panchayat, with its consent, the management and superintendence of any charitable endowment in respect of which powers and duties attach to the Board of Revenue under the provisions of the Madras Endowments and Escheats Regulation, 1817; and thereupon all powers and duties attaching to the Board of Revenue in respect thereof shall attach to the panchayat as if it had been specially named in the said Regulation, and the panchayat shall manage and superintend such endowment. Madras Regulation VII of 1817.

(b) The Board of Revenue may of its own motion, and shall on a direction from the Government, by notification, resume the management and superintendence of any endowment made over to a panchayat under clause (a) and upon such resumption, all the powers and duties attaching to the panchayat in respect of the endowment shall cease and determine.

(2) The Government may assign to a panchayat with its consent, a charitable inam resumed by the Government or any other authority, provided that the net income from such inam can be applied exclusively to any purpose to which the funds of such panchayat may be applied; and may revoke any assignment so made.

Limitation of power to accepting donations and trusts.

55. A panchayat may accept donations for, or trusts relating exclusively to, the furtherance of any purpose to which its funds may be applied.

Vesting of public roads in panchayats.

56. (1) All public roads in any village (other than district roads and roads which are classified by the Government as national or State highways), shall vest in the panchayat together with all pavements, stones and other materials thereof, all works, materials and other things provided therefor, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the panchayat fund or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

(2) The Government may, by notification, exclude from the operation of this Act any such public road, sewer, drain, drainage work, tunnel or culvert, and may also modify or cancel such notification.

Collected sewage, etc., to belong to panchayat.

57. All rubbish, sewage, filth and other matter collected by a panchayat under this Act shall belong to it.

Vesting of communal property or income in panchayat.

58. Any property or income which by custom belongs to, or has been administered for the benefit of, the villagers in common, or the holders in common of village land generally or of lands of a particular description or of lands under a

particular source of irrigation shall vest in the panchayat and be administered by it for the benefit of the villagers or holders aforesaid.

59. (1) Subject to such conditions and control as may be prescribed, the Government may transfer to any panchayat the protection and maintenance of any village irrigation work, the management of turns of irrigation, or the regulation of distribution of water from any irrigation work to the fields depending on it.

Power of panchayats to execute kudimaramat and levy fees for the purpose.

(2) The panchayat shall have power, subject to such restriction and control as may be prescribed, to execute kudimaramat in respect of any irrigation source in the village and to levy such fee and on such basis for the purposes thereof as may be prescribed :

Provided that nothing contained in this section shall be deemed to relieve the village community or any of its members of its or his liability under the Madras Compulsory Labour Act, 1858, in respect of any irrigation source in the village, in case the panchayat makes default in executing the kudimaramat in respect of that irrigation source.

Central Act
I of 1858.

60. (1) The provisions of this section shall apply only in ryotwari tracts.

Panchayat to regulate the use of certain porambokes in ryotwari tracts.

(2) The panchayat shall have power, subject to such restrictions and control as may be prescribed, to regulate the use of the following porambokes, namely, grazing grounds, threshing floors, burning and burial grounds, cattle-stands, cart-stands and topes, provided the porambokes are at the disposal of the Government.

(3) The Collector after consulting the panchayat, may, by notification, exclude from the operation of this Act any poramboke referred to in sub-section (2), and may also modify or cancel such notification.

(4) The panchayat shall also have power, subject to such restrictions and control as may be prescribed, to regulate the use of any other poramboke which is at the disposal of the Government, if the panchayat is authorized in that behalf by an order of the Government.

(5) The panchayat may, subject to such restrictions and control as may be prescribed, plant trees on any poramboke the use of which is regulated by it under sub-section (2) or sub-section (4).

Madras Act
I of 1908.

61. (1) In estates governed by the Madras Estates Land Act, 1908, notwithstanding anything contained in that Act, the panchayat shall have power subject to such restrictions and control as may be prescribed—

Panchayat to regulate the use of certain communal lands in estates governed by the Madras Estates Land Act, 1908.

(a) to regulate the use of lands which are set apart for any of the purposes referred to in sub-clause (b) of clause (16)

of section 3 of the said Act, namely, threshing floors, cattle-stands, village-sites and other lands situated in the village which are set apart for the common use of the villagers;

(b) to exercise the power vested in the District Collector by section 20-A of the said Act, namely, to direct that any land referred to in clause (a) which is no longer required for its original purpose shall be used for any other specified communal purpose, provided that the sanction of the District Collector is obtained therefor; and

(c) to plant trees on any land the use of which is regulated by the panchayat under clause (a).

Nothing contained in clause (b) shall be deemed to affect in any way the operation of the provisos to sub-section (1) of the said section 20-A.

(2) After an estate ceases to be governed by the Madras Estates Land Act, 1908, the provisions of sub-section (1) shall apply to the lands referred to in that sub-section, to such extent and with such modifications, as may be prescribed. Madras Act I of 1908.

Immovable property required by panchayats may be acquired under the Land Acquisition Act, 1894

62. Any immovable property which any panchayat is authorized by this Act or any rules made thereunder to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act, in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the panchayat. Central Act I of 1894.

CHAPTER IV.—TAXATION AND FINANCE.

Taxes which may be levied by panchayats.

63. (1) Every panchayat shall levy in the village a house-tax, a profession-tax and a vehicle tax.

(2) A duty shall also be levied in every village on certain transfers of property in accordance with the provisions of section 67.

(3) Subject to such rules as may be prescribed and with the sanction of the Inspector and subject to such restrictions and conditions, if any, as may be imposed by him either at the time of granting sanction or later, the panchayat may also levy in the village—

(a) a land-cess at the rate of three pies in the rupee on the annual rent value of all occupied lands which are not occupied by, or adjacent and appurtenant to, buildings;

(b) a tax on agricultural land for a specific purpose;

(c) fees on any commercial crop bought and sold in the village, not being a crop on which fees are levied in the village by a market committee under section 11 of the Madras Commercial Crops Markets Act, 1933. Madras Act XX of 1933.

Explanation.—For the purposes of this clause, 'commercial crop' shall have the same meaning as in section 2 (i-a) of the Madras Commercial Crops Markets Act, 1933. Madras Act XX of 1933.

(4) Clause (c) of sub-section (3) shall have effect subject to the provisions of Article 286 of the Constitution of India.

64. (1) The house-tax referred to in section 63, sub-section (1), shall be levied on all houses (other than huts) in the village on any one of the following bases, namely, (a) annual value, (b) capital value, or (c) such other basis as may be prescribed. House-tax.

(2) The house-tax shall, subject to the prior payment of the land revenue, if any, due to the Government in respect of the site of the house, be a first charge upon the house and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

(3) The house-tax shall be levied every half-year at such rates as may be fixed by the panchayat, not being less than the minimum rates and not exceeding the maximum rates, prescribed in regard to the basis of levy adopted by the panchayat.

(4) The Government may make rules providing for—

(i) the exemption of specified classes of houses from the tax;

(ii) the manner of ascertaining the annual or capital value of houses or the categories into which they fall for the purposes of taxation;

(iii) the persons who shall be liable to pay the tax and the giving of notices of transfer of houses;

(iv) the grant of exemptions from the tax on the ground of poverty;

(v) the grant of vacancy and other remissions;

(vi) the circumstances in which, and the conditions subject to which, houses constructed, reconstructed or demolished, or situated in areas included in, or excluded from, the village, during any half-year, shall be liable or cease to be liable to the whole or any portion of the tax.

(5) If the occupier of a house pays the house-tax on behalf of the owner thereof, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

65. (1) The profession-tax referred to in section 63, sub-section (1), shall, subject to such rules as may be prescribed, be levied every half-year in every village on— Profession-tax.

(i) every company which transacts business in such village for not less than sixty days in the aggregate in that half-year; and

(ii) every person who, in that half-year—

(a) exercises a profession, art or calling or transacts business or holds any appointment, public or private—

(i) within such village for not less than sixty days in the aggregate, or

(ii) without such village, but who resides in it for not less than sixty days in the aggregate, or

(b) resides in such village for not less than sixty days in the aggregate and is in receipt of any pension or income from investments.

(2) The profession-tax shall be levied at such rates as may be fixed by the panchayat, not being less than such minimum rates and not exceeding such maximum rates as may be prescribed.

(3) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(4) If a company or person proves that it or he has paid the sum due on account of the profession-tax levied under this Act, or the companies or profession-tax levied under the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, or any tax of the nature of a profession-tax imposed under the Cantonments Act, 1924, for the same half-year to any panchayat or municipal council or cantonment authority in the State of Madras, such company or person shall not be liable by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence to pay to any other panchayat, municipal council or cantonment authority more than the difference between such sum and the amount to which it or he is otherwise liable for the profession or companies tax for the half-year under this Act or any of the aforesaid Acts.

Madras Act
IV of 1919.
Madras Act
V of 1920.
Central Act
II of 1924.

(5) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities liable to profession-tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final :

Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the Government shall be subject to the concurrence of the Central Government.

(6) The profession-tax leviable from a firm, association or joint Hindu family may be levied from any adult member of the firm, association or family.

(7) (a) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in any local area, such company or person shall be deemed to transact business in the local area and such servant or agent shall be liable for the profession-tax in respect of the business of such company or person whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

(b) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession-tax on the same income as that of the principal.

66. The vehicle tax referred to in section 63, sub-section (1), shall, subject to such rules as may be prescribed including rules relating to exemptions and restrictions, be levied every half-year on all vehicles kept or used within the village at such rates as may be fixed by the panchayat not being less than the minimum rates and not exceeding the maximum rates prescribed. Vehicle tax.

Explanation.—In this section, ‘vehicle’ means a conveyance suitable for use on roads and includes any kind of tram car, carriage, cart, wagon, bicycle, tricycle, and rickshaw, but does not include a motor vehicle as defined in the Motor Vehicles Act, 1939.

Central Act
IV of 1939.

67. (1) The duty on transfers of property shall be levied— Duty on
transfers of
property.

Central Act
II of 1899.

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the State of Madras, on every instrument of the description specified below, which relates to immovable property situated in the area under the jurisdiction of a panchayat; and

(b) at such rate as may be fixed by the Government, not exceeding five per centum on the amount specified below against such instrument.

Description of instrument.	Amount on which duty should be levied.
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property.	The value of the property of the greatest value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property, as set forth in the instrument.
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage as set forth in the instrument.
(v) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument.

(2) On the introduction of the duty aforesaid—

(a) section 27 of the said Indian Stamp Act shall be read as if it specifically required the particulars to be set forth separately in respect of property situated in the area under the jurisdiction of a panchayat and in respect of property situated outside such area;

(b) section 64 of the same Act shall be read as if it referred to the panchayat as well as the Government.

(3) The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the panchayat and the deduction of any expenses incurred by the Government in the collection thereof.

Power to
write off
irrecoverable
amounts.

68. Subject to such restrictions and control as may be prescribed, a panchayat may write off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connexion therewith, if in its opinion such tax, fee, amount or sum is irrecoverable :

Provided that where the Collector or any of his subordinates is responsible for the collection of any tax, fee or other amount due to a panchayat, the power to write off such tax, fee or amount or any sum payable in connexion therewith, on the ground of its being irrecoverable, shall be exercised by the Board of Revenue or subject to its control, by the Collector or any officer authorized by him.

Power to
require
village head-
man to
collect taxes
and fees due
to pancha-
yats.

69. Subject to such rules as may be prescribed, the executive authority shall have power to require the village headman having jurisdiction over the village or any part thereof to collect any tax or fee due to the panchayat on payment of such remuneration not exceeding $6\frac{1}{4}$ per cent of the gross sum collected by the headman as the Collector may, by general or special order, determine.

Panchayat
fund.

70. (1) All moneys received by the panchayat shall constitute a fund called the panchayat fund, and shall be applied and disposed of in accordance with the provisions of this Act and other laws :

Provided that the panchayat shall have power, subject to such rules as may be prescribed, to direct that the proceeds of any tax or additional tax levied under this Act shall be earmarked for the purpose of financing any specific public improvement. A separate account shall be kept of the receipts from every such tax or additional tax and the expenditure thereof.

(2) The receipts which shall be credited to the panchayat fund shall include—

(i) the house-tax, the profession-tax, the vehicle tax and any other tax or any cess or fee, levied under section 63 of this Act;

(ii) the proceeds of the duty on transfers of property levied under section 67 of this Act;

Madras Act XIV of 1920. (iii) one-fourth of the land-cess levied in the village under section 78 of the Madras District Boards Act, 1920;

Madras Act XIV of 1920. (iv) the pilgrim tax levied in respect of the village under section 110 of the Madras District Boards Act, 1920, except where the occasion for pilgrimage is a festival classified as a district festival;

Madras Act XX of 1933. (v) any payments made to the panchayat by a market committee in pursuance of section 11, sub-section (3), of the Madras Commercial Crops Markets Act, 1933;

Madras Act III of 1939. (vi) the taxes and tolls levied in the village under sections 117 and 118 of the Madras Public Health Act, 1939;

(vii) the contribution paid by the district board on the scale fixed by the Government in respect of markets in the village classified as district markets and in respect of ferries under the management of the district board;

(viii) fees for the temporary occupation of village sites, roads and other similar public places or parts thereof in the village;

(ix) fees levied by the panchayat in pursuance of any provision in this Act or any rule or order made thereunder;

(x) the contribution, if any, paid by the district board on the scale fixed by the Government for the opening and maintenance of elementary schools in the village;

(xi) income from endowments and trusts under the management of the panchayat;

(xii) the net assessment on service inams which are resumed by the Government after the commencement of this Act;

(xiii) income derived from village fisheries;

(xiv) income derived from ferries under the management of the panchayat;

(xv) unclaimed deposits and other forfeitures;

(xvi) a sum equivalent to the seigniorage fees collected by the Government every year from persons permitted to quarry for road materials in the village;

(xvii) all income derived from porambokes the user of which is vested in the panchayat;

(xviii) where the village is in a ryotwari tract, all income derived from trees standing on porambokes although the user of the porambokes is not vested in the panchayat;

(xix) income from leases of Government property obtained by the panchayat;

(xx) a sum equivalent to nine-tenths of the gross income derived by the Government every year from fines imposed by Magistrates in respect of offences committed in

the village under this Act or any rule or by-law made thereunder or any other provision of law which is prescribed in this behalf;

(xxi) grants received from the Government;

(xxii) all sums other than those enumerated above which arise out of, or are received in aid of or for expenditure on, any institutions or services maintained or financed from the panchayat fund or managed by the panchayat.

Grants by
Government
to Class II
panchayats

71. The Government shall set apart every year a sum not being less than twelve and a half per cent of the total land revenue (including water-cess) collected in the State during that year and distribute such sum in the prescribed manner as grants to Class II panchayats on the basis of their population.

Expenditure
from pan-
chayat fund.

72. (1) The purposes to which the panchayat fund may be applied include all objects expressly declared obligatory or discretionary by this Act or any rules made thereunder or by any other laws or rules and the fund shall be applicable thereto within the village subject to such rules or special orders as the Government may prescribe or issue and shall, subject as aforesaid, be applicable to such purposes outside the village if the expenditure is authorized by this Act or specially sanctioned by the Inspector.

(2) (a) It shall be the duty of every panchayat to provide for the payment of—

(i) any amounts falling due on any loans contracted by it;

(ii) the election expenses including the cost of the preparation and revision of the electoral roll, the conduct of elections to the panchayat, and the maintenance of the election establishment;

Explanation.—The cost of maintenance of the election establishment shall include the pay, pension and leave allowances, if any, of the officers and servants of the Government or of any other authority, employed in the preparation and revision of the electoral roll and in the conduct of the elections;

(iii) the salaries and allowances and the pensions, pensionary contributions and provident fund contributions of its officers and servants;

(iv) sums due under any decree or order of a Court; and

(v) any other expenses rendered obligatory by or under this Act or any other law.

(b) The Government shall determine every year the amount of the election expenses referred to in sub-clause (ii) of clause (a) and their determination shall be final and binding on the panchayat. Such amount shall have priority over

all other charges except charges for the service of authorized loans including the loans and advances referred to in section 76 and the expenses specified in sections 44 and 46 (2).

(3) A panchayat may, with the sanction of the Government, contribute to any fund for the defence of India.

(4) A panchayat may, with the sanction of the Inspector also—

(i) contribute towards the expenses of any public exhibition, ceremony or entertainment in the village;

(ii) contribute to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease; and

(iii) defray any other extraordinary charges.

73. (1) The executive authority shall in each year frame and place before the panchayat a budget showing the probable receipts and expenditure during the following year, and the panchayat shall sanction the budget with such modifications, if any, as it thinks fit. Preparation and sanction of budgets.

(2) The budget of a panchayat shall, after being so sanctioned, be submitted on or before such date and to such officer as may be prescribed, and if he is satisfied that adequate provision has not been made therein for the performance of any necessary service or services, he shall have power to modify the budget in such manner as may be necessary to secure such provision.

(3) If, in the course of a year, a panchayat finds it necessary to alter the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services undertaken by it, a supplemental or revised budget may be framed, sanctioned, submitted and modified in the manner provided in sub-sections (1) and (2), provided that no such alteration shall be given effect to except with the consent of the prescribed officer.

74. (1) The Government shall appoint auditors of the accounts of the receipts and expenditure of the panchayat fund. Such auditors shall be deemed to be "public servants" within the meaning of section 21 of the Indian Penal Code. Appointment of auditors.

Central Act
XLV of
1860.

(2) No contribution shall be recovered by the Government from the panchayat towards the pay and allowances of such auditors or towards any other expenditure involved in the audit of the accounts of the panchayat.

75. If the expenditure incurred by the Government or by any other panchayat or the district board or by any other local authority in the State for any purpose authorized by or under this Act, is such as to benefit the inhabitants of the Contribution to expenditure by other local authorities.

village, the panchayat may with the sanction of the Inspector, and shall if so directed by him, make a contribution towards such expenditure.

Recovery of
loans and
advances
made by
Government.

76. (1) Notwithstanding anything contained in the Local Authorities Loans Act, 1914, the Government may—

Central Act
IX of 1914.

(a) by order direct any person having custody of the panchayat fund to pay to them in priority to any other charges against such fund, except charges for the service of authorized loans, any loan or advance made by them to the panchayat for any purpose to which its funds may be applied under this Act,

(b) recover any such loan or advance by suit.

(2) The person to whom the order referred to in clause (a) of sub-section (1) is addressed shall be bound to comply with such order.

CHAPTER V.—PUBLIC SAFETY, CONVENIENCE AND HEALTH.

Public water-courses, springs, etc.

Vesting of
water-works
in pancha-
yats.

77. (1) All public water-courses, springs, reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water-works (including those used by the public to such an extent as to give a prescriptive right to their use) whether existing at the commencement of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the panchayat or otherwise, and also any adjacent land (not being private property) appertaining thereto, shall vest in the panchayat and be subject to its control :

Provided that nothing contained in this sub-section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.

(2) The Government may, by notification, define or limit such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the panchayat and giving due regard to its objections, if any.

Contributions for sanitary arrangements.

Contribu-
tions from
persons
having
control over
places of
pilgrimage,
etc.

78. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, or festivals or for other like purposes is situated within the limits of a village or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the panchayat; but the Government may after consulting the trustee or other person having control over such place require him to make such recurring or non-recurring contribution to the funds of the panchayat as they may determine.

Roads.

79. No person shall, except as permitted by rules made under this Act and except in accordance with the conditions imposed by any licence made requisite by such rules—

(a) build any wall or erect any fence or other obstruction or projection or make any encroachment whatsoever, whether permanent or temporary, in or over any public road;

(b) make any hole or deposit any matter in or upon any public road;

(c) work a quarry in or remove stone, earth or other material from any place within twenty yards of a public road or of other immovable property vesting in or belonging to a panchayat, provided that nothing in this clause shall be deemed to apply to any work which, in the opinion of the Inspector, is done in connexion with a *bona fide* agricultural operation;

(d) erect any building over any sewer or drain or any part thereof;

(e) plant any tree on any public road or other property vesting in or belonging to a panchayat; or

(f) fell, remove, destroy, lop or strip bark, leaves or fruits from, or otherwise damage, any tree which is growing on any such public road or other property or on any poramboke or land, the use of which is regulated by a panchayat under section 60 or section 61 and the right to which has not been established by such person as vesting in or belonging to him.

Markets.

80. (1) The panchayat may provide places for use as public markets and, with the sanction of the Inspector, close any such market or part thereof.

(2) Subject to such rules as may be prescribed, the panchayat may levy any one or more of the following fees in any public market at such rates, not exceeding the maximum rates, if any, prescribed in that behalf as the panchayat may think fit:—

(a) fees for the use of, or for the right to expose goods for sale in, such market;

(b) fees for the use of shops, stalls, pens or stands in such market;

(c) fees on vehicles (including motor vehicles as defined in the Motor Vehicles Act, 1939) or pack-animals bringing, or on persons carrying, any goods for sale in such market;

(d) fees on animals brought for sale into or sold in such market;

(e) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such market.

Private
markets.

81. (1) No person shall open a new private market after the commencement of this Act, or continue to keep open a private market, after the commencement of such year as the Government may, by notification, appoint in this behalf :

Provided that nothing in this sub-section shall apply to any private market, existing on the date of publication of the notification aforesaid, if the income derived from such market after deducting therefrom the cost of collection and management and such other sums as may be prescribed, has been, and continues to be utilized solely for educational, charitable and religious purposes.

(2) If any question arises as to whether any market falls within the scope of the proviso to sub-section (1) or not, the panchayat shall make a reference thereon to the Government and their decision shall be final.

(3) In lieu of each of the private markets closed in pursuance of sub-section (1), the panchayat shall provide a public market.

Licensing of
excepted
private
markets.

82. (1) No person shall keep open a private market of the nature referred to in the proviso to sub-section (1) of section 81 unless he has obtained a licence from the panchayat to do so. Such licence shall be renewed every year.

(2) (a) The panchayat shall grant the licence applied for, subject to such conditions as it may think fit as to supervision and inspection, sanitation and water-supply, weights and measures to be used, rents and fees to be charged and such other matters as may be prescribed.

(b) The panchayat may modify the conditions of the licence to take effect from a specified date.

(c) The panchayat may at any time suspend or cancel any licence granted under clause (a) for breach of the conditions thereof.

(d) Any person aggrieved by an order of the panchayat under clause (a), (b) or (c) may appeal against such order to the Inspector who may, if he thinks fit, suspend the execution of the order pending the disposal of the appeal.

(3) (a) Any person claiming to levy in a private market lawfully established prior to the coming into force of the Madras Local Boards Act, 1884, fees of the nature specified in section 80, sub-section (2), shall apply to the Inspector for a certificate recognizing his right in that behalf; and the Inspector shall pass orders on such application after giving due notice to the panchayat and considering any representations made by it. Madras Act V of 1884.

(b) Any person aggrieved by an order of the Inspector refusing to grant a certificate under clause (a) may, within six months from the date of such order, institute a suit to establish the right claimed by him, and subject to the result of such suit, the Inspector's order shall be final.

(4) When a licence granted under sub-section (2) does not permit the levy of any fees, it shall be granted free of charge; but when such permission is given, a fee not exceeding 15 per cent of the gross income of the owner from the market in the preceding year shall be charged by the panchayat for such licence.

(5) The panchayat or any officer duly authorized by it may close a private market which is unlicensed or the licence for which has been suspended or cancelled, or which is held or kept open contrary to the provisions of this Act.

83. If any question arises as to whether any place is a market or not, the panchayat shall make a reference thereon to the Government and their decision shall be final.

Decision of disputes as to whether places are markets.

84. No person shall sell or expose for sale any animal or article—

(a) in any public or licensed private market without the permission of the executive authority or licensee, as the case may be, or of any person authorized by him, or

Prohibition of sale in unlicensed private markets, etc.

(b) in any unlicensed private market.

85. The executive authority may, with the sanction of the panchayat, prohibit by public notice or licence or regulate the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

Prohibition against sale in public roads.

86. The Government shall have power to classify public and private markets situated in a village as district markets and panchayat markets and provide for the control of any such market, and for the apportionment of the income derived therefrom between the district board and the panchayat or the payment of a contribution in respect thereof to the panchayat or the district board, as the case may be.

Classification of markets.

In the case of markets classified as district markets, the panchayat and its executive authority shall not exercise any of the powers conferred on them by sections 80 to 85.

Public halting places.

87. Subject to such rules as may be prescribed, the panchayat may—

Public landing places and cart-stands, etc.

(a) provide public landing places, halting places and cart-stands (which last expression includes stands for animals and vehicles of any description including motor vehicles) and levy fees for their use; and

(b) where any such place or stand has been provided, prohibit the use for the same purpose by any person, within such distance thereof of any public place or the sides of any public road as the panchayat may, subject to the control of the Inspector, specify.

Private
cart-stands

88. (1) No person shall open a new private cart-stand or continue to keep open a private cart-stand, unless he obtains from the panchayat a licence to do so. Such licence shall be renewed every year.

(2) The panchayat shall, as regards private cart-stands already lawfully established, and may at its discretion as regards new private cart-stands, grant the licence applied for, subject to such conditions as the panchayat may think fit as to supervision and inspection, conservancy and such other matters as may be prescribed; or the panchayat may refuse to grant such licence for any new cart-stand.

(3) The panchayat may modify the conditions of the licence to take effect from a specified date.

(4) The panchayat may at any time suspend or cancel any licence granted under sub-section (2) for breach of the conditions thereof.

(5) The panchayat may levy on every grant or renewal of a licence under this section a fee not exceeding two hundred rupees.

Slaughter-houses.

Public
slaughter-
houses.

89. A panchayat may provide places for use as public slaughter-houses and charge rents and fees for their use.

Prohibition
or regulation
of the use
of places for
slaughtering
animals and
the licensing
of slaughter-
houses.

90. The Government shall have power to make rules for—

(a) prohibiting or regulating the slaughter, cutting up or skinning of animals specified in the rules on all occasions not excepted therein, at places other than public slaughter-houses;

(b) licensing persons to slaughter animals specified in the rules for purposes of sale to the public; and

(c) the inspection of slaughter-houses and of the meat therein and the payment of remuneration to the officers employed for such inspection.

Industries and factories.

Purposes for
which places
may not be
used without
a licence.

91. The panchayat may with the previous approval of the prescribed authority notify that no place within the limits of the village shall be used for any of the purposes specified in the rules made in this behalf, being purposes which, in the opinion of the Government, are likely to be offensive or dangerous to human life or health or property, without a licence issued by the executive authority and except in accordance with the conditions specified in such licence:

Provided that no such notification shall take effect until sixty days from the date of its publication.

92. No person shall, without the permission of the panchayat and except in accordance with the conditions specified in such permission,—

Permission for the construction of factories and the installation of machinery.

(a) 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) install in any premises any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plant exempted by the rules.

93. (1) The Government may make rules—

Power of Government to make rules in respect of the grant and renewal of licences and permissions.

(a) prohibiting or regulating the grant or renewal of licences under section 91 and the period for which such licences shall be valid;

(b) as to the time within which applications for such licences or renewals thereof shall be made; and

(c) prohibiting or regulating the grant of permissions under section 92.

(2) Rules made under clause (c) of sub-section (1) may empower the panchayat to set apart specified areas in the village for industrial purposes and provide for the refusal of permissions under section 92 in respect of any factory, workshop, workplace or premises outside such areas and also, subject to the sanction of the prescribed authority, for the removal to such areas, of any factory, workshop or workplace which has been already established at any place, or any machinery which has already been installed in any premises, situated outside such areas :

Provided that no such rule shall authorize the removal of any factory, workshop or workplace or machinery installed in any premises, in the occupation or under the control of the Central or the State Government or of a market committee established under the Madras Commercial Crops Markets Act, 1933.

Madras Act
XX of 1933.

(3) The Government may either generally or in any particular case, make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under section 91 or section 92.

Application of the Places of Public Resort Act, 1888.

Madras Act
II of 1883.

94. Notwithstanding anything contained in the Places of Public Resort Act, 1888, when the Government extend that Act to any village or part thereof—

Modification of the Places of Public Resort Act, 1888.

(a) the authority to whom application shall be made for a licence under that Act in respect of any place or building to be used exclusively for purposes other than the holding of cinematograph exhibitions, and who may grant or refuse such licence, shall be the executive authority; and

(b) the appeal from the order of the executive authority granting, refusing, revoking or suspending a licence under that Act shall lie to the panchayat.

CHAPTER VI.—GENERAL AND MISCELLANEOUS.

Numbering of buildings.

Numbering of buildings. 95. (1) In any area to which this Act applies, such authority as may be prescribed in this behalf, may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

(2) No person shall, without lawful authority, destroy, pull down or deface any such number, or any number assigned to any building in any such area in connexion with the preparation of electoral rolls on the basis of adult franchise during the year 1948 or 1949.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the authority referred to in sub-section (1) may by notice require him to replace it.

Licences and permissions.

General provisions regarding licences and permissions.

96. (1) Save as otherwise expressly provided in or may be prescribed under this Act, every application for any licence or permission under this Act or any rule, by-law or regulation made thereunder, or for the renewal thereof, shall be made not less than thirty and not more than ninety days before the earliest date with effect from which, or the commencement of the period (being a year or such less period as is mentioned in the application) for which the licence or permission is required.

(2) Save as aforesaid, for every such licence or permission, fees may be charged on such units and at such rates as may be fixed by the panchayat, provided that the rates shall not exceed the maxima, if any, prescribed.

(3) Save as aforesaid, if orders on an application for any such licence or permission are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the executive authority, the application shall be deemed to have been allowed for the period, if any, for which it would have been ordinarily allowed and subject to the law, rules, by-laws and regulations and all conditions ordinarily imposed.

(4) The acceptance of the pre-payment of the fee for any such licence or permission shall not entitle the person making such pre-payment to the licence or permission, but only to a refund of the fee in case of refusal of the licence or permission.

(5) If an act for which any such licence or permission is necessary is done without such licence or permission, or in a manner inconsistent with the terms of the licence or permission obtained, then—

(a) the executive authority may by notice require the person so doing such act to alter, remove, or as far as practicable, restore to its original state, the whole, or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice; and further,

(b) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be punishable with fine not exceeding fifty rupees for every such offence.

(6) Whenever any person is convicted of an offence in respect of the failure to obtain any such licence or permission, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the panchayat the amount of the fee chargeable for the licence or permission, and may, in his discretion, also recover summarily and pay over to the panchayat such amount, if any, as he may fix as the costs of the prosecution.

Explanation.—The recovery of the fee for a licence or permission under this sub-section shall not entitle the person convicted to the licence or permission.

Government
and market
committees
not to obtain
licences and
permissions.

97. Nothing in this Act or in any rule, by-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, by-law or regulation in respect of any place in the occupation or under the control of the Central or the State Government or of a market committee established under the Madras Commercial Crops Markets Act, 1933, or in respect of any property of the Central or the State Government or of any property belonging to such market committee. Madras Act
XX of 1933.

Power to enforce notices, orders, etc.

Time for
complying
with notice,
order, etc.,
and power
to enforce in
default.

98. (1) Whenever by any notice, requisition or order under this Act, or under any rule, by-law or regulation made thereunder, any person is required to execute any work, to take any measures or to do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named—

(a) the executive authority may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice requisition or order; and further,

(b) if no penalty has been specially provided in this Act for failure to comply with such notice, requisition or order, the said person shall be punishable with fine not exceeding fifty rupees for every such offence.

Powers of entry and inspection.

Powers of
entry and
inspection.

99. (1) Subject to such restrictions and conditions as may be prescribed, the executive authority or any person authorized by him may enter on or into any place, building or land, with or without notice and with or without assistants or workmen in order—

(a) to make any inquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work, which is authorized by the provisions of this Act or of any rule, by-law, regulation or order made under it or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions, or

(b) to satisfy himself that nothing is being done in such place, building or land for which a licence or permission is required under any of the said provisions, without such licence or permission or otherwise than in conformity with the terms of the licence or permission obtained.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under sub-section (1) or of any force necessary for effecting an entrance under that sub-section.

Testing of
weights and
measures.

100. The executive authority or any person authorized by him may examine and test the weights and measures used in the markets and shops in the village with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code.

Central Act
XLV of
1860.

Power to call
for informa-
tion from
village head-
men and
karnams.

101. (1) The executive authority may, by an order in writing, require the headman or karnam or both of any revenue village comprised within the jurisdiction of the panchayat, to furnish him with information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein.

(2) The order shall specify the period within which it may be complied with but the executive authority may, from time to time, extend such period.

Limitation.

Limitation
for recovery
of dues.

102. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any tax or other sum due to a panchayat under this Act or any rule, by-law, regulation or order made under it after the expiration of a period of three years from the date on which distraint

might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such tax or sum.

Prosecutions, suits, etc.

103. Save as otherwise expressly provided in this Act, ^{Persons empowered to prosecute.} no person shall be tried for any offence against this Act or any rule or by-law made thereunder unless complaint is made within three months of the commission of the offence by the Police, the executive authority or a person expressly authorized in this behalf by the panchayat or executive authority; but nothing herein shall affect the provisions of the Code of Criminal Procedure, 1898, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion :

Central Act
V of 1898.

Provided that failure to take out a licence or obtain permission under this Act shall, for the purposes of this section, be deemed to be a continuing offence until the expiration of the period, if any, for which the licence or permission is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

104. The executive authority may, subject to such restrictions and control, as may be prescribed, compound any offence ^{Composition of offences.} against this Act or any rule or by-law made thereunder, which may by rules be declared compoundable.

105. Every prosecution instituted or offence compounded by the executive authority shall be reported by him to the panchayat at its next meeting. ^{Prosecutions and compositions to be reported to panchayat}

106. When the president, executive authority or any member, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the Government. ^{Sanction for prosecution of president or members of a panchayat.}

107. (1) Subject to the provisions of section 108, no suit or other legal proceeding shall be brought against any panchayat or its president or executive authority or any member, officer or servant thereof or against any person acting under the direction of such panchayat, president, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default in the execution of this Act or any rule, by-law, regulation or order made under it, until the expiration of two months next after notice in writing, stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff has been left at the office of the panchayat, and if the proceeding is intended to be ^{Notice of action against panchayat, etc.}

brought against any such president, executive authority, member, officer, servant or person, also delivered to him or left at his place of residence; and unless such notice be proved, the Court shall find for the defendant.

(2) Every such proceeding shall, unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) If any panchayat or person to whom notice is given under sub-section (1) tenders amends to the plaintiff before the proceeding is commenced and if the plaintiff does not in such proceeding recover more than the amount so tendered, he shall not recover any costs incurred by him after such tender; and the plaintiff shall also pay all costs incurred by the defendant after such tender.

Protection of
president
and officers
acting in
good faith.

108. No suit or other legal proceeding shall be brought against the president, executive authority or any member, officer or servant of a panchayat, or any person acting under the direction of a panchayat or of such president, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default on his part in the execution of this Act, or any rule, by-law, regulation or order made under it, if such act was done or such neglect or default occurred in good faith; but any such proceeding shall, so far as it is maintainable in a Court, be brought against the panchayat except in the case of suits brought under section 110.

Injunctions
not to be
granted in
election
proceedings.

109. Notwithstanding anything contained in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no Court shall grant any permanent or temporary injunction or make any *interim* order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election.

Central Act
V of 1908.

Liability of
the president
executive
authority
and members
for loss,
waste or
misapplica-
tion of prop-
erty.

110. (1) The president, executive authority and every member of a panchayat shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the panchayat if such loss, waste or misapplication is a direct consequence of his neglect or misconduct; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the panchayat with the previous sanction of the Inspector.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Assessments,
etc., not
to be
impeached.

111. (1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any

mistake (a) in respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged, provided that the provisions of this Act have in substance and effect been complied with. And no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any Court of Justice.

(2) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment or collection of money made under the said authority :

Provided that the provisions of this Act have in substance and effect been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act, and of the rules and by-laws made thereunder have in substance and effect been complied with :

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

CHAPTER VII.—. RULES, BY-LAWS AND PENALTIES.

Rules.

112. (1) The Government shall, in addition to the rule-making powers conferred on them by any other provisions contained in this Act, have power to make rules generally to carry out the purposes of this Act. Power of Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules—

(i) as to all matters relating to electoral rolls or elections, not expressly provided for in this Act, including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited, and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections ;

(ii) as to the resignations of presidents, vice-presidents and members, and the dates on which such resignations shall take effect ;

(iii) as to the interpellation of the president by the members and the moving of resolutions at meetings ;

(iv) as to the constitution of committees of panchayats, the inclusion of outsiders therein, and the delegation of functions to such committees ;

(v) as to the delegation of any function of a panchayat to the president, member, any officer of the panchayat or any servant of the Central or State Government ;

(vi) for the lodging and investment of the moneys of the panchayat and for the manner in which such moneys may be drawn upon;

(vii) as to the transfer of allotments entered in the sanctioned budget of a panchayat from one head to another;

(viii) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by panchayats;

(ix) as to the preparation of plans and estimates for works and the power of panchayats and of servants of the Central or State Government to accord professional or administrative sanction to estimates;

(x) as to the accounts to be kept by panchayats, the audit and publication of such accounts and the conditions under which rate-payers may appear before auditors, inspect books and accounts, and take exception to items entered or omitted;

(xi) as to the powers of auditors to disallow and surcharge items, appeals against orders of disallowance or surcharge, and the recovery of sums disallowed or surcharged;

(xii) as to the powers of auditors, inspecting and superintending officers and officers authorized to hold inquiries, to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence;

(xiii) as to the conditions on which property may be acquired by a panchayat, or on which property vested in or belonging to a panchayat may be transferred by sale, mortgage, lease, exchange or otherwise;

(xiv) as to the conditions on which and the mode in which contracts may be made by or on behalf of panchayats;

(xv) as to the assessment of taxes under this Act and the revision of, and appeals against, assessments;

(xvi) as to the acceptance in lieu of any tax due under this Act of any service by way of labour, cartage or otherwise;

(xvii) as to the realization of any tax or other sum due to a panchayat under this Act or any other law or any rules or by-laws, whether by distraint and sale of movable property, by prosecution before a Magistrate, by a suit, or otherwise;

(xviii) as to the realization of fees due in respect of the use of cart-stands and the like, whether by the seizure and sale of the vehicle or animal concerned or any part of its burden, or otherwise;

(xix) as to the form and contents of licences, permissions and notices granted or issued under this Act, the manner of their issue or the method of their service, and the modification, suspension or cancellation thereof;

(xx) as to the powers of executive authorities to call for information on any matter, to summon and examine witnesses, and to compel the production of documents;

(xxi) for the use of the facsimiles of the signatures of the executive authorities and officers of panchayats;

(xxii) as to the grant to the public of copies of any proceeding or record of the panchayat, not relating to any matter classified as confidential by the Government* or any authority empowered by them, and the fees to be levied for the grant of such copies;

(xxiii) as to the opening, maintenance, management and supervision of elementary schools;

(xxiv) prohibiting or regulating the use for any specified purposes, of any public spring, tank, well or watercourse or of any private spring, tank, well or watercourse, with the consent of its owner, or without such consent;

(xxv) regulating contracts between the panchayat and the owners or occupiers of private premises for the removal therefrom of rubbish or filth, or any kind of rubbish or filth;

(xxvi) as to the provision of burial and burning grounds; the licensing of private burial and burning grounds; the regulation of the use of all grounds so provided or licensed; the closing of any such grounds; and the prohibition of the disposal of corpses except in such grounds or other permitted places;

(xxvii) as to the licensing of pigs and dogs and the destruction of unlicensed pigs and dogs;

(xxviii) as to the regulation or restriction of building and the use of sites for building;

(xxix) for the removal of encroachments of any description from public roads vesting in panchayats and the repair of any damage caused to such roads by the person causing the damage or at his expense;...

(xxx) for the determination of any claim to trees growing on public roads or other property vesting in or belonging to panchayats or on porambokes or, on lands, the use of which is regulated by them under section 60 or section 61; and for the presumptions to be drawn as regards the ownership of such trees;

(xxxi) as to the imposition and recovery of penalties for the unauthorized occupation of public roads or other land vesting in or belonging to panchayats and the assessment and recovery of compensation for any damage caused by such occupation;

(xxxii) as to the powers which may be exercised by the panchayat or the executive authority in respect of any public or private market or the user thereof, and the enforcement of any orders issued in pursuance of such powers; and as to the prohibition of the sale or purchase of any commercial crop in any such market within any area notified in re-

pect of such crop under the Madras Commercial Crops **Madras Act**
Markets Act, 1933; **XX of 1933.**

(xxxiii) for compelling owners of cattle to stall them in cattle-sheds provided by the panchayat and the fees leviable in respect thereof;

(xxxiv) as to the disposal of household and farmyard waste in the village, the acquisition of land by the panchayat for laying out plots for digging pits in which such waste may be thrown, the assignment of any of those plots to persons in the village and the conditions subject to which such assignment may be made, including the rent to be charged;

(xxxv) as to the duties to be discharged by village officers in relation to panchayats and their executive authorities;

(xxxvi) as to appeals against orders (including orders granting or refusing licences or permissions) passed under this Act, and the time within which appeals whether allowed by this Act or by rules or otherwise should be presented;

(xxxvii) as to the classification of public roads, fairs and festivals, choultries, dispensaries and libraries, as appertaining to the district board or the panchayat;

(xxxviii) for regulating the sharing between local authorities in the State of the proceeds of any tax or income levied or obtained under this or any other Act;

(xxxix) for the decision of disputes between two or more local authorities of which one is a panchayat;

(xl) as to the class of Magistrates by whom offences against this Act shall be tried;

(xli) as to the accounts to be kept by owners, occupiers and farmers of private markets and the audit and inspection of such accounts;

(xlii) as to the manner of publication of any notifications or notices to the public under this Act.

Penalties for
breach of
rules.

113. (1) In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees, or in case of a continuing breach, with fine not exceeding fifteen rupees for every day during which the breach continues after conviction for the first breach.

(2) The power to make rules under this Act shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the *Fort St. George Gazette* and upon such publication, shall have effect as if enacted in this Act.

By-laws.

By-laws and
penalties for
their breach.

114. (1) Subject to the provisions of this Act and of any other-law and to such rules as may be prescribed, a panchayat may, with the approval of the Inspector, make by-laws for carrying out any of the purposes for which it is constituted.

(2) In making a by-law, the panchayat may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the panchayat not exceeding fifteen rupees or, in case of a continuing breach, not exceeding five rupees for every day during which the breach continues after a penalty has been levied for the first breach.

(3) The Government shall have power to make rules regarding the procedure for the making of by-laws, the publication thereof, and the date on which they shall come into effect.

Penalties.

115. (1) Whoever—

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I, or

General provisions regarding penalties specified in the Schedules.

(b) contravenes any rule or order made under any of the provisions so specified, or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him under or in pursuance of any of the said provisions, shall be punishable with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of—

(a) contravening any of the provisions of this Act specified in the first and second columns of Schedule II, or

(b) contravening any rule or order made under any of the provisions so specified, or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said provisions,

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punishable for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

Explanation.—The entries in the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

116. (1) Whoever acts as a member of a panchayat knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be punishable with fine not exceeding two hundred rupees for every such offence.

Penalty for acting as member, president or vice-president of a panchayat when disqualified.

(2) Whoever acts as the president, temporary president or vice-president of a panchayat, or exercises any of his functions including where he is also the executive authority, any of his functions as such knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions, shall be punishable with fine not exceeding one thousand rupees for every such offence.

(3) Any person who having been the president, temporary president or vice-president of a panchayat fails to hand over any documents of, or any moneys or other properties vested in or belonging to, the panchayat, which are in or have come into his possession or control, to his successor in office or other prescribed authority—

(a) in every case as soon as his term of office as such president, temporary president or vice-president expires; and

(b) in the case of a person who was the vice-president, also on demand by the president, shall be punishable with fine not exceeding one thousand rupees for every such offence.

Penalty for acquisition by an officer or servant of interest in contract work.

117. If any officer or servant of a panchayat knowingly acquires, directly or indirectly, by himself or by a partner, employer or servant, any personal share or interest in any contract or employment with, by or on behalf of, the panchayat, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code :

Central Act
XLV of
1860.

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract entered into between such company and the panchayat unless he is a director of such company :

Provided further that nothing in this section shall apply to any person who, with the sanction of the Inspector, enters into a contract with the panchayat.

Wrongful restraint of executive authority or his delegate.

118. Any person who prevents the executive authority or any person to whom the executive authority has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or thereinto shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

Central Act
XLV of
1860.

Prohibition against obstruction of panchayats, etc.

119. Any person obstructing or molesting a panchayat, or the president, the executive authority or a member of the panchayat, or any person employed by it or any person with whom a contract has been entered into by or on behalf of the panchayat, in the discharge of their duty or of anything which they are empowered or required to do by virtue, or in consequence, of this Act or of any rule, by-law, regulation or order made thereunder, shall be punished with fine which may extend to fifty rupees.

120. Any person who, without authority in that behalf, ^{Prohibition} removes, destroys, defaces or otherwise obliterates any notice ^{against} exhibited or any sign or mark erected by, or under the orders ^{removal or} of, a panchayat or its executive authority, shall be punish- ^{obliteration} of notice. able with fine which may extend to fifty rupees.

121. Any person required by this Act or by any notice or ^{Penalty for} other proceedings issued thereunder to furnish any informa- ^{not giving} tion, who omits to furnish such information, or knowingly ^{information} furnishes false information, shall be punishable with fine not ^{or giving} exceeding one hundred rupees. ^{false} information.

CHAPTER VIII.—SUPPLEMENTAL PROVISIONS.

122. (1) The provisions of this section shall apply when a ^{Special} panchayat is constituted for the first time, notwithstanding ^{provisions} anything contained in this Act. ^{in the case} of new panchayats.

(2) The election authority shall make arrangements for ^{panchayats.} the election of the members and of the president of the panchayat, so that the newly elected members and the president may come into office on the date specified in the notification issued by the Inspector under section 3, sub-section (1), for the constitution of the panchayat :

Provided that the Inspector shall have power from time to time to postpone the date so specified if, for any reason, it is not found possible to complete the elections in time.

(3) The term of office of the members and of the president elected under sub-section (2) or of the members elected in their places in casual vacancies shall expire in such year and on such date as the Inspector may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any panchayat in the same district. The date so fixed shall not be later than the 31st day of December.

123. All roads, markets, wells, tanks, reservoirs and water- ^{Public roads} the use and enjoyment of all persons, irrespective of their caste ^{markets,} etc., to be ^{wells, tanks,} open to all. ^{etc., to be} or creed.

124. A panchayat shall have power to farm out the ^{Power to} collection of any fees due to it under this Act or any rule, ^{farm out} by-law or regulation made thereunder for any period not ^{fees.} exceeding three years at a time, on such conditions as it thinks fit.

125. (1) The Inspector may, whether at the request of ^{Extension} the panchayat or otherwise, by notification, declare that ^{of provision} any of the provisions of the Madras District Municipalities ^{of Madras} Act, 1920, or of any rules made thereunder, shall be ^{District} extended to, and be in force in, the village or any specified ^{Municipa-} area therein. ^{lities Act,} 1920, or of ^{rules there-} under.

(2) The provisions so notified shall be construed with such alterations not affecting the substance as may be necessary or proper for the purpose of adapting them to the village or specified area therein.

(3) Without prejudice to the generality of the foregoing provision, all references to a municipal council or the chairman or the executive authority thereof shall be construed as references to the panchayat or the president or the executive authority thereof, all references to any officer or servant of a municipal council as references to the corresponding officer or servant of the panchayat, and all references to the municipal limits as references to the limits of the village or specified area therein, as the case may be.

Transfer of
functions of
panchayats
to district
boards.

126. Notwithstanding anything contained in this Act, or in the Madras District Boards Act, 1920, the Government may, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that in the case of any panchayat or class of panchayats, any functions vested in such panchayats or class of panchayats by or under that Act shall be transferred to and performed by the district board.

Madras Act
XIV of
1920.

Delegation
of powers,
etc.

127. (1) The Government may, by notification, authorize any authority, officer or person to exercise in any local area, in regard to any panchayat or any class of panchayats or all panchayats in that area, any of the powers vested in them by this Act except the power to make rules; and may in like manner withdraw such authority.

(2) The Inspector or the Collector may, by notification, authorize any officer or person to exercise in any local area in the State or the revenue district, as the case may be, in regard to any panchayat, or any class of panchayats or all panchayats in that area, any of the powers vested by this Act in the Inspector or the Collector, as the case may be; and may in like manner withdraw such authority.

(3) The exercise of any power delegated under sub-section (1) or (2) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification, and also to control and revision by the delegating authority, or where such authority is the Government, by such persons as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

(4) The exercise of any power conferred on the Inspector or the Collector by any of the provisions of this Act, including sub-sections (2) and (3) of this section, shall, whether such power is exercised by the Inspector or the Collector himself or by any person to whom it has been delegated under sub-section (2), be subject to such restrictions and conditions as may be prescribed and also to control

by the Government or by such person as may be empowered by them in this behalf. The Government shall also have power to control the acts or proceedings of any persons so empowered.

128. (1) The Government may, in their discretion, at any time, either *suo motu* or on application, call for and examine the record of any order passed or proceeding recorded under the provisions of this Act by— Revision.

(a) the Inspector or the Collector or any officer or person authorized by the Inspector or the Collector under sub-section (2) of section 127, or

(b) any authority, officer or person authorized by the Government under sub-section (1) of that section or any person empowered by them under sub-section (3) of that section, or

(c) any other authority, officer or person for the purpose of satisfying themselves as to the legality or propriety of such order, or as to the regularity of such proceeding and pass such order in reference thereto as they think fit.

(2) The powers of the nature referred to in sub-section (1) may also be exercised by such authority, officer or person as may be empowered in this behalf by the Government.

129. Any reference to a panchayat contained in any law, by-law, regulation, notification, scheme, form or order in force, in the State at the commencement of this Act shall be deemed to be a reference to a panchayat as reconstituted or constituted under this Act. Construction of references to panchayat.

130. (1) When a dispute exists between a panchayat and one or more other local authorities in regard to any matter arising under the provisions of this or any other Act and the Government are of opinion that the panchayat and the other local authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute, and— Adjudication of disputes between local authorities.

(a) decide it themselves, or

(b) refer it for inquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted under section 39 for the purpose.

(2) The report referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they deem fit.

(3) Any decision given under clause (a) of sub-section (1) or under sub-section (2) may be modified from time to time by the Government in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section may be cancelled at any time by the Government.

Any such decision or any modification therein or cancellation thereof shall be binding on the panchayat and each of the other local authorities concerned and shall not be liable to be questioned in any Court of law.

(4) Where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the powers of the Government under this section shall be exercisable only with the concurrence of the Central Government.

Act to be read subject to Schedule III in regard to first reconstitution of panchayats, etc.

131. (1) In regard to the first reconstitution in accordance with the provisions of this Act of panchayats in existence at the commencement thereof, and otherwise in first giving effect to the said provisions, they shall be read subject to the rules in Schedule III.

(2) The Government shall have power, by notification, to amend, add to or repeal the rules in the said Schedule.

Modification of the Madras Village Courts Act, 1888.

132. Notwithstanding anything contained in the Madras Village Courts Act, 1888 (hereinafter in this section referred to as the said Act)—

Madras Act I of 1889.

(1) every panchayat constituted or deemed to be constituted under this Act for any area shall be deemed to be a panchayat court for that area under section 9 (1) of the said Act; and the members (including the president and vice-president) of such panchayat shall be deemed to be *ex-officio* members of such panchayat court, the president and vice-president aforesaid being also deemed *ex-officio* to be the president and vice-president respectively of the panchayat court;

(2) where a panchayat is dissolved or superseded under section 48 (1) of this Act, the panchayat court aforesaid shall, until the panchayat is reconstituted, consist of—

(a) the president of the panchayat or the person appointed under section 48 (5) of this Act, as the case may be, who shall be the president and a member of the panchayat court; and

(b) three other members appointed by the Inspector from among persons qualified to be elected as members of the panchayat;

(3) in any area within the jurisdiction of a panchayat constituted or deemed to be constituted under this Act, the jurisdiction of any village or panchayat court or courts, if any, established under the said Act before the commencement of this Act shall cease, and the panchayat shall be deemed to be a panchayat court established in lieu of such court or courts within the meaning and for the purposes of sections 9-A and 9-B of the said Act;

(4) in the area within the jurisdiction of any such panchayat—

(a) the provisions of sections 6 to 8, 9 (2), (3), (4), (5) (a) and (7) of the said Act shall not apply;

(b) the Inspector may remove from office the president, vice-president or member of any panchayat court, whether holding office under clause (1) or clause (2), for incapacity, neglect of duty, misconduct or other just and sufficient cause;

(c) the provisions of section 9 (5) (b), (c), (d) and (e) of the said Act shall not apply in the case referred to in clause (2); and in that case the president of the panchayat court shall preside over its sittings and if he is absent from any sitting, the members present shall elect from among themselves a president for the purposes of that sitting;

(d) the provisions of section 13 of the said Act shall be construed as if for the words "sum of rupees fifty", the words "sum of rupees one hundred" were substituted;

(5) the Government may, by notification, confer on any panchayat court established under this section any civil or criminal jurisdiction not provided for in the said Act.

Central
Act XVI of
1908.

133. Notwithstanding anything contained in the Indian Registration Act, 1908, the Inspector-General of Registration may, subject to the control of the Government, by order, authorize the executive authority of any panchayat within whose jurisdiction the office of a Sub-Registrar functioning under that Act is not situated, to exercise the powers and discharge the duties of the Sub-Registrar under that Act in respect of—

Application
of the
Indian Regis-
tration Act,
1908.

(a) all or any documents which are exempt from stamp duty and registration fees;

(b) all or any documents which are classified by rules made under this Act, as documents of an ephemeral nature.

Madras Act
XX of 1933.

134. In section 11 of the Madras Commercial Crops and Markets Act, 1933, after sub-section (2), the following sub-section shall be added, namely:—

Amendment
of the
Madras
Commercial
Crops
Markets
Act, 1933.

"(3) Out of the fees levied under sub-section (1) on the commercial crop or crops bought and sold in any part of the notified area which constitutes a village as defined in section 2 of the Madras Village Panchayats Act, 1950, such proportion as may be prescribed shall be paid by the market committee to the panchayat concerned."

Madras Act
III of 1939.

135. In the Madras Public Health Act, 1939, the following consequential amendments shall be made, namely:—

Consequen-
tial amend-
ments of the
Madras
Public
Health
Act, 1939.

(i) in clause (8) of section 3, after the word "President" the words "Executive Officer" shall be inserted, the word "or" occurring after the words and figures "District Municipalities Act, 1920" shall be omitted, and before the

words " as the case may be " the words and figures " or the Madras Village Panchayats Act, 1950 " shall be inserted;

(ii) in clause (9) of the same section, for the words and figures " or the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be ", the words and figures " the Madras District Municipalities Act, 1920, the Madras District Boards Act, 1920, or the Madras Village Panchayats Act, 1950, as the case may be " shall be substituted;

(iii) in clause (20) of the same section, after the words " a panchayat " in sub-clause (c), the words and figures " constituted under the Madras Village Panchayats Act, 1950 " shall be inserted; and for the words " a panchayat " in sub-clause (d), the words " such panchayat " shall be substituted;

(iv) in section 16, before the words and figures " the Madras Prevention of Adulteration Act, 1918 " the words and figures " the Madras Village Panchayats Act, 1950 " shall be inserted;

(v) in section 133, the word " and " occurring at the end of clause (b) shall be omitted; and after clause (c) the following clause shall be added, namely:—

" (d) in case the local authority is a panchayat constituted under the Madras Village Panchayats Act, 1950, section 114 of that Act." ;

(vi) in clause (b) of sub-section (2) of section 140, after sub-clause (iii), the following sub-clause shall be inserted, namely:—

" (iii-a) sections 79, 81, 82, 84, 85, 87, 88, 90 to 92 and 123 of the Madras Village Panchayats Act, 1950, read with section 115 of that Act and Schedules I and II thereto."

Consequential amendments of the Madras Local Boards Act, 1920.

136. The Madras Local Boards Act, 1920, shall be amended in the manner set forth in Schedule IV. **Madras Act XIV of 1920.**

Construction of references to ' local board ' and ' Madras Local Boards Act, 1920 '.

137. In the absence of an intention to the contrary appearing in this Act or in the Madras District Boards Act, 1920, and unless the Government otherwise direct, any reference to local boards in any law or rule in force in the State at the commencement of this Act shall be deemed to be a reference to district boards and panchayats, and any reference to the Madras Local Boards Act, 1920, in any such law or rule shall be deemed to be a reference to the Madras District Boards Act, 1920, and the Madras Village Panchayats Act, 1950. **Madras Act XIV of 1920.**

Power to remove difficulties.

138. If any difficulty arises in first giving effect to the provisions of this Act or as to the first reconstitution or constitution of any panchayat after the commencement of this Act, the Government as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

SCHEDULE I.
Ordinary penalties.
 [See section 115 (1).]

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
79	(a)	Unlawful building of wall or erecting of fence, etc., in or over public road.	One hundred rupees.
79	(b)	Unlawful making of hole or depositing of matter in or over public road.	Fifty rupees.
79	(c)	Unlawful quarrying in any place near public road, etc.	Fifty rupees.
79	(d)	Unlawful construction of building over drain.	Two hundred rupees.
79	(e)	Planting of trees without permission on any public road or other property vested in a panchayat.	Two hundred rupees.
79	(f)	Felling, etc., without permission of trees growing on public road or other property vested in a panchayat, or on a poramboke or land, the use of which is regulated by it under section 60 or section 61.	Two hundred rupees.
81	(1)	Opening or keeping open a private market in contravention of section 81.	Five hundred rupees.
82	(3)	Levy of fees in private market without a certificate.	One hundred rupees.
84	..	Sale or exposure for sale in public or private market of any animal or article without permission.	Twenty rupees.
85	..	Sale, etc., of articles in public roads or places after prohibition or without licence or contrary to regulations.	Ten rupees.
87	(b)	Using any public place or roadside as a landing or halting place or as a cart-stand within prohibited distance.	Fifty rupees.
88	(1)	Opening a new private cart-stand or continuing to keep open a private cart-stand without licence or contrary to licence.	Two hundred rupees.
90	(a)	Slaughtering, cutting up or skinning, etc., of animals outside public slaughter-houses in contravention of rules.	Two hundred rupees.

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
90	(b)	Slaughtering animals for purposes of sale without licence or contrary to licence.	Twenty rupees.
91	..	Using a place for any prescribed purpose without licence or contrary to licence.	One hundred rupees.
92	..	Unlawful erection of factory, workshop, etc.	One thousand rupees.
95	(2)	Unlawful destruction, etc., of number of buildings.	Five rupees.
95	(3)	Failure to replace number when required to do so.	Twenty rupees.
123	..	Obstructing a person in the use or enjoyment of a public road, market, well, tank, etc.	One hundred rupees.

SCHEDULE II.

Penalties for continuing breaches.

[See section 115 (2).]

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
79	(a)	Unlawful building of wall or erecting of fence, etc., in or over public road.	Twenty rupees.
79	(b)	Unlawful making of hole or depositing of matter in or over public road.	Ten rupees.
79	(c)	Unlawful quarrying in any place near public road, etc.	Ten rupees.
79	(d)	Unlawful construction of building over drain.	Fifty rupees.
81	(1)	Opening or keeping open a private market in contravention of section 81.	One hundred rupees.
82	(3)	Levy of fees in private market without a certificate.	Fifty rupees.
84	..	Sale or exposure for sale in public or private market of animal or article without permission.	Ten rupees.
88	(1)	Keeping open a private cart-stand without licence or contrary to licence.	Twenty rupees.
91	..	Using a place for any prescribed purpose without a licence or contrary to licence.	Twenty rupees.
92	..	Unlawful erection of factory, workshop, etc.	One hundred rupees.

SCHEDULE III.

Transitional provisions.

(See section 131.)

1. In these rules, "the old Act" means the Madras Local Boards Act, 1920, and "panchayat" means a panchayat constituted under the old Act and in existence at the commencement of this Act. Definitions of "old Act" and "panchayat."
2. Every local area which, at the commencement of this Act, is a village under the old Act shall be deemed to have been declared to be a village under this Act, and every panchayat shall be deemed to have been constituted under this Act: Existing villages and panchayats to be deemed to be duly constituted.
- Provided** that where a village under the old Act comprises any revenue village which has a population of five hundred or more and the population of the village after excluding such revenue village is not less than five hundred, the Inspector shall, as soon as may be after the commencement of this Act, exclude such revenue village from the village and declare it to be a village for the purposes of this Act, in accordance with the provisions of section 3 thereof unless he considers it inexpedient to do so on account of the contiguity of the revenue villages comprised in the village.
3. The total number of members of a panchayat fixed under the old Act and in force at the commencement of this Act shall be deemed to be the total number of its elected members under this Act: Total number of members of panchayats.
- Provided** that where the total number of members of a panchayat fixed under the old Act is more than fifteen, the total number of its elected members under this Act shall be deemed to be fifteen.
4. (1) The members of a panchayat holding office at the commencement of this Act (other than its president and any village headman) shall be deemed to be the elected members of the panchayat under this Act and such members shall continue to hold office up to such date as the Government may, by notification, fix in this behalf, or in case no such date is fixed, up to the date on which their term of office would have expired if this Act had not come into force. Members elected under the old Act to be deemed to be elected or *ex-officio* members under this Act.
- (2) A member of a panchayat who is its president at the commencement of this Act shall be deemed to be an *ex-officio* member of the panchayat under this Act.
- (3) A village headman who is a member of the panchayat at the commencement of this Act shall cease to hold office as such member.
5. (1) The reservation of seats for the members of the Scheduled Castes made under the old Act and in force at the commencement of this Act shall be deemed to have been made under this Act. Reservation of seats to continue only in the case of Scheduled Castes.
- (2) The reservation of seats for the members of any other community made under the old Act shall cease to be in force with effect from the commencement of this Act, but nothing

herein shall affect the tenure of office of a member elected to a seat so reserved and holding office at the commencement of this Act.

Existing wards to continue except in certain cases.

6. (1) Any division of a village into wards made under the old Act and in force at the commencement of this Act shall be deemed to have been made under this Act:

Provided that where such division is not in accordance with the provisions of section 9 of this Act, the Inspector shall, as soon as may be after the commencement of this Act, re-divide the village in accordance with those provisions.

(2) Where a village has to be divided into wards under the provisions of section 9 of this Act but has not been so divided before the commencement of this Act, the Inspector shall, as soon as may be after such commencement, divide the village into wards in accordance with those provisions.

(3) The Inspector shall, as soon as may be after the commencement of this Act, determine the ward which each of the members who is deemed to be an elected member under sub-rule (1) of rule 4, shall be deemed to represent.

Term of office of existing presidents and vice-presidents.

7. The president and vice-president of a panchayat holding office at the commencement of this Act shall, subject to the provisions thereof, continue to hold office as such president or vice-president up to the date referred to in sub-rule (1) of rule 4.

Filling up of casual vacancies.

8. (1) Any vacancy in the office of the president or vice-president of a panchayat which is in existence at the commencement of this Act or which occurs before the date referred to in sub-rule (1) of rule 4 shall be filled by election under the provisions of this Act.

(2) Any such vacancy in the office of an elected member of a panchayat shall be filled by election under the provisions of this Act.

(3) Any person elected as president, vice-president or member of a panchayat under sub-rule (1) or (2) shall hold office only up to the date referred to in sub-rule (1) of rule 4.

Explanation.—For the purposes of this rule—

(1) if a person holding office as an elected member of a panchayat at the commencement of this Act becomes an *ex-officio* member thereof under sub-rule (2) of rule 4, his seat as an elected member shall, except in cases where the total number of members of the panchayat fixed under the old Act is more than fifteen, be deemed to have become vacant at the commencement of this Act;

(2) the seat of a village headman holding office as a member of a panchayat at the commencement of this Act shall be deemed to have become vacant at such commencement;

(3) the office of president, vice-president or member of a panchayat to which no person had, at any time prior to the commencement of this Act, been elected shall be deemed to be vacant at the commencement of this Act

9. Any panchayat dissolved or superseded under the old Act and awaiting reconstitution at the commencement of this Act shall be reconstituted in accordance with the provisions of this Act.

Reconstitution of panchayats dissolved or superseded under old Act.

10. Where a panchayat has been constituted for the first time under the old Act and a special officer appointed for the panchayat under section 240 of that Act is in office as such at the commencement of this Act, it shall be constituted in accordance with section 122 of this Act.

Constitution of panchayats for which special officer has been appointed under old Act.

11. (1) All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust, by or for any panchayat as well as all liabilities legally subsisting against it shall, on and from the date of the commencement of this Act and subject to such directions as the Government may, by general or special order, give in this behalf, pass to such panchayat as deemed to be constituted under this Act.

Devolution of property, rights and liabilities.

(2) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a panchayat at the commencement of this Act may be recovered as if they had accrued under this Act.

(3) All proceedings taken by or against any panchayat or other authority under the old Act may, in so far as they are not inconsistent with this Act, be continued by or against such panchayat or authority under this Act.

12. Any tax, cess or fee which was being lawfully levied by any panchayat at the commencement of this Act shall continue to be levied by the panchayat for the year in which this Act is brought into force and unless and until the Government by general or special order otherwise direct, for subsequent years also.

Continuance of existing taxes.

13. Any action taken by any authority before the commencement of this Act shall, unless inconsistent with this Act, be deemed to have been taken by the authority competent to take such action under this Act, unless and until superseded by action taken by such authority, whether it be the same as the authority competent to take such action under the old Act or not.

Action taken under old Act to continue.

SCHEDULE IV.

Amendments of the Madras Local Boards Act, 1920.

(See section 136.)

1. In the Act (the Madras Local Boards Act, 1920) including the Long Title, the preamble and the Schedules thereto, other than Schedule I, for the words in the first column of the table below, the words in the corresponding entry in the second column thereof

shall be substituted except as otherwise expressly provided in this Schedule :—

(1)	(2)
local board.	district board.
local boards.	district boards.
panchayat.	district board.
panchayats.	district boards.
local fund.	district fund.
village fund.	district fund.

2. In section 3—

(i) for clause (7-C), the following clause shall be substituted, namely :—

‘ Executive
authority. ’

“(7-C) ‘ executive authority ’ means the president ; ”

(ii) clauses (7-D) and (8) shall be omitted and for clauses (11) and (12), the following clause shall be substituted, namely :—

‘ Non-pan-
chayat
area. ’

“(11) ‘ non-panchayat area ’ means any area which is not comprised within the jurisdiction of a panchayat constituted under the Madras Village Panchayats Act, 1950 ; ”

(iii) for clauses (15-A) and (15-B), the following clauses shall be substituted, namely :—

‘ Panchayat. ’

“(15-A) ‘ panchayat ’ means a panchayat constituted under the Madras Village Panchayats Act, 1950 ;

‘ Panchayat
area. ’

(15-B) ‘ panchayat area ’ means the area comprised within the jurisdiction of a panchayat constituted under the Madras Village Panchayats Act, 1950 ; ”

(iv) clauses (19-B), (19-C) and (23) shall be omitted.

3. For the heading of Chapter II, the heading “ Districts ” shall be substituted.

4. Section 5 shall be omitted.

5. In section 6—

(i) in sub-section (1), the words “ and for each village, a panchayat ” shall be omitted ;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Subject to the provisions of this Act, the local administration of a district shall vest in the district board constituted therefor, but the board shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or to other authorities.” ;

(iii) in sub-section (3), the words “ or village ” and the words and figure “ or 5, as the case may be,” shall be omitted.

6. For section 7, the following section shall be substituted, namely :—

Strength of
District
Boards.

“ 7. Subject to the provisions of sub-section (3-A) of section 9, the total number of members of a district board shall not exceed 52 or be less than 24.”

7. In section 9—

(i) sub-section (2) shall be omitted ;

(ii) in sub-section (3), the word, brackets and figure “ or (2) ” shall be omitted.

8. In clause (b) of sub-sections (1) and (2) of section 15, for the words "any other local board", the words "any panchayat" shall be substituted.

9. In section 19, the words "or appointment" and "temporary president" shall be omitted.

10. (1) Sections 21 and 21-C shall be omitted.

(2) In section 21-D, the brackets and figure "(1)" and clauses (2) and (3) shall be omitted.

11. In section 22-A—

(i) clause (b) of sub-section (2) shall be omitted and clause (a) thereof shall be renumbered as sub-section (2);

(ii) in sub-section (3), the words "in the case of district boards and of not less than five clear days in the case of panchayats" shall be omitted;

(iii) sub-section (4) shall be omitted and the Explanation shall be retained unaltered.

12. In section 23—

(i) in sub-sections (1) and (3), the words "where he is also the executive authority" shall be omitted;

(ii) in sub-section (2), for the words "including where he is also the executive authority his functions as such", the words "including his functions as executive authority" shall be substituted;

(iii) in the proviso to the same sub-section, after the words "president's functions", the words "including his functions as executive authority" shall be inserted;

(iv) for clause (iii) of the proviso to sub-section (3), the following clause shall be substituted, namely:—

"(iii) every order made under this sub-section shall be communicated to the board at its next meeting";

(v) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Subject to any restrictions that the district board may impose, the president may by an order in writing delegate any of his executive functions to any member, officer or servant of the board or to any servant of the State Government".

13. Section 24 shall be omitted.

14. In sub-section (1) of section 26, for the words "within the local board area", the words "within the district" shall be substituted.

15. In sub-section (2) of section 27, for the portion beginning with the words "refer the question" and ending with the words "be final", the following words shall be substituted, namely:—

"refer the question to the State Government whose decision shall be final."

16. In section 27-A—

(i) in sub-section (1), clause (ii) shall be omitted and clauses (iii) and (iv) shall be renumbered as clauses (ii) and (iii) respectively;

(ii) in sub-section (2), for the words "four standing committees referred to", the words "three standing committees referred to" shall be substituted;

(iii) in sub-section (3)—

(a) the second proviso to clause (a) shall be omitted;

(b) the words "except in the case of the standing committee for rural development" in clause (b) shall be omitted.

17. Section 33 shall be omitted.

18. For section 36, the following section shall be substituted, namely:—

Submission
of annual
reports.

"36. (1) As soon as may be after the first day of April every year and not later than such date as may be fixed by the State Government, every district board shall submit to the State Government, a report on its administration during the preceding year in such form and with such details as the State Government may direct.

(2) The executive authority shall prepare the report; the district board shall consider the report and submit it to the State Government with its resolutions thereon, if any.

(3) The report and the resolutions thereon, if any, shall be published in such manner as the State Government may direct."

19. In section 37, the figure and brackets "(1)" at the commencement shall be omitted.

20. In section 37-B, the words "executive authorities" shall be omitted.

21. Sections 37-D and 42 shall be omitted.

22. In sub-section (1) of section 41, the words "or executive authority" shall be omitted and after the words "any other Act", the words "including in the case of its president any of his duties as executive authority" shall be inserted.

23. In sub-section (1) of section 43, the words "where he is also the executive authority" shall be omitted.

24. In section 45—

(i) in sub-section (1-A), the words "and to the district board in the case of a panchayat" and the words "or boards" in both the places where they occur shall be omitted;

(ii) in sub-section (3), for the words "including where the president is also the executive authority his powers and duties as such", the words "including his powers and duties as executive authority" shall be substituted.

25. Section 45-A shall be omitted.

26. In section 45-B, the words, figures and letter "or a panchayat is superseded under section 45-A", the words "or panchayat" in the two places where they occur, and the words "or supersession" shall be omitted.

27. Sub-section (2) of section 46 shall be omitted and sub-section (1) thereof renumbered as section 46.

28. Section 49 shall be omitted.

29. In section 51—

(i) in sub-section (1), for the words and brackets “the area of the local board (hereinafter in this section referred to as ‘local area’)”, the words “a district” shall be substituted;

(ii) in Explanation (1) to the same sub-section, for the words “local area” wherever they occur, the word “district” shall be substituted;

(iii) in sub-section (2), the words “The District Panchayat Officer or” shall be omitted;

(iv) in sub-section (3), the words “and when a village has been divided into wards the electoral roll for the panchayat shall be divided into separate parts for each ward” shall be omitted;

(v) clause (b) of sub-section (4) shall be omitted and clause (a) thereof shall be renumbered as sub-section (4).

30. In sub-section (1) of section 56, for clause (g), the following clause shall be substituted, namely:—

“(g) ceases to reside in the district or in a municipality (including the City of Madras) or a cantonment, situated within three miles of the district;”

31. In section 60—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) All public roads in any district which are classed as district roads and all public roads in non-panchayat areas in the district shall vest in the district board.”;

(ii) in sub-section (2), after the words “a public road”, the words, figure and brackets “which vests in a district board under sub-section (1)” shall be inserted; for the words “any public road”, the words “any such road” shall be substituted; and the words “in which the public road vests” shall be omitted.

32. In section 62, for the words “vested in a local board”, the words “vested in itself” and for the words “other local board”, the word “panchayat” shall be substituted.

33. In section 65, the words “or a collector or any private person or body of persons” shall be omitted, and the word “panchayat” wherever it occurs shall be retained unaltered.

34. Sections 65-A and 65-B shall be omitted.

35. In section 68—

(i) in sub-section (1), for the words “a post of district health officer and one or more posts of district panchayat officer”, the words “and one or more posts of district health officer” shall be substituted;

(ii) in the proviso to sub-section (3), for the words “district health officer or district panchayat officer”, the words “or district health officer” shall be substituted.

36. In sub-section (1) of section 69, for the words “district health officer or district panchayat officer”, the words “or district health officer” shall be substituted.

37. Section 69-B shall be omitted.

38. In sub-section (1) of section 69-C, the words " or panchayat " shall be omitted.

39. In section 70, for the words " the district health officer and the district panchayat officer ", the words " and the district health officer " shall be substituted.

40. In sub-section (1) of section 70-A—

(i) for the words and figures " or in the Madras District Municipalities Act, 1920 ", the words and figures " the Madras District Municipalities Act, 1920, or the Madras Village Panchayats Act, 1950 " shall be substituted ;

(ii) after the words and figures " under the Madras District Municipalities Act, 1920 ", the words and figures " or of any panchayat constituted under the Madras Village Panchayats Act, 1950 " shall be inserted ;

(iii) for the proviso, the following proviso shall be substituted, namely :—

" Provided that no such transfer shall be made except after consulting the district board, and the other district board, the municipal council or the executive authority of the panchayat, as the case may be."

41. Sub-section (2) of section 71 shall be omitted and sub-section (1) thereof shall be renumbered as section 71 ; and in the opening paragraph of the section as so renumbered, the words " and on the staff of all panchayats in the district " shall be omitted.

42. In section 72, for the words " the district health officer or the district panchayat officer ", the words " or the district health officer " shall be substituted.

43. Sub-section (2) of section 73 shall be omitted and sub-section (1) thereof shall be renumbered as section 73, and in the section as so renumbered, for the words " the district health officer and the district panchayat officer ", the words " and the district health officer " shall be substituted.

44. In section 73-B, the words, figures and letter " and of any person appointed under section 69-B " shall be omitted.

45. In section 74-A—

(i) in sub-section (1), for the words " local fund service " the words " separate service " shall be substituted ;

(ii) in sub-section (2), the words " local fund " shall be omitted.

46. In section 74-C, after the words " a duty shall be levied ", the words " in all non-panchayat areas " shall be inserted.

47. In section 75—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

" (1) A district board may by a resolution determine that a profession tax shall be levied in all non-panchayat areas in the district or in any non-panchayat area specified in the resolution."

(ii) sub-section (2) shall be omitted;

(iii) in sub-section (3), for the word "taxes" in clause (a), the words "the profession tax" shall be substituted;

(iv) in the same sub-section, in clause (b), for the words "existing tax" and "a tax", the words "existing profession tax" and "a profession tax" shall respectively be substituted, and for the words "in the case of local boards which have an outstanding loan", the words "if the district board has an outstanding loan" shall be substituted;

(v) in sub-section (4), the words, figure and brackets "or a notification under sub-section (2)" and the words "or notification" and "or panchayat, as the case may be" shall be omitted.

48. In section 77, sub-section (2) shall be omitted; clauses (a) and (b) of sub-section (1) shall be renumbered as sub-sections (1) and (2) respectively; and in sub-section (2) as so renumbered, for the expression "clause (a)", the expression "sub-section (1)" shall be substituted.

49. After section 91, the following section shall be inserted, namely:—

"92. The proceeds of the land-cess shall be credited to the district fund : Apportionment of land cess.

Provided that the cess collected in any panchayat area shall be distributed as follows:—

(a) three-fourths of the cess shall be credited to the district fund, and

(b) one-fourth of the cess shall be credited to the panchayat fund."

50. In sub-section (1) of section 93, for the words "local area", wherever they occur, the words "non-panchayat area" shall be substituted and for the words, brackets, letter and figures "clause (b) of sub-section (1) of section 77", the words, brackets and figures "sub-section (2) of section 77" shall be substituted.

51. In sub-section (1) of section 94-A, for the words "local area", wherever they occur, the words "non-panchayat area" shall be substituted.

52. Section 95 shall be omitted.

53. Sections 98 to 103 and the heading thereto shall be omitted.

54. In section 110—

(i) in sub-section (3), for the expression "clause (b) of sub-section (1) of section 77", the expression "sub-section (2) of section 77" shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4-A) The proceeds of the pilgrim tax shall be credited to the district fund:

Provided that where the tax is levied in respect of a panchayat area and the occasion for pilgrimage is not a festival classified as a district festival, the proceeds shall be credited to the panchayat fund."

(iii) in sub-section (5), for the words "local board" in clause (ii), the words "district board or panchayat" shall be substituted;

(iv) in the same sub-section, in clause (iv), for the words "local boards", wherever they occur, the words "district boards or panchayats" shall be substituted.

55. In sections 110-A and 110-B, for the words "in the area", the words "in any non-panchayat area" shall be substituted.

56. In section 111, for the words and figures "Subject to the provisions of section 103, the district board", the words "The district board" shall be substituted.

57. In section 112—

(i) to sub-section (1), the following proviso shall be added, namely:—

"Provided that nothing contained in this sub-section shall be deemed to enable a district board to expend its moneys within any panchayat area for any purpose exclusively within the jurisdiction of the panchayat, except with the general or special sanction of the State Government.";

(ii) in sub-section (2), for the words "area of the local board" and "local board area", the word "district" shall be substituted.

58. In section 114, the words "and for each village a village fund" shall be omitted.

59. In section 115, for the words "village and district funds respectively", the words "district funds" shall be substituted.

60. In section 116—

(i) in sub-section (2), for the words "Every local board" the words "The district board" shall be substituted;

(ii) sub-section (3) shall be omitted.

61. In section 117—

(i) in sub-section (1), for the words "a consolidated budget", the words "its budget" shall be substituted and the words "of itself and of all panchayats in the district" shall be omitted;

(ii) in sub-section (2), the word "consolidated" shall be omitted, and for the words "any local board", the words "the district board" shall be substituted.

62. Section 118 shall be omitted.

63. In sub-section (1) of section 121, for the words "of a local board area", the words "of the district or any part thereof" shall be substituted.

64. Before section 122 and the heading thereto, the following heading and section shall be inserted, namely:—

"Application of chapter to panchayat areas."

121-B. The provisions of this chapter, except sections 137, 138 and 139, shall not apply to any panchayat area unless the State Government by general or special order, otherwise direct."

Provisions of chapter except sections 137, 138 and 139 not to apply to panchayat areas.

65. In sub-section (2) of section 124, the words " in the village " shall be omitted.

66. In section 126—

(i) in clause (i), the words " in the village " shall be omitted;

(ii) in clause (ii), the words " in the village " and " or of the district board " shall be omitted, and for the words " for the maintenance, repair and improvement thereof ", the words " for their maintenance, repair and improvement with a view to their use by the public but shall not be entitled to levy any fees in respect thereof " shall be substituted.

67. In section 128, the words " or village ", " or the panchayat as the case may be " and " or panchayat " shall be omitted.

68. In section 129, after the words " a public road " where they occur for the first time, the words " vested in a district board " shall be inserted, and for those words where they occur for the second time, the words " such public road " shall be substituted.

69. In section 135, for the word " village ", the word " district " shall be substituted.

70. In sub-section (2) of section 140, the words " with the sanction of the district board " shall be omitted.

71. In section 146—

(i) in sub-section (1), the words " with the previous sanction of the district board " shall be omitted;

(ii) in sub-section (2), for the word " village ", the words " local area " shall be substituted.

72. In sub-section (1) of sections 147 and 148, for the words " public road appears to the executive authority of the local board in which such road is vested ", the words " public road vested in a district board appears to the executive authority thereof " shall be substituted.

73. In sub-section (1) of section 150, after the words " other place ", the words " in a non-panchayat area " shall be inserted.

74. In clause (a) of sub-section (1) of section 151, after the words " public road ", the words " vested in " shall be inserted.

75. In sub-sections (1) and (2) of section 153, after the words " any building or land ", the words " in a non-panchayat area " shall be inserted.

76. To sub-section (1) of section 154, the following paragraph shall be added at the end, namely:—

" Where such notice is given, no person shall keep any pig or dog, as the case may be, within such limits without obtaining a licence from the executive authority of the district board or otherwise than in accordance with the conditions specified in such licence."

77. In section 157, after the words " public road ", the words " vested in a district board " shall be inserted.

78. For sub-section (1) of section 158, the following sub-section shall be substituted, namely:—

“(1) No door, gate, bar or ground-floor window shall be hung or placed so as to open outwards upon any public road vested in a district board, without a licence from the executive authority of such board.”

79. In sub-section (5) of section 160, the words “or any class of local boards” shall be omitted.

80. In sub-section (1) of section 161, after the word “erected”, the words “in a non-panchayat area” shall be inserted.

81. In sub-section (1) of section 163, after the words “public road”, the words “vested in a district board” shall be inserted, and for the words “executive authority of the local board in which such road is vested”, the words “executive authority of the district board” shall be substituted.

82. In Chapter XI, after the heading “Markets, Slaughter-houses, etc.” and the sub-heading “Public markets”, the following section shall be inserted, namely:—

“166-A. The State Government shall have power to classify public and private markets situated in a panchayat area as district markets and panchayat markets respectively and provide for the control of any such market and for the apportionment of the income derived therefrom between the district board and the panchayat or the payment of a contribution in respect thereof to the panchayat or the district board, as the case may be.”

**Classification
of markets as
district and
panchayat
markets.**

83. In section 168—

(i) to sub-section (1), the words “in any non-panchayat area and if specially authorized by the State Government in that behalf, in any panchayat area” shall be added at the end;

(ii) in sub-section (2), for the words “any public market”, the words “any of its public markets” shall be substituted;

(iii) in sub-section (3), the words “with the sanction of the district board” shall be omitted and for the words “any public market”, the words “any of its public markets” shall be substituted.

84. In sub-sections (1) and (2) of section 169, for the words “any public market”, the words “any district board public market” shall be substituted.

85. In section 171, in sub-section (1), after the words “no person shall,” the words “in any non-panchayat area” shall be inserted.

86. In section 172—

(i) in sub-section (1), the reference to the Madras Local Boards Act, 1884, shall be retained unaltered;

(ii) for sub-sections (2) and (3), the following sub-section shall be substituted, namely:—

“(2) The district board shall, after making or causing to be made such inquiries, if any, as it thinks fit, grant or refuse the certificate.”

87. In sections 176 and 178, after the words "any private market", the words "in a non-panchayat area or of any private market in a panchayat area which is classified as a district market" shall be inserted.

88. For clauses (a) and (b) of section 179, the following clauses shall be substituted, namely:—

"(a) in respect of which no licence has been applied for, if the market is in a non-panchayat area or if being in a panchayat area it is classified as a district market; or

(b) the licence for which has been refused, withheld or suspended by the district board; or".

89. In sub-section (1) of section 180, after the words "to hold a private market in any place", the words "in a non-panchayat area or to hold a private market classified as a district market in any place in a panchayat area" shall be inserted.

90. In section 181, for the words "appeal against such order to the district board", the words "appeal against such order to the State Government" and for the words "the executive authority of the district board may, if he thinks fit", the words "the State Government may, if they think fit" shall be substituted.

91. In section 182, after the word "market", the words "in a non-panchayat area or of a market in a panchayat area which is classified as a district market" shall be inserted.

92. Section 183-A shall be omitted.

93. In section 183-B, the words "panchayat or" shall be omitted.

94. (1) In sub-section (1) of section 184, after the word "cart-stands", the words "in non-panchayat areas" shall be inserted.

(2) In sub-section (1-B) of the same section, the reference to the Madras District Municipalities and Local Boards (Amendment) Act, 1941, shall be retained unaltered.

95. To section 185, the words "being a place or road vesting in the district board" shall be added.

96. In section 187, in sub-section (1), after the words "No person shall", the words "in any non-panchayat area" shall be inserted.

97. In section 189, to sub-section (1), the words "in non-panchayat areas" shall be added.

98. In section 190—

(i) the words "with the sanction of the district board" shall be omitted;

(ii) in clause (a), for the words "in the village or in any specified area therein", the words "in any specified non-panchayat area" shall be substituted;

(iii) in clause (b), after the words "slaughter or permit to be slaughtered", the words "in any specified non-panchayat area" shall be inserted.

99. In section 191, for the words " within the village ", the words " in non-panchayat areas " shall be substituted.

100. In section 193, in sub-section (1), for the words " within the limits of the village ", the words " situated in any non-panchayat area or in such non-panchayat area as may be specified in the notification " shall be substituted.

101. In section 194—

(i) in clause (a) of sub-section (1), after the word " establish ", the words " in any non-panchayat area " shall be inserted;

(ii) in clause (b) of the same sub-section, after the word " premises ", the words " in a non-panchayat area " shall be inserted;

(iii) in clause (ii) of sub-section (2), the words " by the district board " shall be omitted;

(iv) in clause (a) of sub-section (4), for the words " in the village ", the words " in the non-panchayat area " shall be substituted.

102. In sub-section (1) of section 195, after the word " work-place ", the words " in a non-panchayat area " shall be inserted.

103. In sub-section (1) of section 197, after the word " work-place ", the words " in a non-panchayat area " shall be added.

104. In section 198, for the words " local board area " in the opening paragraph, the words " non-panchayat area " shall be substituted.

105. To section 202, the following proviso shall be added, namely:—

" Provided that nothing contained in this section shall be deemed to authorize the district board, without the approval of the State Government, to make by-laws for any panchayat area in respect of any matter for which the panchayat may make by-laws under the Madras Village Panchayats Act, 1950."

106. Section 203-A shall be omitted.

107. In sections 204 and 205, the words " or panchayat " shall be omitted.

108. In section 205-A—

(i) sub-section (2) shall be omitted and sub-section (3) renumbered as sub-section (2);

(ii) in sub-section (2) as so renumbered, the words " or panchayat " and the words, figure and brackets " or (2) as the case may be " shall be omitted.

109. In section 206, the words " of the panchayat and " shall be omitted, and for the words " to the village or to any specified area therein ", the words " to any specified non-panchayat area in the district " shall be substituted.

110. In section 208—

(i) in sub-section (2), for the words " acts as the president temporary president or vice-president of a local board or exercises

any of his functions including where he is also the executive authority any of his functions as such", the words "acts as the president or vice-president of a district board or exercises any of his functions including his functions as executive authority" shall be substituted;

(ii) in sub-section (3), the words "temporary president" wherever they occur shall be omitted.

111. In section 218, for the words "in the area of the local board concerned", the words "in the district" shall be substituted.

112. In section 233, the words "in regard to any local board or any class of local boards or all local boards in that area" shall be omitted.

113. In sections 235 (1) and 236, the reference to the Madras Local Boards Act, 1884, shall be retained unaltered.

114. In sub-section (2) of section 237, the words "for different classes of local boards" shall be omitted.

115. In section 240—

(i) in sub-section (1), for the words "and its executive authority", the words "including his powers, duties and functions as executive authority" shall be substituted;

(ii) in sub-section (2), the words and figure "or 5 as the case may be" shall be omitted;

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Special Officer shall exercise the powers, discharge the duties and perform the functions—

(a) of the district board until a board has been constituted; and

(b) of the president of the board including his powers, duties and functions as executive authority until a president has been elected by the board."

(iv) in sub-section (5), for the words "in the same district", the words and figures "in that one of the three groups of districts as divided by the Madras Local Boards (Amendment) Act, 1935, to which the district belongs" shall be substituted;

(v) in sub-section (8), after the words "exercise jurisdiction", the following words shall be inserted, namely:—
"or for which a panchayat has been newly constituted."

116. After section 240, the following section shall be inserted, namely:—

"240-A. Notwithstanding anything contained in this Act, or in the Madras Village Panchayats Act, 1950, the State Government may, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that any function vested in a district board by or under the Madras District Boards Act, 1920, shall be transferred to and performed by any panchayat or class of panchayats."

Transfer of functions of district boards to panchayats.

Madras Act
XIV of 1920.

117. In sub-section (1) of section 241, the words "district board or panchayat" in the two places where they occur and the words "as the case may be" at the end shall be omitted.

118. In Schedule II—

(i) in rule 2, the words “and every panchayat at least once in every month” shall be omitted;

(ii) in sub-rule (1) of rule 3, after the words “No meeting”, the words “of the district board” shall be inserted, and the words “at least three clear days before the day of the meeting in the case of panchayats and” and “in the case of district boards” shall be omitted;

(iii) in sub-rule (1) of rule 4, the words “executive officer”, the words “at least ten clear days before the day of the meeting in the case of panchayats and” and the words “in the case of district boards” shall be omitted;

(iv) sub-rules (2), (3) and (4) of rule 11 shall be omitted and sub-rule (1) of that rule shall be renumbered as rule 11; and

(v) in rule 11 as renumbered, for the words, brackets and figures “sub-section (1) of section 37”, the word and figures “section 37” shall be substituted.

119. In Schedule IV—

(i) in the heading, for the words, figures and brackets “(see sections 92, 93, 95, 98 and 104)” the words, figures and brackets “(see sections 92 and 93)” shall be substituted;

(ii) for rule 3, the following rule shall be substituted, namely:—

“3. The District Collector shall cause the net proceeds of the land-cess collected under the authority conferred on him by this Act to be credited to the district fund and the panchayat fund in accordance with the provisions of section 92.”;

(iii) in rule 4, for the words “local board concerned”, the words “district board or panchayat concerned” shall be substituted;

(iv) for the heading before rule 5 “Part II—Other Taxes—Provisions common to other taxes in general”, the heading “Part II—Profession Tax—General” shall be substituted;

(v) in sub-rule (1) of rule 5, the words “separate” and “and the house-tax” shall be omitted;

(vi) in sub-rules (2) and (3) of the same rule, for the words “any tax”, the words “the tax” shall be substituted;

(vii) in sub-rule (4) (a) of the same rule, the words “or any property” and the words “relating to any tax” shall be omitted;

(viii) in rule 6, for the words “person or property”, the words “or person” shall be substituted;

(ix) in rule 10, for the words “local area” in the two places where they occur, the words “non-panchayat areas” shall be substituted;

(x) in sub-rule (1) of rule 11, for the words “the area of a single local board” in the opening paragraph, the words “the non-panchayat area of a single district board” and for the words “the area of the local board” in clause (b), the words “the non-panchayat area of the district board” shall be substituted;

(xi) in sub-rule (2) of the same rule, for the words "partly in the area of a local board" the words "partly in the non-panchayat area of a district board" and for the words "in the area of the local board," occurring later, the words "in the non-panchayat area of the district board" shall be substituted;

(xii) in sub-rule (3) of the same rule, for the words "local area" in the two places where they occur, the words "non-panchayat area" shall be substituted;

(xiii) rules 12 to 25 and the heading thereto shall be omitted;

(xiv) for rule 27, the following rule shall be substituted, namely:—

"27. An appeal shall lie to the district board in respect of the proceedings of the executive authority under rule 11-A";

(xv) in rules 30 and 31, for the words "any tax", the words "the tax" shall be substituted;

(xvi) in rule 32—

(a) sub-rule (1) shall be omitted and sub-rules (2) to (4) renumbered as sub-rules (1) to (3) respectively;

(b) in sub-rule (1) as so renumbered, the words, figures and brackets "and a bill under sub-rule (1) of rule 32" shall be omitted;

(c) in clause (a) of the same sub-rule, the words "property or thing" shall be omitted;

(d) in sub-rule (2) as so renumbered, the words "or bill" and "or bill as the case may be" shall be omitted;

(xvii) in sub-rule (1) of rule 33, for the words "any tax", the words "the tax" shall be substituted, and the words, letter, figures and brackets "or bill or the giving of the direction referred to in rule 24-A (2)" shall be omitted;

(xviii) rule 38 shall be omitted;

(xix) in Appendix A, the words "and premises, if any, in respect of which the tax or taxes are due" and the words and brackets "(or as the case may be any goods and chattels found on the premises referred to)" shall be omitted.

120. In Schedule V—

(i) sub-rule (aa) of rule 1 shall be omitted;

(ii) rule 1-A shall be omitted;

(iii) in rule 1-B—

(I) in sub-rule (2)—

(1) for clause (c), the following clause shall be substituted, namely:—

"(c) the establishment and maintenance of choultries in non-panchayat areas and of choultries classified as district choultries in panchayat areas";

(2) in clause (cc), for the portion beginning with the word "except" and ending with the words "district board" the following shall be substituted, namely:—

"except in any panchayat area where a contribution is paid by the district board to the panchayat on the scale fixed by the State Government for the opening and maintenance of elementary schools";

(3) for clause (dd), the following clause shall be substituted, namely:—

“(dd) the opening and maintenance of libraries and reading rooms in non-panchayat areas and of libraries and reading rooms classified as district libraries and district reading rooms in panchayat areas”;

(4) for clause (h), the following clause shall be substituted, namely:—

“(h) the establishment and maintenance of hospitals; the establishment and maintenance of dispensaries in non-panchayat areas and of dispensaries other than those classified as panchayat dispensaries in panchayat areas; and every other kind of medical relief in non-panchayat areas, and every other kind of medical relief not given by the panchayat in panchayat areas”;

(5) in clause (i), for the portion beginning with the word “except” and ending with “rule 1-A”, the following shall be substituted, namely:—

“except, in panchayat areas, such measures as may have been carried out by the panchayat under the Madras Village Panchayats Act, 1950”;

(6) to clause (l), the following words shall be added, namely:—

“in panchayat areas and of all public markets in non-panchayat areas”;

(7) to clause (m), the following words shall be added, namely:—

“in panchayat areas and of all fairs and festivals in non-panchayat areas”;

(8) for clause (n), the following clauses shall be substituted, namely:—

“(n) the construction of drains and disposal of drainage water and sullage in any non-panchayat area;

(o) in any non-panchayat area, the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows; and other improvements of the sanitary condition;

(p) the provision of public latrines and arrangements to cleanse latrines, whether public or private, in any non-panchayat area;

(q) the opening and maintenance of burial and burning grounds in non-panchayat areas;

(r) in non-panchayat areas, the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks for supply of water for drinking, washing and bathing purposes and the construction of bathing ghats;

(s) the opening and maintenance of public slaughter-houses in non-panchayat areas;

(t) the establishment and maintenance in non-panchayat areas of wireless receiving sets, of playgrounds, of parks of sports clubs and of centres of physical culture”;

(II) in sub-rule (3), for clause (d), the following clause shall be substituted, namely:—

“(d) all other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the district; and”

(iv) rules 2 and 3 shall be omitted;

(v) in rule 4, for the words “any other local board”, the words “any panchayat” shall be substituted;

(vi) (1) in rule 5, the words “village and” and “respectively” in the opening paragraph and the heading “A—Village Funds” and all the items the under shall be omitted; and for the heading “B—District Funds”, the heading “District Funds”, shall be substituted; and for items (1) and (1-A) under that heading, the following items shall be substituted, namely:—

“(1) The land-tax levied in the district, subject to the provisions of section 92.

(2) The profession tax levied in non-panchayat areas in the district under section 93.

(2-A) The pilgrim tax levied (i) in respect of any panchayat area in the district where the occasion for pilgrimage is a festival classified as a district festival, and (ii) in respect of any non-panchayat area in the district.”;

(2) for item (3-A) under the same heading, the following items shall be substituted, namely —

“(3-A) Fees levied (i) in public markets in panchayat areas which are classified as district markets, after deducting the contribution, if any, paid by the district board to the panchayat on the scale fixed by the Government, and (ii) in public markets in non-panchayat areas.

(3-B) The contribution paid to the district board by panchayats in respect of markets situated in panchayat areas which are not classified as district markets, on the scale fixed by the Government.

(3-C) Fees for the use of public landing places, halting places, cart-stands and slaughter-houses in non-panchayat areas; and fees for the temporary occupation of village-sites, roads, burial and burning grounds and other similar public places or parts thereof in non-panchayat areas.”;

(3) in item (5) under the same heading, for the words “in the district”, the words “in panchayat areas” shall be substituted, and after the words “district choultries” the words “and of all choultries in non-panchayat areas” shall be added;

(4) in item (7) under the same heading, for the words “and dispensaries classified as district hospitals and dispensaries”, the words “of dispensaries in non-panchayat areas and of dispensaries in panchayat areas classified as district dispensaries” shall be substituted;

(5) in item (12) under the same heading, after the words “all district roads”, the words “and to all public roads in non-panchayat areas” shall be added;

(6) in item (13) under the same heading, after the word “ferries”, the words “and fisheries” shall be inserted;

(7) after item (18) under the same heading, the following item shall be inserted, namely :—

“(19) All sums other than those enumerated above which arise out of, or are received in aid of, or for expenditure on, any institutions or services maintained or financed from the district fund or managed by the district board.”

(vii) rule 6 shall be omitted ;

(viii) in rule 8—

(1) in sub-rule (1), the words “and all moneys received by a panchayat shall be lodged either in the nearest Government Treasury or in the nearest Post Office Savings Bank” shall be omitted ;

(2) clause (b) of sub-rule (2) shall be omitted and clause (a) thereof shall be renumbered as sub-rule (2), and in the sub-rule as so renumbered, the words “and a panchayat may with the sanction of the Inspector of Local Boards” shall be omitted ;

(ix) in sub-rule (1) of rule 9, sub-clause (ii) of clause (b) shall be omitted and sub-clause (i) thereof shall be relettered as clause (b), and in the clause as so relettered, the words “in the case of district boards; or” shall be omitted.

121. In Schedule VIII—

(i) the item relating to section 102 (1) shall be omitted ;

(ii) after the item relating to section 153, sub-section (2), the following item shall be inserted, namely :—

“154 (1) . . Keeping a dog or pig with- Ten rupees.”
out licence or contrary to
licence.

122. In Schedule IX, after the item relating to section 153, sub-section (2), the following item shall be inserted, namely :—

“154 (1) . . Keeping a dog or pig with- Two rupees.”
out licence or contrary to
licence.

GOVERNMENT OF MADRAS

LEGAL DEPARTMENT

MADRAS ACT No. XI OF 1950.

[Received the assent of the President on the 12th August 1950, first published in the "Fort St. George Gazette Extraordinary" on the 16th August 1950.]

An Act further to amend the Indian Criminal Law Amendment Act, 1908, in its application to the State of Madras.

Central Act
XIV of
1908.

WHEREAS it is expedient further to amend the Indian Criminal Law Amendment Act, 1908, in its application to the State of Madras, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Criminal Law Amendment (Madras) Act, 1950. Short title and extent.

(2) It extends to the whole of the State of Madras.

Central Act
XIV of
1908.

2. In section 15, sub-section (2), of the Indian Criminal Law Amendment Act, 1908 (hereinafter referred to as the said Act), for clause (b), the following clause shall be substituted, namely :—

Amendment of section 15, Central Act XIV of 1908.

“(b) which has been declared by the State Government by notification in the Official Gazette to be unlawful on the ground (to be specified in the notification) that such association—

(i) constitutes a danger to the public peace, or

(ii) has interfered or interferes with the maintenance of public order or has such interference for its object, or

(iii) has interfered or interferes with the administration of the law, or has such interference for its object”.

Substitution
of new
sections for
section 16,
Central Act
XIV of 1908.

3. For section 16 of the said Act, the following sections shall be substituted, namely :—

Procedure
for issue of
notification
declaring
association
to be unlaw-
ful.

“ 16. (1) A notification issued under clause (b) of sub-section (2) of section 15 in respect of any association shall—

(a) specify the ground on which it is issued, the reasons for its issue, and such other particulars, if any, as may have a bearing on the necessity therefor; and

(b) fix a reasonable period for any office-bearer or member of the association or any other person interested to make a representation to the State Government in respect of the issue of the notification.

(2) Nothing in sub-section (1) shall require the State Government to disclose any facts which it considers to be against the public interest to disclose.

Reference to
Advisory
Board and
cancellation
or modifica-
tion of noti-
fication.

16-A. (1) After the expiry of the time fixed in the notification for the making of representations in respect of the issue thereof, the State Government shall place before an Advisory Board constituted under sub-section (2) a copy of the notification and also of the representations, if any, received before such expiry.

(2) The State Government shall, whenever necessary, constitute one or more Advisory Boards; and each such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of the High Court, and one of them shall be its Chairman. The Chairman and the other members of each Board shall be appointed by the State Government.

(3) The Advisory Board shall, after considering the materials placed before it and, if necessary, after calling for such further information as it may deem fit from the State Government or from any office-bearer or member of the association concerned or any other person, submit its report to the State Government.

(4) The report of the Advisory Board shall specify in a separate part thereof its opinion or that of the majority of its members as to whether or not there was sufficient cause for the issue of the notification in respect of the association concerned.

(5) Nothing in this section shall entitle any person to attend in person or to appear by any legal representative in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report, excepting that part thereof in which its opinion or

that of the majority of its members is specified, shall be confidential.

(6) In any case where the Advisory Board or a majority of its members has reported that there is no sufficient cause for the issue of the notification in respect of the association concerned, the State Government shall cancel the notification in respect of such association."

4. In section 17-A of the said Act, after sub-section (2), the following sub-sections shall be inserted, namely :—

"(2-A) Any person aggrieved by a notification issued under sub-section (1) in respect of any place may, within thirty days from the date on which such notification is published in the Official Gazette, apply to the District Judge of the district in which such place is situated, or if such place is situated in the Presidency-town, to the Chief Judge of the Small Cause Court, for a declaration that the place has not been used for the purposes of any unlawful association and if such District Judge or Chief Judge makes such declaration, the State Government shall cancel the notification in respect of the place.

Amendment
of section
17-A, Central
Act XIV of
1908.

(2-B) In disposing of an application under sub-section (2-A), the procedure to be followed shall be the procedure laid down in the Code of Civil Procedure, 1908, for the investigation of claims so far as it can be made to apply; and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final."

Central
Act V of
1908.

5. In section 17-F of the said Act, for the words, figures and letters "save as provided in sections 17-B and 17-E", the words, figures and letters "save as provided in sections 17-A, 17-B and 17-E" shall be substituted.

Amendment
of section
17-F,
Central Act
XIV of 1908.

6. (1) All notifications issued in respect of associations by the State Government before the commencement of this Act under section 16 of the said Act and not cancelled before such commencement shall, as from such commencement, have effect as if they had been issued under section 15 (2) (b) of the said Act as amended by this Act:

Saving.

Provided as follows :—

(i) In the case of every association to which any such notification applies, the State Government shall issue a supplementary notification as soon as may be after the commencement of this Act, specifying the ground, the reasons and the particulars, if any, referred to in section 16 (1) (a) of the said Act as amended by this Act, and fixing a reasonable period for the making of the representations referred to in section 16 (1) (b) of the said Act amended as aforesaid.

(ii). The procedure prescribed by section 16-A of the said Act as amended by this Act shall be followed thereafter.

(2) All notifications issued by the State Government before the commencement of this Act under section 17-A of the said Act and not cancelled before such commencement shall, as from such commencement, be deemed to have been issued under section 17-A of the said Act as amended by this Act :

Provided that an application may be filed under section 17-A (2-A) of the said Act as amended by this Act in respect of any such notification within thirty days from the commencement of this Act.

(3) All other notifications and orders issued before the commencement of this Act under any other provision of the said Act and not cancelled before such commencement shall, as from such commencement, have effect as if they had been issued under the corresponding provision of the said Act as amended by this Act.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XII OF 1950

*[Received the assent of His Excellency the Governor on
the 25th August 1950, first published in the "Fort
St. George Gazette" on the 29th August 1950.]*

An Act further to amend the Andhra University Act, 1925.

Madras Act
II of 1926.

WHEREAS it is expedient further to amend the Andhra University Act, 1925, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Andhra University (Amendment) Act, 1950. Short title.

Madras Act
II of 1926.

2. In the Andhra University Act, 1925 (hereinafter referred to as the said Act)— Amendment
of Madras
Act II of
1926.

(i) in section 18, under the heading "Class II—Other Members", in clause (3), for the words "one shall be a person recommended by the Maharaja Saheb of Jeypore", the words "two shall be persons recommended by the Maharaja Saheb of Jeypore", and for the words "a person shall be so nominated on the recommendation of the Maharaja Saheb" occurring in the proviso, the words "two persons shall be so nominated on the recommendation of the Maharaja Saheb" shall be substituted;

(ii) in section 19-A, in clause (4), for the words "the member nominated to the Syndicate on the recommendation of the Maharaja Saheb of Jeypore", the words "a member nominated to the Syndicate on the recommendation of the Maharaja Saheb of Jeypore" shall be substituted.

Temporary
amendment
of section 18,
Madras Act
II of 1926.

3. Until the reconstitution of the Syndicate next after the commencement of this Act, or if before such reconstitution one of the four members of the Syndicate who were nominated by the Chancellor otherwise than on the recommendation of the Maharaja Saheb of Jeypore or his successors vacates office, until the date on which such vacancy occurs, clause (3) under the heading "Class II—Other Members" in section 18 of the said Act shall have effect as if for the words "five persons" occurring therein, the words "six persons" were substituted.

PRICE, 1 anna.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XIII OF 1950.

*[Received the assent of His Excellency the Governor on
the 6th September 1950, first published in the
“Fort St. George Gazette Extraordinary” on the 7th
September 1950.]*

*An Act to amend the Madras Entertainments Tax (Amendment)
Act, 1949.*

Madras Act
XVII of
1949.

WHEREAS it is expedient to amend the Madras Entertainments Tax (Amendment) Act, 1949, for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras Entertainments Tax (Amendment) Act, 1950.

Madras Act
XVII of
1949.

2. In section 1 of the Madras Entertainments Tax (Amendment) Act, 1949, after sub-section (2), the following sub-section shall be added, namely :—

Amendment
of section 1,
Madras Act
XVII of
1949.

“(3) This Act shall cease to be in force on the expiry of four years from the date notified under sub-section (2):

Madras Act
I of 1891.

Provided that section 8 of the Madras General Clauses Act, 1891, shall apply upon the expiry of this Act as if it had then been repealed by a Madras Act.”

Madras
Ordinance
I of 1950.

3. The Madras Entertainments Tax (Amendment) Repealing Ordinance, 1950, is hereby repealed.

PRICE, 1 anna.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XIV OF 1950

[Received the assent of His Excellency the Governor on
the 15th September 1950, first published in the
"Fort St. George Gazette" on the 19th September
1950.]

*An Act to provide for the establishment of a Contingency Fund
for the State of Madras.*

WHEREAS Article 267, clause (2), of the Constitution,
provides that the Legislature of a State may by law estab-
lish a Contingency Fund in the nature of an imprest;

AND WHEREAS it is expedient to establish such a Contingency
Fund for the State of Madras;

It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Contingency Fund Act, 1950. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force at once.

2. (1) There shall be established for the State of Madras a Contingency Fund in the nature of an imprest, called "the Contingency Fund of the State of Madras", and consisting of a sum of one crore of rupees withdrawn from the Revenue Reserve Fund of the State. Establish-
ment of a
Contingency
Fund.

(2) Such Contingency Fund shall be at the disposal of the Governor of Madras; and he shall have authority to make advances therefrom for the purpose of meeting any unforeseen expenditure, pending authorization of such expenditure by the State Legislature by law under Article 205 or Article 206 of the Constitution.

(3) As often as any such expenditure is authorized by law as aforesaid, the State Government shall recoup to the Contingency Fund an amount equal to the advance taken from such Fund to meet the expenditure.

3. The State Government may, by notification in the Fort St. George Gazette, make rules for the purpose of carrying into effect the provisions of this Act. Power to
make rules.

PRICE, 1 anna.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XV OF 1950.

*[Received the assent of the President on the 15th
September 1950; first published in the "Fort
St. George Gazette" on the 19th September 1950.]*

*An Act to amend the Madras Buildings (Lease and
Rent Control) Act, 1949.*

Madras Act
XXV of
1949.

WHEREAS it is expedient to amend the Madras Buildings
(Lease and Rent Control) Act, 1949, for the purpose herein-
after appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Buildings (Lease Short title.
and Rent Control) Amendment Act, 1950.

Madras Act
XXV of
1949.

2. In section 1, sub-section (3), of the Madras Buildings (Lease and Rent Control) Act, 1949, for the words, figures and letters "up to and inclusive of the 30th September 1950", the words, figures and letters "up to and inclusive of the 30th September 1951" shall be substituted. Amendment
of section 1,
Madras Act
XXV of
1949.

PRICE, 1 anna.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XVI OF 1950.

*[Received the assent of the President on the 16th September
1950, first published in the "Fort St. George Gazette"
on the 26th September 1950.]*

*An Act further to amend the Dangerous Drugs Act, 1930,
in its application to the State of Madras.*

WHEREAS it is expedient further to amend the Dangerous
Central Act II of 1930. Drugs Act, 1930, in its application to the State of Madras,
for the purpose hereinafter appearing; It is hereby enacted
as follows:—

1. (1) This Act may be called the Dangerous Drugs Short title
(Madras Amendment) Act, 1950. and extent.

(2) It extends to the whole of the State of Madras.

2. In sections 29 and 30 of the Dangerous Drugs Act, Amendment
Central Act of 1930. 1930, for the words "Excise Department", the words of sections
"Excise or Prohibition Department" shall be substituted. 29 and 30,
Central Act II of 1930.

PRICE, 1 anna.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XVII OF 1950.

*[Received the assent of the President on the 20th
September 1950, first published in the "Fort
St. George Gazette" on the 26th September 1950.]*

*An Act further to amend the Legal Practitioners Act, 1879,
in its application to the State of Madras.*

WHEREAS it is expedient further to amend the Legal Practitioners Act, 1879, in its application to the State of Madras, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Central Act
XVIII of
1879.

1. This Act may be called the Legal Practitioners Short title.
(Madras Amendment) Act, 1950.

2. To section 25 of the Legal Practitioners Act, 1879, the following further proviso shall be added, namely :—

Central Act
XVIII of
1879.

Amendment
of section
25, Central
Act XVIII
of 1879.

“ Provided further that no stamped paper shall be required for the renewal of a certificate to practise as a pleader granted to a person who had enrolled himself for life as a vakil of the Chief Court, Pudukkottai.”

PRICE, 1 anna.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XVIII OF 1950.

[Received the assent of the President on the 25th
September 1950, first published in the "Fort
St. George Gazette Extraordinary" on the 28th
September 1950.]

*An Act to amend the Madras Essential Articles Control and
Requisitioning (Temporary Powers) Act, 1949.*

Madras Act
XXIX of
1949.

WHEREAS it is expedient to amend the Madras Essential
Articles Control and Requisitioning (Temporary Powers) Act,
1949, for the purposes hereinafter appearing; It is hereby
enacted as follows :—

1. This Act may be called the Madras Essential Articles Short title.
Control and Requisitioning (Temporary Powers) Amend-
ment Act, 1950.

Madras Act
XXIX of
1949.

2. In section 1, sub-section (3), of the Madras Essential Amendment
of section 1,
Madras Act
XXIX of
1949.
Articles Control and Requisitioning (Temporary Powers) Act,
1949 (hereinafter referred to as the said Act), for the words,
figures and letters "up to and inclusive of the 30th Septem-
ber 1950", the words, figures and letters "up to and
inclusive of the 30th September 1951" shall be substituted.

3. In section 5 of the said Act—

Amendment
of section 5,
Madras Act
XXIX of
1949.

(i) sub-section (1) shall be omitted, and sub-sections
(2) and (3) shall be renumbered as sub-sections (1) and (2)
respectively;

(ii) in sub-section (1) as so renumbered—

(a) in the opening paragraph, for the words “immovable property”, the words “movable or immovable property” shall be substituted ;

(b) in clause (b), after the words “over the area”, the words “in which the movable property is requisitioned or acquired or” shall be inserted ;

(c) for clause (d), the following clause shall be substituted, namely :—

“(d) The arbitrator in making his award shall have regard—

(i) in the case of movable property, to its market value ;

(ii) in the case of immovable property, to the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable and to the fact whether the acquisition is of a permanent or temporary character :

Central Act
I of 1894.

Provided that where any property requisitioned is subsequently acquired, the arbitrator, in any proceedings in connexion with such acquisition, shall, for the purposes of this clause, take into consideration the market value of the property at the date of the requisition as aforesaid and not at the date of its subsequent acquisition.”

Section 3 to
apply
pending
cases.

4. The provisions of section 5 of the said Act, as amended by section 3 of this Act, shall apply where a claim for compensation is outstanding or in dispute at the commencement of this Act, in a case where movable property has been requisitioned or acquired on or after the 26th January 1950.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XIX OF 1950

*[Received the assent of the President on the 23rd
September 1950, first published in the "Fort
St. George Gazette" on the 3rd October 1950.]*

*An Act to amend the Madras Weights and Measures
Act, 1948.*

Madras Act
XXII of
1948.

WHEREAS it is expedient to amend the Madras Weights and Measures Act, 1948, for the purpose hereinafter appearing ;
It is hereby enacted as follows :—

1. This Act may be called the Madras Weights and Measures (Amendment) Act, 1950.

Madras Act
XXII of
1948.

2. In the Madras Weights and Measures Act, 1948, after section 20, the following section shall be inserted, namely :—

Insertion of
new section
20-A in
Madras Act
XXII of
1948.

" 20-A. During a period of two years commencing on the date with effect from which the provisions of this Act other than section 1 are applied to any area in the State—

Sections 8, 9
and 20 not
to apply to
the pagoda
weight.

(i) nothing contained in section 8 shall, in such area, apply to the pagoda weight, that is to say, a weight equivalent to 54.79 standard grains, or to any weighing instrument calibrated with reference to such weight; and

(ii) nothing contained in sections 9 and 20 shall be deemed to prohibit the use or possession in such area, of such pagoda weight or weighing instrument, for the purpose of transactions or dealings in, or contracts relating to, gold or silver."

PRICE, 1 anna.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XX OF 1950.

[Received the assent of His Excellency the Governor on
the 27th September 1950, first published in the "Fort
St. George Gazette" on the 3rd October 1950.]

*An Act to provide for the vacation by a person who is chosen a
member of both Houses of the State Legislature of his seat
in one House or the other.*

WHEREAS it is necessary to provide for the vacation by a
person who is chosen a member of both Houses of the
State Legislature of his seat in one House or the other;
It is hereby enacted as follows :—

1. This Act may be called the Madras Legislature Short title.
(Prohibition of Simultaneous Membership) Act, 1950.

2. In this Act, unless there is anything repugnant in the Definitions,
subject or context,—

(1) "Assembly" means the Legislative Assembly of the
State of Madras;

(2) "Council" means the Legislative Council of the
State of Madras;

(3) "House" means the Assembly or the Council.

3. (1) If a person is chosen a member of the Council after
he has taken his seat in the Assembly and while he continues
to be a member thereof, his seat in the Assembly shall become
vacant on the date on which he is chosen a member of the
Council.

Vacation of
seat by a
person who
is a member
of one House
chosen
member of
the other
House.

(2) If a person is chosen a member of the Assembly
after he has taken his seat in the Council and while he
continues to be a member thereof, his seat in the Council
shall become vacant on the date on which he is chosen
a member of the Assembly.

Vacation of seat by a person who is chosen member of both the Assembly and the Council.

4. (1) In cases not governed by section 3, any person who is chosen a member of both the Assembly and the Council may, within fifteen days from the date on which he is so chosen, or if he is so chosen on different dates, then, within fifteen days from the later of such dates—

(a) take his seat in either House, whereupon his seat in the other House shall become vacant; or

(b) by notice in writing signed by him and delivered to the Secretary of each of the Houses or to any person authorized by the Governor in this behalf, intimate in which of the Houses he wishes to serve, whereupon his seat in the other House shall become vacant.

(2) If the seat of such person in one of the Houses does not become vacant in pursuance of clause (a) or clause (b) of sub-section (1), then, upon the expiry of the time specified in that sub-section, his seat in the Assembly shall become vacant.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XXI OF 1950.

*[Received the assent of His Excellency the Governor on the
27th September 1950, first published in the "Fort.
St. George Gazette" on the 3rd October 1950.]*

*An Act further to amend the Madras City Municipal
Act, 1919.*

WHEREAS it is expedient further to amend the Madras City
Municipal Act, 1919, for the purpose hereinafter appearing ;
It is hereby enacted as follows :—

Madras Act
IV of 1919.

1. This Act may be called the Madras City Municipal Short title.
(Amendment) Act, 1950.

Madras Act
IV of 1919.

2. In the Madras City Municipal Act, 1919, in rule 10 of Amendment
Schedule IV, for the figures "100" occurring against the of Madras
entry "For every tram-car", the figures "900" shall be 1919.
substituted.

PRICE, 1 anna.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XXII OF 1950.

[Received the assent of the President on the 10th October
1950, first published in the "Fort St. George Gazette"
on the 17th October 1950.]

An Act further to amend the Madras Co-operative Land Mortgage Banks Act, 1934.

Madras Act
X of 1934.

WHEREAS it is expedient further to amend the Madras Co-operative Land Mortgage Banks Act, 1934, for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras Co-operative Land Mortgage Banks (Second Amendment) Act, 1950.

Madras Act
X of 1934.

2. In the Madras Co-operative Land Mortgage Banks Act, 1934, after section 32-A, the following section shall be inserted, namely :—

Insertion of
new section
32-B in
Madras Act
X of 1934.

" 32-B. Any mortgage bank or the Central Mortgage Bank may grant copies of any documents obtained and kept by it in the course of its business, or of any entries in such document; and any copy so granted shall, when certified in such manner as may be prescribed, be admissible in evidence for any purpose in the same manner and to the same extent as the original document, or the entries therein, as the case may be."

PRICE, 1 anna.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XXIII OF 1950,

[Received the assent of His Excellency the Governor on
the 25th October 1950, first published in the "Fort
St. George Gazette Extraordinary" on the 25th October
1950.]

*An Act further to amend the Madras District Municipalities
Act, 1920.*

Madras Act
V of 1920.

WHEREAS it is expedient further to amend the Madras
District Municipalities Act, 1920, for the purposes herein-
after appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras District Municipalities (Amendment) Act, 1950.

Short title
and com-
mencement.

(2) It shall come into force at once:

Provided that in respect of any municipal council
which is in existence at the commencement of this Act,
section 2 shall not come into force—

(a) until the date of the next ordinary elections
thereto; or

(b) if the council is dissolved or superseded before
the date aforesaid, until the date of the first elections to
the council after such dissolution or supersession.

Madras Act
V of 1920.

2. In section 7 of the Madras District Municipalities Act, 1920—

Amendment
of section 7,
Madras Act
V of 1920.

(i) in sub-section (1), for the words, brackets, figure
and letter "Subject to the provisions of sub-section (3-B),
the municipal council", the words "The municipal
council" shall be substituted;

(ii) in sub-section (3)—

(a) in the first paragraph, clauses (a), (b) and (d)
shall be omitted; and clauses (c), (e) and (f) shall be
re-lettered as clauses (a), (b) and (c), respectively;

(b) in the proviso, for the words, brackets and letters "clauses (a) to (e)", the words, brackets and letters "clauses (a) and (b)" shall be substituted;

(iii) sub-section (3-B) shall be omitted;

(iv) in sub-section (4), for the words, brackets and letters "clauses (a) to (e)", the words, brackets and letters "clauses (a) and (b)" shall be substituted.

Extension of term of office of councillors of district municipalities expiring on the first November 1950 and first November 1951.

3. (1) The State Government shall have power to direct that the term of office of the councillors of any municipality constituted under the Madras District Municipalities Act, 1920, which under the law now in force extends up to noon on the first day of November 1950 or on the first day of November 1951 shall extend instead up to noon on such date as may be fixed by them. Madras Act V of 1920.

(2) The State Government may, from time to time, advance or postpone any date fixed under sub-section (1) and fix another date instead.

(3) No date fixed under sub-section (1) or sub-section (2) shall be later than the first day of November 1952.

Date of elections and term of office of councillors whose present term is extended up to any date other than the first November.

4. Where any date other than the first day of November of any year is fixed under section 3, the provisions of the Madras District Municipalities Act, 1920, shall have effect, subject to the following modifications, namely:— Madras Act V of 1920.

(a) The State Government shall cause elections to be held to every municipality concerned, so that the newly elected members may come into office on the date fixed as aforesaid.

(b) The term of office of the newly elected councillors shall, subject to the provisions of the Madras District Municipalities Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on the first day of November immediately succeeding the expiry of three years from the date referred to in clause (a). Madras Act V of 1920. Madras Act II of 1922.

Power to remove difficulties.

5. If any difficulty arises in giving effect to the provisions of this Act, or of the Madras District Municipalities Act, 1920, as amended by this Act, the State Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty. Madras Act V of 1920.

GOVERNMENT OF MADRAS

LEGAL DEPARTMENT

MADRAS ACT No. XXIV OF 1950.

*[Received the assent of the President on the 18th October
1950, first published in the "Fort St. George Gazette"
on the 31st October 1950.]*

*An Act further to amend the Madras Agriculturists Relief
Act, 1938.*

Madras Act IV of 1938. WHEREAS it is expedient further to amend the Madras Agriculturists Relief Act, 1938, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Agriculturists Short title Relief (Amendment) Act, 1950.

PRICE, 2 es. 6 p.]

Amendment
of section 8,
Madras Act
IV of 1938.

2. In section 8 of the Madras Agriculturists Relief Act, Madras Act 1938 (hereinafter referred to as the said Act),— Madras Act IV of 1938.

(a) in Explanation III, for the words “whether by the same or a different debtor and whether in favour of the same or a different creditor”, the words “whether by the same debtor or by his heirs, legal representatives or assigns or by any other person acting on his behalf or in his interest and whether in favour of the same creditor or of any other person acting on his behalf or in his interest” shall be substituted ;

(b) after Explanation III, the following Explanation shall be added, namely :—

“Explanation IV.—Where a debt has been split up, whether before or after the commencement of this Act, among the heirs, legal representatives or assigns of a debtor or of a creditor and fresh documents have been executed in respect of the different portions of such debt, the provisions of this section shall continue to apply in respect of each of the different portions.”

Amendment
of section 9,
Madras Act
IV of 1938.

3. In section 9 of the said Act—

(a) in the proviso to clause (1), for the words “whether by the same or a different debtor and whether in favour of the same or a different creditor”, the words “whether by the same debtor or by his heirs, legal representatives or assigns or by any other person acting on his behalf or in his interest and whether in favour of the same creditor or of any other person acting on his behalf or in his interest” shall be substituted ;

(b) after the proviso aforesaid, the following proviso shall be added, namely :—

“Provided further that where a debt has been split up, whether before or after the commencement of this Act, among the heirs, legal representatives or assigns of a debtor or of a creditor and fresh documents have been executed in respect of the different portions of such debt, the provisions of this section shall continue to apply in respect of each of the different portions.”

Substitution
of new
section for
section 9-A,
Madras Act
IV of 1938.

4. For section 9-A of the said Act, the following section shall be substituted, namely :—

Special
provision
in respect of
usufructu-
ary mort-
gages.

“9-A. (1) This section applies to all mortgages executed at any time before the 30th September 1947, and by virtue of which the mortgagee is in possession of the property mortgaged to him or any portion thereof—

(a) where no rate of interest is stipulated for as due to the mortgagee, or

(b) where a rate of interest is stipulated for as due to the mortgagee in respect of the principal amount secured by the mortgage or any portion thereof, in addition to the

usufruct from the property, or in respect of any other sum payable to the mortgagee by the mortgagor in his capacity as such.

Explanation.—A mortgagee shall be deemed to be in possession of the property mortgaged to him or any portion thereof, notwithstanding that he has leased it to the mortgagor or any other person.

(2) The mortgagor shall be entitled to redeem the whole of the property mortgaged, notwithstanding that the time, if any, fixed in the mortgage deed for redeeming the mortgage has not arrived.

(3) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of less than thirty years, the mortgagor shall not be entitled to redeem the mortgage, unless he pays to the mortgagee—

(i) the difference between the principal amount secured by the mortgage and an amount bearing to the principal amount the same proportion as the period during which the mortgagee has been in possession bears to thirty years ;

(ii) where any interest on the principal amount secured by the mortgage or any portion thereof has been stipulated for, in addition to the usufruct from the property, the arrears of such interest as scaled down under section 8 or 9 read with section 12, or under section 13, as the case may be ; and

(iii) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon.

(4) Where the mortgagee has been in possession of only a portion of the property mortgaged to him for an aggregate period of less than thirty years, the mortgagor shall not be entitled to redeem the mortgage, unless he pays to the mortgagee—

(i) the difference between that portion of the principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee and an amount bearing to that portion of the principal amount the same proportion as the period during which the mortgagee has been in possession bears to thirty years ;

(ii) where any interest has been stipulated for, in addition to the usufruct from the property, the arrears of interest on the portion of the principal amount referred to in clause (i), such arrears being scaled down under section 8 or 9 read with section 12 or under section 13, as the case may be ;

(iii) the balance of the debt as scaled down under section 8 or 9 read with section 12, or under section 13, as the case may be ; and

(iv) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon.

(5) (a) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of thirty years or more, then, notwithstanding anything contained in sections 8, 9, 12 and 13, the mortgage debt shall be deemed to have been wholly discharged with effect from the expiry of the period of thirty years or where such period expired before the commencement of the Madras Agriculturists Relief (Amendment) Act, 1948, with effect from the commencement of that Act—

Madras Act
XXIII of
1948.

(i) if no interest has been stipulated for on the principal amount secured by the mortgage or any portion thereof, in addition to the usufruct from the property ;

(ii) where such interest has been stipulated for, if no arrears of interest are due from the mortgagor ; and

(iii) if no other sums or interest thereon are due to the mortgagee by the mortgagor in his capacity as such.

(b) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of thirty years or more, then, in cases not governed by clause (a), the mortgagor shall not be entitled to redeem the mortgage unless he pays to the mortgagee—

(i) the arrears of interest stipulated for in addition to the usufruct from the property, as scaled down under section 8 or 9 read with section 12, or under section 13, as the case may be ; and

(ii) all other sums due to the mortgagee by the mortgagor in his capacity as such and referred to in sub-clause (iii) of clause (a) together with any interest due thereon.

(6) Where the mortgagee has been in possession of only a portion of the property mortgaged to him for an aggregate period of thirty years or more, the mortgagor shall not be entitled to redeem the mortgage unless he pays to the mortgagee—

(i) where, in addition to the usufruct from the property, any interest has been stipulated for, the arrears of interest on that portion of the principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee, such arrears being scaled down under section 8 or 9 read with section 12, or under section 13, as the case may be ;

(ii) the balance of the debt not attributable to such portion of the property as scaled down under section 8 or 9 read with section 12, or under section 13, as the case may be ; and

(iii) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon.

(7) For the purposes of this section, the portion of the principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee shall be determined in the manner prescribed by rules made under this Act.

(8) The mortgagor shall not be entitled to redeem a mortgage under sub-section (2) or obtain possession of the mortgaged property by virtue of sub-section (5) (a), unless he pays to the mortgagee the cost of the improvements, if any, effected by him to the mortgaged property.

(9) (a) (i) Except in cases falling under sub-section (5) (a), where the mortgaged property or, as the case may be, the portion thereof in the possession of the mortgagee has been leased back to the mortgagor by the mortgagee, the rent due to the mortgagee under the lease (after deducting from such rent any revenue, tax or cess paid or payable by the mortgagee in respect of the property) shall be deemed to be the interest on the mortgage debt or the portion thereof attributable to the portion of the property aforesaid and the provisions of section 8 or 9 read with section 12, or of section 13, as the case may be, shall apply to the entire debt.

(ii) Nothing contained in sub-section (3) or sub-section (4) shall apply to any debt falling under sub-clause (i).

(b) In cases falling under sub-section (5) (a), where the property has been leased back to the mortgagor by the mortgagee, nothing contained in that sub-section shall affect the right of the mortgagee to recover any rents due to him under the lease for any period before the date on which the mortgage debt is deemed to have been wholly discharged by virtue of that sub-section, if such rents have not become barred by limitation under any law for the time being in force.

(10) Nothing contained in this section, except sub-sections (1) and (2), shall apply to any mortgage—

(i) in respect of property situated in the South Kanara district or in the taluks of Chirakkal, Kottayam, Kurumbranad and Wynaad in the Malabar district;

(ii) in respect of property situated in any other area in the cases mentioned below:—

(a) Where during the period after the 30th September 1937 and before the 30th January 1948, the equity of redemption in the property subject to the mortgage has devolved either wholly or in part on a person, by or through a transfer *inter vivos* either from the original mortgagor or from a person deriving title from or through such mortgagor otherwise than by a transfer *inter vivos*, then, to the whole or such part, as the case may be.

(b) Where, during the period aforesaid, the mortgagee or any of his successors-in-interest has transferred either wholly or in part the mortgagee's rights in the property *bona fide* and for valuable consideration, then, to the whole or such part, as the case may be:

Provided that the transferee of a mortgage shall not be entitled to recover in respect of such mortgage, anything more than the value of the consideration for the transfer; but nothing herein contained shall, in cases where the property or portion thereof has been leased back to the mortgagor, affect the right of the transferee to recover the rents, if any, due under the lease, if such rents have not become barred by limitation under any law for the time being in force.

(c) Where the mortgagee's interest in the property subject to the mortgage or any part of such interest belonged to, or devolved on, two or more persons and during the period aforesaid, a partition has taken place among such persons, then, to the whole or such part of the interest, as the case may be.

(11) Where the equity of redemption in the property subject to the mortgage belonged to, or devolved on, two or more persons and any one of them or any person claiming under any one of them has, during the period referred to in sub-section (10), clause (ii) (a), redeemed the entire mortgage, nothing contained in this section shall affect the rights or the reliefs to which the person redeeming the mortgage might be entitled to under any other law for the time being in force as against the other persons aforesaid."

Amendment
of section
10, Madras
Act IV of
1938.

5. In section 10, sub-section (2), of the said Act, for clause (i) the following clause shall be substituted, namely:—

"(i) any mortgage of the description referred to in sub-section (1) of section 9-A, except to the extent provided for in that section;".

Insertion of
new section
23-B in
Madras Act
IV of 1938.

6. After section 23-A of the said Act, the following section shall be inserted, namely:—

Modifications
in the appli-
cation of
section 23-A
to certain
cases.

"23-B. The provisions of section 23-A shall apply to a judgment-debtor claiming to be entitled to the benefits of the Madras Agriculturists Relief (Amendment) Act, 1950, subject to the modification that for the reference to the Madras Agriculturists Relief (Amendment) Act, 1948, a reference to the Madras Agriculturists Relief (Amendment) Act, 1950, and for the reference to the 30th September 1947, a reference to the 25th April 1950 shall be substituted."

Madras Act
XXIII of
1948.

Amendment
of section 24,
Madras Act
IV of 1938.

7. In section 24 of the said Act, for the words, figures and letter "section 23 or section 23-A", the words, figures and letters "section 23, section 23-A or section 23-B" shall be substituted.

Amendment
of section
25-A,
Madras Act
IV of 1938.

8. In section 25-A of the said Act, in sub-section (1), clause (e), for the words, figures and letter "section 23 or section 23-A", the words, figures and letters "section 23, section 23-A or section 23-B" shall be substituted.

9. The amendments made by this Act shall apply to—

(i) all suits and proceedings instituted after the commencement of this Act ;

(ii) all suits and proceedings instituted before the commencement of this Act in which no decree or order has been passed, or in which the decree or order passed has not become final, before such commencement ;

(iii) all suits and proceedings in which the decree or order passed has not been executed or satisfied in full before the commencement of this Act :

Provided that no creditor shall be required to refund any sum which has been paid to or realized by him before the commencement of this Act.

Amendments
to have
retrospec-
tive effect
in certain
cases.

GOVERNMENT OF MADRAS

LEGAL DEPARTMENT

MADRAS ACT No. XXV OF 1950

[Received the assent of His Excellency the Governor on
the 30th October 1950, first published in the "Fort
St. George Gazette" on the 31st October 1950.]

*An Act further to amend the Indian Stamp Act, 1899,
as in force in the State of Madras.*

Central Act
II of 1899.

WHEREAS it is expedient further to amend the Indian Stamp
Act, 1899, as in force in the State of Madras, for the purpose
hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Stamp (Second short title.
Amendment) Act, 1950.

Central Act
II of 1899.

2. In Schedule I-A to the Indian Stamp Act, 1899, for Amendment
the Explanation in Article 33, the following Explanation of Schedule
shall be substituted, namely:— I-A to
Central Act
II of 1899.

"*Explanation.*—A mortgagor who gives or has given
to the mortgagee a power-of-attorney to collect the rents,
or gives or has given to the mortgagee a lease, of the
property mortgaged or part thereof, is deemed to give
possession thereof within the meaning of this article."

GOVERNMENT OF MADRAS

LEGAL DEPARTMENT

MADRAS ACT No. XXVI OF 1950

*[Received the assent of His Excellency the Governor on
the 2nd November 1950, first published in the "Fort
St. George Gazette" on the 7th November 1950.]*

*An Act to amend certain enactments for the purpose of charging
the expenditure referred to therein on the Consolidated Fund
of the State.*

WHEREAS it is expedient to amend certain enactments for the
purpose of charging the expenditure referred to therein on
the Consolidated Fund of the State; It is hereby enacted as
follows :—

1. (1) This Act may be called the Madras Consolidated Fund (Charged Expenditure) Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Madras.

(3) It shall be deemed to have come into force on the
1st April 1950.

2. The words "charged on the Consolidated Fund of the State" shall be substituted for the words "charged on the revenues of the State" occurring in the following enactments, namely :—

Amendment
of certain
enactments
for charging
expenditure
on the
Consolidated
Fund of the
State.

Madras Act
III of 1931.

(a) Section 10, sub-section (4), of the Madras Motor
Vehicles Taxation Act, 1931.

Madras Act
XVI of 1936.

(b) Section 7, sub-section (3), of the Madras Famine
Relief Fund Act, 1936.

Central Act
VIII of
1851.

Madras Act
VI of 1938.

(c) Section 2, sub-section (4), of the Indian Tolls
Act, 1851, as amended by the Madras Tolls and Motor
Vehicles Taxation (Amendment) Act, 1938.

PRICE, 1 anna.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XXVII OF 1950.

[Received the assent of His Excellency the Governor on the 2nd November 1950, first published in the "Fort St. George Gazette" on the 7th November 1950.]

An Act to authorize the appropriation of moneys out of the Consolidated Fund of the State to meet the supplementary grants for the financial year which commenced on the 1st April 1950.

WHEREAS it is necessary to authorize the appropriation of moneys out of the Consolidated Fund of the State to meet the supplementary grants for the financial year which commenced on the 1st April 1950; It is hereby enacted as follows :—

1. This Act may be called the Madras Appropriation Short title. (No. 2) Act, 1950.

2. The State Government may appropriate out of the Consolidated Fund of the State, for the financial year which commenced on the 1st April 1950, a further sum not exceeding fifteen lakhs, fifty-four thousand and five hundred rupees, being moneys required to meet the supplementary grants made by the Madras Legislative Assembly for that year, as set forth in column (3) of the Schedule.

Supplementary appropriation out of the Consolidated Fund for the financial year which commenced on the 1st April 1950.

THE SCHEDULE.

Demand number.	Services and purposes.	Sums voted by the Legislative Assembly, not exceeding
(1)	(2)	(3)
		RS.
VIII	.. Irrigation	100
IX	.. Heads of States, Ministers and Headquarters staff	32,500
X	.. Legislative Bodies	15,000
XI	.. District Administration and Miscellaneous	200

<i>Demand number.</i>	<i>Services and purposes.</i>					<i>Sums voted by the Legislative Assembly, not exceeding.</i>
(1)	(2)					(3)
						RS.
XIV	..	Police	..	..	..	9,02,000
XV	..	Education	..	..	..	100
XVI	..	Medical	..	..	..	1,00,300
XVII	..	Public Health	..	..	..	1,00,100
XVIII	..	Agriculture	..	..	..	400
XXII	..	Cinchona and Fisheries	..	..	..	1,00,000
XXIII	..	Labour including Factories and Harijan Uplift	..	..	..	3,00,100
XXIV	..	Miscellaneous Departments	..	..	..	100
XXV	..	Civil Works—Works..	..	..	..	300
XXVII	..	Civil Works—Grants-in-aid	..	..	..	100
XXXII	..	Miscellaneous	..	..	..	100
XXXV	..	Capital outlay on Irrigation	..	..	..	1,500
XXXVI	..	Capital outlay on Industrial Develop- ment.	..	..	..	200
XXXVIII	..	Capital outlay on Electricity Schemes	..	..	..	1,300
XLIII	..	Loans and advances bearing interest	..	..	..	100
Grand Total					..	15,54,500

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XXIX OF 1950.

[Received the assent of the President on the 16th November
1950, first published in the "Fort St. George Gazette"
on the 21st November 1950.]

*An Act further to amend the Madras Land Encroachment
Act, 1905.*

Madras Act
III of 1905. WHEREAS it is expedient further to amend the Madras Land
Encroachment Act, 1905, for the purpose hereinafter
appearing ; It is hereby enacted as follows :—

1. This Act may be called the Madras Land Encroachment Short title.
Act, 1950. (Amendment) Act, 1950.

2. After section 15 of the Madras Land Encroachment Act, 1905 (hereinafter referred to as the said Act), the follow-
ing section shall be inserted, namely :—

Insertion of
new section
15-A in
Madras Act
III of 1905.

" 15-A. Where a lease of land which is the property of the Government expires or is terminated by the Government or any other authority competent in that behalf, the lessee or any other person remaining in possession of the land after such expiry or termination, or

Certain persons deemed to be in unauthorized occupation of land.

where land granted to any person is liable to be resumed by the Government for the breach or non-observance of any of the conditions subject to which the grant is made and the Government or any other authority competent in that behalf have passed orders resuming the land for such breach or non-observance, the grantee or any other person remaining in possession of the land after the passing of those orders,

shall, for the purposes of sections 3 to 15, be deemed to be a person unauthorisedly occupying such land."

3. In section 16 of the said Act, after the words "Nothing in this Act," the words, figures and letter "save as provided in section 15-A," shall be inserted ; and the word "resumption" shall be omitted.

Amendment of section 16, Madras Act III of 1905.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XXX OF 1950.

[Received the assent of the President on the 28th
November 1950, first published in the "Fort
St. George Gazette Extraordinary" on the 29th
November 1950.]

*An Act to amend the Madras Preservation of Private
Forests Act, 1949.*

Madras Act
XXVII of
1949.

WHEREAS it is expedient to amend the Madras Preservation
of Private Forests Act, 1949, for the purpose hereinafter
appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras Preservation of Short title.
Private Forests (Amendment) Act, 1950.

Madras Act
XXVII of
1949.

2. In section 1, sub-section (3), of the Madras Preservation of Private Forests Act, 1949, for the words, figures and letters "up to and inclusive of 2nd December 1950", the words, figures and letters "up to and inclusive of the 2nd December 1951" shall be substituted.

Amendment
of section 1,
Madras Act
XXVII of
1949.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XXXI OF 1950.

*[Received the assent of His Excellency the Governor on the
8th December 1950, first published in the "Fort
St. George Gazette" on the 12th December 1950.]*

An Act further to amend the Madras Prohibition Act, 1937.

WHEREAS it is expedient further to amend the Madras Prohibition Act, 1937, for the purpose hereinafter appearing;
It is hereby enacted as follows:—

1. This Act may be called the Madras Prohibition Short title.
(Amendment) Act, 1950.

2. In section 5 of the Madras Prohibition Act, 1937, Amendment
there shall be inserted— of section 5,
Madras Act
X of 1937.

(i) after the words " which has been denatured ", the words " or any preparation containing such spirit "; and

(ii) after the words " any spirit " in the second and third places where they occur, the words " or preparation containing spirit,".

GOVERNMENT OF MADRAS

LEGAL DEPARTMENT

MADRAS ACT NO. XXXII OF 1950.

[Received the assent of His Excellency the Governor on
the 12th December 1950, first published in the "Fort
St. George Gazette" on the 19th December 1950.]

*An Act to prohibit the sacrifice of animals and birds in or in
the precincts of Hindu temples in the State of Madras.*

WHEREAS it is expedient to prohibit the sacrifice of animals Preamble.
and birds in or in the precincts of Hindu temples in the
State of Madras; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Animals and Short title
extent and
commence-
ment.
Birds Sacrifices Prohibition Act, 1950.

(2) It extends to the whole of the State of Madras.

(3) This section shall come into force at once; and the
rest of this Act shall come into force on such date as the
State Government may, by notification in the Fort St. George
Gazette, appoint.

2. In this Act unless there is anything repugnant in the Definitions.
subject or context—

(a) "precincts" in relation to a temple, includes all
lands and buildings near a temple, whether belonging to the
temple or not, which are ordinarily used for purposes
connected with the worship whether conducted inside the
temple or outside and in particular the mandapams, praka-
rams, back-yards and front-yards of the temple by whatever
name called, and also the ground on which the temple car
ordinarily stands;

(b) "sacrifice" means the killing or maiming of any
animal or bird for the purpose, or with the intention, of
propitiating any deity;

(c) "temple" means a temple as defined in section 9,
Madras Act clause (12) of the Madras Hindu Religious Endowments Act,
II of 1927. 1926.

Sacrifice in temple or its precincts prohibited.

3. No person shall sacrifice any animal or bird in any temple or its precincts.

Officiating at sacrifice, etc., prohibited.

4. No person shall—

(a) officiate or offer to officiate at, or

(b) perform or offer to perform, or

(c) serve, assist or participate, or offer to serve, assist or participate in,

any sacrifice in any temple or its precincts.

Temple or its precincts not to be allowed to be used for sacrifice.

5. No person shall knowingly allow any sacrifice to be performed at any place which—

(a) is situated within any temple or its precincts ; and

(b) is in his possession or under his control.

Penalties.

6. (1) Whoever contravenes the provisions of section 3 shall be punished with fine which may extend to three hundred rupees.

(2) Whoever contravenes the provisions of section 4 shall be punished with fine which may extend to three hundred rupees :

Provided that if the offender is an officer, servant, authority, trustee or priest of the temple or the holder of an office in receipt of emoluments or perquisites for the performance of any service in the temple, he shall be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to three hundred rupees or with both.

(3) Whoever contravenes the provisions of section 5 shall be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to three hundred rupees or with both.

Enquiry and trial.

7. No offence punishable under this Act shall be inquired into or tried by any Court inferior to that of a Presidency Magistrate or a Magistrate of the first or second class.

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XXIII OF 1950.

[Received the assent of the President on the 18th
December 1950, first published in the "Fort
St. George Gazette" on the 26th December 1950.]

An Act to amend the Madras Aided Institutions (Prohibition of Transfers of Property) Act, 1948.

**Madras Act
XIV of 1948.** WHEREAS it is expedient to amend the Madras Aided Institutions (Prohibition of Transfers of Property) Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras Aided Institutions **Short title**
(Prohibition of Transfers of Property) Amendment Act,
1950.

**Madras Act
XIV of 1948.** 2. In clause (4) of section 2 of the Madras Aided Institutions (Prohibition of Transfers of Property) Act, 1948 (hereinafter called the said Act), after the word "mortgage," the word "charge", shall be inserted. **Amendment of section 2, Madras Act XIV of 1948.**

3. In the said Act, after section 7, the following section shall be inserted, namely :— **Insertion of new section 7-A in Madras Act XIV of 1948.**

"7-A. (1) No land or building referred to in section 3 (1) shall be liable to be attached, sold, or made subject to a charge by any court whether in execution of a decree or order or otherwise, unless the person seeking such relief from the court has obtained the permission of Government to do so and files such permission in court. **Court not to attach, sell, etc., without the permission of the Government.**

(2) When granting such permission, the Government may impose such conditions as they deem fit.

(3) If any such land or building is attached or sold, or a charge is created thereon by any court without the permission of the Government having been obtained and filed as aforesaid or if any condition imposed by them when granting such permission is contravened, then, the attachment, sale or charge, as the case may be, shall be null and void."

PRICE, 1 anna.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XXXIV OF 1950.

*[Received the assent of the President on the 22nd
December 1950, first published in the "Fort
St. George Gazette" on the 2nd January 1951.]*

*An Act further to amend the Code of Civil Procedure, 1908,
in its application to the State of Madras.*

Central
Act V of
1908.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, in its application to the State of Madras, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Code of Civil Procedure Short title
and extent.
(Madras Amendment) Act, 1950.

(2) It extends to the whole of the State of Madras.

Central
Act V of
1908.

2. In clause (g) of the proviso to sub-section (1) of Amendment
of section 60,
Central
Act V of
1908.
section 60 of the Code of Civil Procedure, 1908, after the words "stipends and gratuities allowed to pensioners of the Government", the words "or of a local authority" shall be inserted.

PRICE, 1 anna.]

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(Reprinted under the authority of the Governor of Madras by the
Superintendent, Government Press, Madras.)

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

ACT No. XXXV OF 1950.

PASSED BY THE PARLIAMENT OF INDIA.

*[Received the assent of the President on the
19th April 1950.]*

*An Act to repeal certain enactments and to amend certain
other enactments.*

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Repealing and Amending Act, 1950.

2. *Repeal of certain enactments.*—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. *Amendment of certain enactments.*—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4. *Savings.*—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

REPEALS.

(See section 2.)

<i>Year.</i>	<i>No.</i>	<i>Short title.</i>	<i>Extent of repeal.</i>
(1)	(2)	(3)	(4)
<i>Acts of the Central Legislature.</i>			
1946	I ..	The Workmen's Compensation (Amendment) Act, 1946.	The whole.
1946	II ..	The Indian Mines (Amendment) Act, 1946.	The whole.
1946	III ..	The Code of Criminal Procedure (Amendment) Act, 1946.	The whole.
1946	IV ..	The Code of Criminal Procedure (Second Amendment) Act, 1946.	The whole.
1946	V ..	The Professions Tax Limitation (Amendment) Act, 1946.	The whole.
1946	VI ..	The Insurance (Amendment) Act, 1946.	The whole.
1946	VIII ..	The Indian Income-tax (Amendment) Act, 1946.	The whole.
1946	XI ..	The Provident Funds (Amendment) Act, 1946.	The whole.
1946	XII ..	The Trade Marks (Amendment) Act, 1946.	The whole.
1946	XIII ..	The Indian Companies (Amendment) Act, 1946.	The whole.
1946	XV ..	The Indian Coconut Committee (Amendment) Act, 1946.	The whole.
1946	XVI ..	The Protective Duties Continuation Act, 1946.	The whole.
1946	XVIII ..	The Indian Soldiers (Litigation) (Amendment) Act, 1946.	The whole.
1946	XXV ..	The Delhi Special Police Establishment Act, 1946.	Section 7.
1946	XXVI ..	The Special Tribunals (Supplementary Provisions) Act, 1946.	Section 4.
1946	XXIX ..	The Indian Tea Control (Amendment) Act, 1946.	The whole.
1946	XXX ..	The Registration of Transferred Companies (Amendment) Act, 1946.	The whole.
1946	XXXI ..	The Foreigners Act, 1946	Section 17.
1947	I ..	The Criminal Tribes (Amendment) Act, 1947.	The whole.
1947	III ..	The Indian Extradition (Amendment) Act, 1947.	The whole.
1947	IV ..	The Coffee Market Expansion (Amendment) Act, 1947.	The whole.
1947	VI ..	The Indian Railways (Amendment) Act, 1947.	The whole.
1947	VIII ..	The Indian Navy (Discipline) (Amendment) Act, 1947.	The whole.
1947	XIII ..	The Delhi Muslim Wakfs (Amendment) Act, 1947.	The whole.
1947	XIV ..	The Industrial Disputes Act, 1947	Section 40.
1947	XXII ..	The Income-tax and Excess Profits Tax (Amendment) Act, 1947.	The whole.
1947	XXV ..	The Indian Tariff (Amendment) Act, 1947.	The whole.
1947	XXVII ..	The Motor Vehicles (Amendment) Act, 1947.	The whole.
1947	XXVIII ..	The Indian Coinage (Amendment) Act, 1947.	The whole.
1947	XXXIII ..	The Negotiable Instruments (Amendment) Act, 1947.	The whole.
1947	XXXIV ..	The Indian Boilers (Amendment) Act, 1947.	The whole.

<i>Year.</i>	<i>No.</i>	<i>Short title.</i>	<i>Extent of repeal.</i>
(1)	(2)	(3)	(4)
<i>Acts of the Central Legislature—cont.</i>			
1947	XXXV ..	The Panth Piploda Laws (Amendment) Act, 1947.	The whole.
1947	XXXVI ..	The Indian Medical Council (Amendment) Act, 1947.	The whole.
1947	XXXVIII	The Foreigners (Amendment) Act, 1947.	The whole.
1947	XL ..	The Foreign Exchange Regulation (Amendment) Act, 1947.	The whole.
1947	XLI ..	The Indian Merchant Shipping (Amendment) Act, 1947.	The whole.
1947	XLII ..	The Indian Finance (Supplementary) Act, 1947.	The whole.
1947	L ..	The Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1947.	The whole.
1947	LI ..	The Indian Cotton Cess (Amendment) Act, 1947.	The whole.
1948	II ..	The Repealing and Amending Act, 1947.	The whole.
1948	IV ..	The Armed Forces (Emergency Duties) (Amendment) Act, 1947.	The whole.
1948	V ..	The Indian Tariff (Second Amendment) Act, 1947.	The whole.
1948	VI ..	The Code of Civil Procedure (Amendment) Act, 1948.	The whole.
1948	X ..	The Insurance (Amendment) Act, 1948.	The whole.
1948	XIII ..	The Railways (Transport of Goods) (Amendment) Act, 1948.	The whole.
1948	XVII ..	The Indian Army and the Indian Air Force (Amendment) Act, 1948.	The whole.
1948	XVIII ..	The Protective Duties Continuation Act, 1948.	The whole.
1948	XIX ..	The Indian Tea Control (Amendment) Act, 1948.	The whole.
1948	XXI ..	The Indian Railways (Amendment) Act, 1948.	The whole.
1948	XXIII ..	The Taxation on Income (Investigation Commission) (Amendment) Act, 1948.	The whole.
1948	XXIV ..	The Indian Aircraft (Amendment) Act, 1948.	The whole.
1948	XXV ..	The Provincial Insolvency (Amendment) Act, 1948.	The whole.
1948	XXVII ..	The Control of Shipping (Amendment) Act, 1948.	The whole.
1948	XXVIII ..	The Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1948.	The whole.
1948	XXX ..	The Indian Lac Cess (Amendment) Act, 1948.	The whole.
1948	XXXIII.	The Calcutta Port (Pilotage) Act, 1948 ..	Section 11.
1948	XXXVI ..	The Bombay, Calcutta and Madras Port Trusts (Constitution) (Amendment) Act, 1948.	The whole.
1948	XXXIX ..	The Indian Registration (Amendment) Act, 1948.	The whole.
1948	XLII ..	The Indian Merchant Shipping (Amendment) Act, 1948.	The whole.
1948	XLIII ..	The Indian Army (Amendment) Act, 1948.	The whole.
1948	XLIV ..	The Durgah Khawaja Saheb (Amendment) Act, 1948.	The whole.
1948	XLV ..	The Indian Telegraph (Amendment) Act, 1948.	The whole.
1948	XLIX ..	The Taxation on Income (Investigation Commission) (Second Amendment) Act, 1948.	The whole.
1948	L ..	The Cantonments (Amendment) Act, 1948.	The whole.

<i>Year.</i>	<i>Number.</i>	<i>Short title.</i>	<i>Extent of repeal.</i>
(1)	(2)	(3)	(4)
<i>Acts of the Central Legislature—cont.</i>			
1948	LV	.. The Indian Income-tax (Amendment) Act, 1948.	The whole.
1948	LVI	.. The Territorial Army Act, 1948 ..	Section 15.
1948	LVII	.. The Indian Navy (Discipline) Amendment Act, 1948.	The whole.
1948	LIX	.. The Indian Cotton Cess (Amendment) Act, 1948.	The whole.
1948	LXII	.. The Reserve Bank (Transfer to Public Ownership) Act, 1948.	Section 7 and Schedule.
1948	LXIII	.. The Factories Act, 1948	Section 119 and the Table of Enactments repealed.
1948	LXIV	.. The Essential Supplies (Temporary Powers) (Amendment) Act, 1948.	The whole.
1948	LXV	.. The Indian Railways (Second Amendment) Act, 1948.	The whole.

Ordinances made by the Governor-General.

1944	III	.. The Restriction and Detention Ordinance, 1944.	The whole.
1944	XXX	.. The Army (Provision for Dependants) Ordinance, 1944.	The whole.
1945	XL	.. The Army (Forfeiture of Emoluments) Ordinance, 1945.	The whole.
1946	I	.. The Repealing Ordinance, 1946 ..	The whole.
1946	VII	.. The Criminal Law (1943 Amendment) Amending Ordinance, 1946.	The whole.
1946	VIII	.. The Allied Forces (China) Ordinance, 1946.	The whole.
1946	IX	.. The National Service (Technical Personnel) Amendment Ordinance, 1946.	The whole.
1946	XIII	.. The Army (Forfeiture of Emoluments) Amendment Ordinance, 1946.	The whole.

THE SECOND SCHEDULE

AMENDMENTS

(See section 3.)

<i>Year.</i>	<i>Number.</i>	<i>Short title.</i>	<i>Amendments.</i>
(1)	(2)	(3)	(4)
<i>Acts of the Central Legislature.</i>			
1860	XLV	.. The Indian Penal Code.	In the <i>Explanation</i> to section 489A for the figures, letters and word "489C and 489D" the figures, letters and word "489C, 489D and 489E" shall be substituted.
1867	XXV	.. The Press and Registration of Books Act, 1867.	In the preamble, for the words "periodicals containing news", the word "newspapers" shall be substituted.
1878	XI	.. The Indian Arms Act, 1878.	In clause (i) of section 19, the words and figures "section 14 or" shall be omitted.

<i>Year.</i>	<i>Number.</i>	<i>Short title.</i>	<i>Amendments.</i>
(1)	(2)	(3)	(4)
<i>Acts of the Central Legislature—cont.</i>			
1897	V	.. The Amending Act, 1897.	In the third Schedule, the entry relating to Act XII of 1874 shall be omitted.
1898	V	.. The Code of Criminal Procedure, 1898.	In Schedule II, in the second column, in the entry relating to section 222, for the words "transportation or transportation" the words "transportation or" shall be substituted.
1908	XV	.. The Indian Ports Act, 1908.	In clause (c) of section 48, for the words "any port within the territories administered by the Governor of Fort Saint George in Council", the words "any port in the State of Madras or the port of Gopalpur in the State of Orissa" shall be substituted.
1925	XIX	.. The Provident Funds Act, 1925.	In sub-section (2) of section 5, for the words and figures "the Succession Certificate Act, 1889", the words and figures "the Indian Succession Act, 1925" shall be substituted.
1939	XXX	.. The Commercial Documents Evidence Act, 1939.	In item 7 of Part I of the Schedule, for the words "British India Load Line Certificate", the words "Indian Load Line Certificate" shall be substituted.
1947	XIV	.. The Industrial Disputes Act, 1947.	In the proviso to sub-section (2) of section 15, after the words "the House of the People", where they occur last, the word "may" shall be inserted.
1949	XXV	.. The Displaced Persons (Legal Proceedings) Act, 1949.	In section 7, for the words and figures "Order XXI of the Code of Civil Procedure", the words and figures "Order XXI of the First Schedule to the Code of Civil Procedure" shall be substituted.

Act of the Madras Legislature.

1886	IV	.. The Railway Protection Act, 1886.	In section 1, for the words "It extends to the territories administered by the Governor in Council of Fort St. George", the words "It extends to the whole of the State of Madras" shall be substituted.
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GOVERNMENT OF MADRAS

LEGAL DEPARTMENT

MADRAS ACT No. XXXVI OF 1950.

[Received the assent of the President on the 14th January 1951,
first published in the "Fort St. George Gazette" on the
23rd January 1951.]

*An Act further to amend the Madras Hereditary
Village-offices Act, 1895.*

WHEREAS it is expedient further to amend the Madras
Hereditary Village-offices Act, 1895, for the purpose herein-
after appearing; It is hereby enacted as follows:—

Madras Act
III of 1895.

1. This Act may be called the Madras Hereditary Village- Short title.
offices (Amendment) Act, 1950.

Madras Act
III of 1895.

2. To proviso (ii) to sub-section (1) of section 13 of the Amendment
Madras Hereditary Village-offices Act, 1895 (hereinafter of section 13,
referred to as the said Act), the following sentence shall be Madras Act
added, namely:— III of 1895.

"Where the office is one falling under class (4) in
section 3 and the land was on or at any time after the 14th
July 1942 in the possession of the person then holding
the office, the Collector shall, in the absence of evidence to
the contrary, presume that the emoluments of the office con-
sist of the land and not merely of an assignment of revenue
payable in respect of the land."

3. For the removal of doubts, it is hereby declared that Act to apply
the following suits and appeals shall be decided in accordance to pending
with the provisions of the said Act as amended by section 2 of suits and
this Act, if they relate to the recovery of the emoluments of proceedings.
any of the offices falling under class (4) in section 3 of the
said Act:—

(a) Suits under section 13 (1) of the said Act which are
pending on the 15th August 1950 or which are instituted
on or after the said date and before the commencement of
this Act.

(b) Appeals under section 23 (1) of the said Act which
are pending on the said date, or which are preferred on or
after the said date, against any decree or order passed before
that date.

Saving of
previous
decisions of
Revenue
Courts.

4. Except in the appeals referred to in clause (b) of section 3, no decision of any Revenue Court under section 13 (1) or section 23 (1) of the said Act, passed before the 15th August 1950 and holding that the emoluments of any office falling under class (4) in section 3 of the said Act consisted of an assignment of revenue payable in respect of land, shall be liable to be questioned or re-opened, whether in the same or any other Revenue Court, merely on the ground that such decision was arrived at without making the presumption referred to in the said section 13 (1), as amended by section 2 of this Act.

Saving of
mortgages
and leases
subsisting on
the 15th
August 1950.

5. Any question as to the validity of any mortgage or lease executed by the holder of any office falling under class (4) in section 3 of the said Act and subsisting on the 15th August 1950 shall be decided as if this Act had not been passed.

GOVERNMENT OF MADRAS,

LEGAL DEPARTMENT.

MADRAS ACT No. XXXV OF 1950.

*[Received the assent of the President on the 4th
January 1951, first published in the "Fort
St. George Gazette" on the 9th January 1951.]*

*An Act further to amend the Madras City Police Act, 1888,
and the Madras Gaming Act, 1930.*

WHEREAS it is expedient further to amend the Madras City
Police Act, 1888, and the Madras Gaming Act, 1930, for
the purposes hereinafter appearing; It is hereby enacted as
follows :—

1. This Act may be called the Madras City Police and Short title.
Gaming (Amendment) Act, 1950.

2. For section 50 of the Madras City Police Act, 1888, Substitution
the following section shall be substituted, namely :— of new
section for
section 50,
Madras Act
III of 1888.

" 50. (1) The Magistrate may direct any portion, not
exceeding one-half, of any fine which shall be levied under
sub-section (2), (3) or (4) of section 37, section 45 or section
46, and of the moneys or proceeds of articles seized and
ordered to be forfeited under section 47, to be paid to such
informants and Police officers as may have assisted in the
detection of the offender. Payment
of portion
of fine to
informants
and Police
officers.

A direction under this sub-section may also be made by
any Court of appeal, reference or revision.

(2) Where a direction is made under sub-section (1),
the Magistrate concerned shall send the amount to be paid
under that sub-section, to the Commissioner who shall dis-
tribute it among such of the informants and Police officers

aforesaid as may be chosen by him and in such proportions as he thinks fit.

(3) The amount aforesaid shall not be sent to the Commissioner until the expiry of three months from the date of the direction under sub-section (1), or if an appeal is presented within that period, until the appeal has been disposed of."

Substitution
of new
section for
section 11-A,
Madras Act
III of 1930.

3. For section 11-A of the Madras Gaming Act, 1930, the following section shall be substituted, namely:— Madras Act
III of 1930.

Payment of
portion of
fine to
informants
and Police
officers.

" 11-A. (1) The Magistrate may direct any portion, not exceeding one-half, of any fine which shall be levied under section 4, 8 or 9, and of the moneys or proceeds of articles seized and ordered to be forfeited under section 10, to be paid to such informants and Police officers as may have assisted in the detection of the offender.

A direction under this sub-section may also be made by any Court of appeal, reference or revision.

(2) Where a direction is made under sub-section (1), the Magistrate concerned shall send the amount to be paid under that sub-section, to the District Superintendent of Police, who shall distribute it among such of the informants and Police officers aforesaid as may be chosen by him and in such proportions as he thinks fit.

(3) The amount aforesaid shall not be sent to the District Superintendent of Police until the expiry of three months from the date of the direction under sub-section (1), or if an appeal is presented within that period, until the appeal has been disposed of."

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Superintendent, Government Press, Madras.]

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

ACT No. XXXVII OF 1950

PASSED BY THE PARLIAMENT OF INDIA.

[Received the assent of the President on the
24th April 1950.]

An Act further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Tariff (Third Amendment) Act, 1950.

2. *Amendment of the First Schedule, Act XXXII of 1934.*—
In the First Schedule to the Indian Tariff Act, 1934,—

(i) for item No. 28 (4), the following item shall be substituted, namely :—

“ 28 (4) Soda ash, including
calcinad natural
soda and manufact-
ured sesqui-carbo-
nates—

(a) manufactured in a British Co- lony.	Protec- tive.	40 per cent <i>ad</i> <i>valorem</i> .		December 31st, 1952.
(b) not manufact- ured in a British Colony.	Protec- tive.	50 per cent <i>ad</i> <i>valorem</i> .		December 31st, 1952”;

(ii) in item No. 60 (6), in the second column, for the words “ Sheet and plate glass ”, the words “ Plate glass ” shall be substituted ;

(iii) after item No. 60 (6), the following item shall be inserted, namely :—

“ 60 (7). Sheet glass	..	Protec- tive.	45 per cent <i>ad</i> <i>valorem</i> .		December 31st, 1952”;
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(iv) after item No. 73 (15), the following item shall be inserted, namely :—

“ 73 (16) Electrical accessories
made of plastics,
such as wall plugs,
switches, ceiling
roses and lamp
holders—

(a) of British manu- facture.	Protec- tive.	30	per		December 31st, 1952.
			cent <i>ad</i> <i>valorem</i> .		

(b) not of British manufacture.	Protec- tive.	40	per		December 31st, 1952 ”;
			cent <i>ad</i> <i>valorem</i> .		

(v) after item No. 82 (2), the following item shall be inserted, namely :—

“ 82 (3) Phenol-formaldehyde moulding powder.	Protec- tive.	30	per		December 31st, 1952.”
			cent <i>ad</i> <i>valorem</i> .		

GOVERNMENT OF MADRAS

LEGAL DEPARTMENT

MADRAS ACT No. XXXVII OF 1950.

*[Received the assent of the President on the 16th
February 1951, first published in the "Fort
St. George Gazette" on the 27th February 1951.]*

*An Act to provide for the improvement and expansion of the City
of Madras and the constitution of an Improvement Trust
therefor.*

WHEREAS it is expedient to make provision for the improvement and expansion of the City of Madras by opening up congested areas, clearing slums, laying out or altering streets, providing open spaces for purposes of ventilation or recreation, demolishing or constructing buildings, acquiring land for the said purposes and for the rehousing of persons displaced by the execution of improvement schemes, and otherwise as hereinafter appearing ;

AND WHEREAS it is expedient that a Board of Trustees should be constituted and invested with special powers for carrying out the objects aforesaid ;

PRICE, 13 annas.]

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, application and commencement. 1. (1) This Act may be called the Madras City Improvement Trust Act, 1950.

(2) It applies to the City of Madras, but the State Government shall have power, subject to the provisions of section 143, by notification in the *Fort St. George Gazette* and from such date as may be specified therein, to apply all or any of the provisions of this Act to any specified area in the neighbourhood of the said City.

(3) It shall come into force at once.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context—

(1) 'betterment fee' means the fee declared to be payable under section 80 in respect of an increase in the value of land resulting from the execution of an improvement scheme ;

(2) 'Board' means the Board of Trustees for the Improvement of the City of Madras, constituted under section 3 ;

(3) 'Chairman' means the Chairman of the Board ;

Madras Act
IV of 1919.

(4) 'Corporation' means the Corporation of Madras constituted under the Madras City Municipal Act, 1919 ;

Central Act
I of 1894.

(5) 'Government' means the State Government ;

(6) 'land' has the same meaning as in clause (a) of section 3 of the Land Acquisition Act, 1894 ;

(7) 'notification' means a notification published in the *Fort St. George Gazette* ;

(8) 'prescribed' means prescribed by rules made under this Act ;

(9) 'Secretary to the Board' means the person for the time being appointed by the Board to discharge the functions of the Secretary to the Board ;

Central Act
I of 1894.

(10) 'Tribunal' means the Tribunal constituted under section 72, and until it is constituted, the court having jurisdiction, or the special judicial officer appointed to perform the functions of the court, in the City of Madras under the Land Acquisition Act, 1894, irrespective of whether the case arises within or outside the limits of the said City, and all references to the Tribunal shall be construed accordingly ;

(11) 'Trustee' means a member of the Board, and 'ex-officio Trustee' means the Collector of Madras or the

Commissioner of the Corporation of Madras or the Director of Town-Planning or the Director of Public Health ;

(12) all words and expressions not defined in this Act shall have the meanings respectively assigned to them by the Madras Act IV of 1919.
Madras City Municipal Act, 1919.

CHAPTER II.

THE BOARD OF TRUSTEES.

Constitution of the Board.

3. The duty of carrying out the provisions of this Act shall, subject to the restrictions, conditions, and limitations therein contained, be vested in a Board to be called "The Board of Trustees for the Improvement of the City of Madras" ; and such Board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

4. The Board shall consist of ten Trustees, as follows :—

(a) a Chairman with such qualifications as may be prescribed who shall be appointed by the Government ;

(b) the Collector of Madras, *ex-officio* ;

(c) the Commissioner of the Corporation of Madras, *ex-officio* ;

(d) the Director of Town-Planning, *ex-officio* ;

(e) the Director of Public Health, *ex-officio* ;

(f) two members of the Council of the Corporation of Madras, elected by the Council ;

(g) three persons appointed by the Government.

5. The appointment or election of the Chairman and the other Trustees shall be notified in the *Fort St. George Gazette*.

6. If the Council of the Corporation of Madras does not, within such time as may be prescribed by the Government, elect one or both of the Trustees referred to in clause (f) of section 4, the Government shall, by notification, appoint a member or two members, as the case may be, of the said Council to be a Trustee or Trustees ; and every member so appointed shall be deemed to be a Trustee duly elected by the said Council.

7. (1) A person shall be disqualified for election or appointment as a Trustee, if he—

(a) has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months, such sentence not having been reversed or the offence pardoned :

Provided that the Government may direct that such sentence shall not operate as a disqualification ;

(b) is an applicant to be adjudicated a bankrupt or insolvent, or is an uncertificated bankrupt or undischarged insolvent ;

(c) holds any office or place of profit under the Board ;

(d) has, directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by, or on behalf of, the Board ; or

(e) is a director, or a secretary, manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board.

(2) A person shall not however be disqualified under clause (d) or clause (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of those clauses, by reason only of his, or the incorporated company of which he is a director, secretary, manager or other salaried officer, having a share or interest in—

(i) any sale, purchase, lease, or exchange of immovable property or any agreement for the same ;

(ii) any agreement for the loan of money, or any security for the payment of money only ;

(iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted ;

(iv) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one financial year, of any article in which he or the incorporated company regularly trades ; or by reason only of his having a share or interest, otherwise than as director, or secretary, manager or other salaried officer, in any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board.

8. The Chairman shall be a whole-time officer of the Board and shall not undertake any work unconnected with his office without the sanction of the Government.

Chairman to be whole-time officer.

Remuneration of the Chairman.

9. The Chairman shall be paid such salary and allowances as may be fixed by the Government.

Leave of absence for the Chairman.

10. (1) The Government may grant leave of absence to the Chairman for such period as they think fit.

(2) The allowance, if any, to be paid to the Chairman while absent on leave shall be such amount, not exceeding his salary, as may be fixed by the Government ;

Provided that, if the Chairman is a servant of the Central or State Government, the amount of the allowance shall be such as he may be entitled to under the conditions of his service under the Central or State Government relating to transfer to foreign service.

11. (1) (a) When the Chairman is granted leave of absence Appointment, etc., of or when the post of Chairman falls Acting Chairman. vacant either by the resignation or death of the Chairman or otherwise, the Government may appoint a person to act as Chairman.

(b) A person so appointed shall be entitled to hold office as Chairman only for such period as may be fixed by the Government.

(c) The Government may, from time to time, extend the period fixed under clause (b).

(2) Any person so appointed—

(a) shall be paid such salary and allowances as may be fixed by the Government ; and

(b) shall exercise the powers conferred, and perform the duties imposed, by or under this Act on the Chairman, and shall be subject to the same liabilities, restrictions and conditions as the Chairman.

12. The Board may permit any Trustee, other than the Leave of absence to Chairman or an *ex-officio* Trustee, to other Trustees. absent himself from meetings of the Board for any period not exceeding such limit (which shall not be less than four consecutive months) as may be prescribed by the Government.

13. (1) If at any time it appears to the Government that the Removal of Chairman Chairman has shown himself to be and other Trustees. unsuitable for his office, or has been guilty of any misconduct or neglect which renders his removal expedient, they may, by notification, remove the Chairman from office.

(2) The Government may, by notification, remove any Trustee (other than the Chairman or an *ex-officio* Trustee) from office—

(a) if, in the opinion of the Government, he has contravened the provisions of section 21, or

(b) if he has, without the permission of the Board, been absent from the meetings of the Board for any period exceeding three consecutive months, or

(c) if he has been absent from the meetings of the Board for any period exceeding the limit prescribed under section 12, or

(d) if he is a salaried servant of the Government and his continuance in office as a Trustee is, in the opinion of the Government, undesirable, or

(e) if he, being a legal practitioner, acts or appears on behalf of any person in any suit or other legal proceeding against the Board or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person, or

(f) if in the opinion of the Government he is unsuitable or has become incapable of acting as a Trustee or has so abused his position as a Trustee as to render his continuance as such detrimental to the public interest :

Provided that when the Government propose to take action under this sub-section, an opportunity of explanation shall be given to the Trustee concerned, and, when such action is taken, the reasons therefor shall be placed on record.

(3) The Government shall, by notification, remove any Trustee (other than an *ex-officio* Trustee) from office—

(i) if he has become disqualified for election or appointment as a Trustee for any of the reasons mentioned in section 7 ; or

(ii) if he, having been elected or appointed as being a member of the Council of the Corporation of Madras, ceases to be a member of such Council.

(4) A Trustee removed under any of the provisions of clauses (a) to (e) of sub-section (2) shall be disqualified for election or appointment as a Trustee for a period of three years from the date of his removal unless otherwise ordered by the Government.

(5) A Trustee removed under clause (f) of sub-section (2) shall not be eligible for re-appointment or re-election until he is declared by an order of the Government to be no longer ineligible.

14. If any Trustee, other than an *ex-officio* Trustee, is permitted by the Board to absent himself from its meetings for any period exceeding three months, or if any such Trustee dies, or resigns his office, or is removed from office under section 13, the vacancy shall be filled within two months by a fresh appointment or election, as the case may be.

15. (1) Subject to the provisions of sections 11 and 13, the term of office of Chairman and other Trustees. the term of office of Trustees including the Chairman but not including the *ex-officio* Trustees shall be as follows :—

(a) the Chairman—such period as may be fixed by the Government not being less than three years and commencing on the date on which his appointment is notified ;

(b) a Trustee appointed or elected in pursuance of section 14 in the place of a Trustee who has been permitted to absent himself from meetings of the Board—the period of the absence of the latter Trustee ;

(c) other Trustees—three years commencing on the date on which their election or appointment, as the case may be, is notified.

(2) A Trustee shall, if not disqualified for any of the reasons mentioned in section 7, be eligible for re-appointment or re-election at the end of his term of office.

Conduct of Business.

16. The Board shall meet, and shall from time to time
 Meetings of Board. make such arrangements with respect to the place, day, hour, notice, management and adjournment of its meetings as it may think fit, subject to the following provisions, namely :—

(a) an ordinary meeting shall be held once at least in every month ;

(b) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two other Trustees, call a special meeting ;

(c) the Chairman shall attend every meeting of the Board unless absent on leave or prevented by sickness or other reasonable cause ;

(d) no business shall be transacted at any meeting unless there be present at least one-half of the number of the Trustees then in office ;

(e) every meeting shall be presided over by the Chairman and in his absence by a Trustee chosen by the meeting to preside for the occasion ;

(f) all questions at any meeting shall be decided by a majority of the Trustees present and voting at the meeting, and in every case of equality of votes, the person presiding shall have and exercise a second or casting vote ;

(g) if a poll be demanded, the names of the Trustees voting, and the nature of their votes, shall be recorded by the person presiding ;

(h) minutes of the proceedings at each meeting (together with the names of the Trustees present) shall be recorded in a book to be provided for the purpose, and such minutes shall be read at the next ensuing meeting and signed by the person presiding at such meeting. The minutes book shall be open to inspection by any Trustee during office hours.

17. (1) The Board may associate with itself, in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire in carrying out any of the provisions of this Act.

Power of Board to co-opt members for particular purposes.

(2) A person so associated shall not be deemed to be a member of the Board and shall have no right to vote at any meeting thereof, but he may take part in the discussions of the Board relating to the purpose or purposes for which he was associated with the Board.

18. (1) The Board may, from time to time, appoint Committees consisting of such persons of any of the following classes as it may think fit, namely :—

Constitution and functions of Committees.

- (i) Trustees,
- (ii) persons associated with the Board under section 17,
- (iii) other persons whose assistance or advice the Board may desire as members of Committees :

Provided that no Committee shall consist of less than three persons.

(2) The Board may—

(a) refer to any such Committee, for inquiry and report, any matter relating to any of the purposes of this Act, and

(b) delegate to any such Committee, by specific resolution and subject to any rules made in this behalf, any of the powers or duties of the Board.

(3) The Board may, at any time, dissolve, or, subject to the provisions of sub-section (1), alter the constitution of, any such Committee.

(4) Every such Committee shall conform to any instructions from time to time given to it by the Board.

(5) All proceedings of every such Committee shall be subject to confirmation by the Board.

19. (1) A Committee appointed under section 18 may meet and adjourn as it thinks proper ; but the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two members thereof, call a special meeting of such Committee.

(2) Every meeting of a Committee shall be presided over by the Chairman if he is a member of the Committee, and, if he is not a member or is absent from the meeting, by a member chosen by the meeting to preside for the occasion.

(3) No business shall be transacted at any meeting of a Committee unless there be present at least one-half of the number of the members constituting the Committee.

(4) All questions at any meeting of a Committee shall be decided by a majority of the members present and voting at the meeting, and in every case of equality of votes the person presiding shall have and exercise a second or casting vote.

20. (1) No Trustee (other than the Chairman), and no person associated with the Board under section 17 shall receive or be paid from the funds of the Board any fee or other remuneration for attending any meeting of the Board or of a Committee appointed under section 18.

Trustees (other than Chairman), and associated members of Board or Committee not to receive any fee for attendance at meetings.

(2) No person appointed as a member of a Committee under clause (iii) of section 18 (1) shall receive or be paid from the funds of the Board any fee or other remuneration for attending any meeting of such Committee.

Trustees and associated members of Board or Committee not to take part in proceedings in which they are personally interested.

21. (1) A Trustee who—

(a) has directly or indirectly, by himself or by any partner, employer or employee, any such share or interest as is described in sub-section (2) of section 7 in respect of any matter, or

(b) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid,

shall not vote or take any other part in any proceeding of the Board or any Committee relating to such matter.

(2) If any Trustee or any person associated with the Board under section 17, or any other member of a Committee appointed under section 18, has, directly or indirectly, any beneficial interest in any land situated in an area comprised in any improvement scheme framed under this Act, or in an area in which it is proposed to acquire land for any of the purposes of this Act—

(i) he shall, before taking part in any proceeding at a meeting of the Board or any Committee relating to such area, inform the person presiding at the meeting of the nature of such interest ;

(ii) he shall not vote at any meeting of the Board or any Committee upon any resolution or question relating to such land ; and

(iii) he shall not take any other part in any proceeding relating to such area at a meeting of the Board or any Committee, if the person presiding at the meeting considers it inexpedient that he should do so.

22. The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

Power to make and perform contracts.

23. (1) With respect to the making of such contracts, the Execution of contracts following provisions shall apply, and approval of estimates. namely :—

(a) every contract shall be made on behalf of the Board by the Chairman ;

(b) no contract for any purpose which, in accordance with any provision of this Act, the Chairman may not carry out without the sanction of any other authority or authorities, shall be made by him unless such sanction has been given ;

(c) no contract involving an expenditure exceeding ten thousand but not exceeding fifty thousand rupees shall be made by the Chairman unless it has been sanctioned by the Board ;

(d) no contract involving an expenditure exceeding fifty thousand rupees shall be made by the Chairman unless it has been sanctioned both by the Board and by the Government ;

(e) every contract made by the Chairman involving an expenditure exceeding one thousand but not exceeding ten thousand rupees shall be reported to the Board within fifteen days after it has been made.

(2) Every estimate for the expenditure of any sum for carrying out any of the purposes of this Act shall be subject to the approval of the authority or authorities empowered under sub-section (1) to make, or as the case may be, to sanction the making of, a contract for a like purpose and involving the expenditure of a like sum.

(3) Sub-sections (1) and (2) shall apply to every variation or abandonment of a contract or estimate, as well as to an original contract or estimate.

24. (1) Every contract made by the Chairman on behalf of the Board shall be entered into in such manner and form as would bind the Chairman if such contract were made on his own behalf, except that the common seal of the Board shall be used where necessary ; and every such contract may in the like manner and form be varied or discharged.

(2) Every contract for the execution of any work, or the supply of any materials or goods, which involves an expenditure exceeding one thousand rupees, shall be in writing, and shall be sealed.

(3) The common seal of the Board shall remain in the custody of the Secretary to the Board, and shall not be affixed to any contract or other instrument except in the presence of a Trustee (other than the Chairman), who shall attach his signature to the contract or instrument in token that the same was sealed in his presence.

(4) The signature of the said Trustee shall be in addition to the signature of any witness to the execution of such contract or instrument.

(5) A contract not executed as provided in this section shall not be binding on the Board.

25. (1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which involves an expenditure exceeding five thousand rupees, the Chairman shall give notice by advertisement in local newspapers, inviting tenders for such contract.

(2) In every such case the Chairman shall place before the Board the specifications, conditions and estimates and all the tenders received, specifying the particular tender, if any, which he proposes to accept.

(3) In every case in which the acceptance of a tender would involve an expenditure exceeding fifty thousand rupees, the Board shall submit to the Government the specifications, conditions and estimates, and all the tenders received, specifying the particular tender, if any, the acceptance of which it proposes to sanction.

(4) Neither the Board nor the Government shall be bound to sanction the acceptance of any tender which has been made ; but the Board, within the pecuniary limits of its powers as laid down in clause (c) of section 23 (1) and the Government in the cases referred to in clause (d) of the said section, may sanction the acceptance of any of such tenders which appears to it or them, upon a consideration of all the circumstances, to be the most advantageous, or may direct the rejection of all the tenders received.

26. The Chairman shall take sufficient security for the due performance of every contract involving an expenditure exceeding three thousand rupees.

Security for due performance of contract.

27. (1) The Chairman shall forward to the Government a copy of the minutes of the proceedings of each meeting of the Board, within three days from the date of the meeting.

Supply of documents and information to the Government.

(2) The Chairman shall, if so directed by the Government, forward to them a copy of all papers which were laid before the Board for consideration at any meeting.

(3) The Government may require the Chairman to furnish them with—

(a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Board, or

(b) a report on any such matter, or

(c) a copy of any document in the charge of the Chairman.

Officers and Servants.

28. (1) The Board shall from time to time prepare, and shall maintain, a statement showing—
 Statement of strength and remuneration of staff.

(a) the number, designations and grades of the officers and servants (other than employees who are paid by the day or whose pay is charged to temporary work) whom it considers it necessary and proper to employ for the purposes of this Act,

(b) the amount and nature of the salary, fees and allowances to be paid to each such officer or servant, and

(c) the contributions payable under section 141, in respect of each such officer or servant.

(2) All statements prepared under sub-section (1) shall, so far as they relate to posts the monthly salary or the maximum monthly salary of which exceeds five hundred rupees, be subject to the previous sanction of the Government.

29. The Board shall with the previous sanction of the Government make rules—
 Service rules.

(a) fixing the amount and nature of the security to be furnished by any officer or servant of the Board from whom it may be deemed expedient to require security ;

(b) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Board :

Provided that a servant of the Central or State Government employed as an officer or servant of the Board shall not be entitled to leave or leave allowances otherwise than as may be laid down in the conditions of his service under the Central or State Government relating to transfer to foreign service ;

(c) for establishing and maintaining a provident fund, for compelling all or any of the officers or servants of the Board (other than any servant of the Central or State Government in respect of whom a contribution is paid under section 141) to subscribe to the fund at such rates and subject to such conditions as may be prescribed by such rules, and for supplementing such subscriptions out of the funds of the Board ;

(d) for determining the conditions under which the officers and servants of the Board or any of them shall on retirement receive gratuities or compassionate allowances and the amount of such gratuities and compassionate allowances ;

Provided that it shall be at the discretion of the Board to determine whether all such officers and servants or any and, if so, which of them, shall become entitled on retirement to any such gratuities or compassionate allowances as aforesaid.

30. (1) Subject to any rules made under section 29 and for the time being in force, the power of making appointments and promotions to posts in the service of the Board, of granting leave to officers and servants holding such posts, of censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct, and of discharging such officers and servants from the service of the Board for any other reason, shall be exercised by the undermentioned authorities :—

(a) In the case of posts the monthly salary or the maximum monthly salary of which does not exceed two hundred and fifty rupees and officers and servants holding such posts—the Chairman.

(b) In the case of posts the monthly salary or the maximum monthly salary of which exceeds two hundred and fifty but does not exceed five hundred rupees and officers and servants holding such posts—the Board.

(c) In the case of posts the monthly salary or the maximum monthly salary of which exceeds five hundred rupees and officers and servants holding such posts—the Board, subject to the previous sanction of the Government :

Provided that a servant of the Central or State Government or of a local body whose services have been lent to the Board, shall not be so punished except by an authority which would have been competent to do so, if his services had not been so lent, and the Chairman or the Board, as the case may be, shall be entitled only to make a recommendation in that behalf to such authority.

(2) Against any order under sub-section (1) imposing any punishment on him, an officer or servant of the Board may appeal—

(a) to the Board, if the order was passed by the Chairman, and

(b) to the Government, if the order was passed by the Board.

31. The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Board ; and, subject to the foregoing sections, and subject also to such control and revision as may be prescribed, shall dispose of all questions relating to the service of the said officers and servants, and their salaries, allowances and privileges.

32. (1) The Chairman may, by general or special order in writing, delegate to any officer of the Board any of the Chairman's powers, duties or functions under this Act or any rule made thereunder, except those conferred or imposed upon or vested in him by sections 16, 19, 27, 107, 114, 116, 150 and 154 :

Provided that—

(a) the Chairman shall not delegate his power under section 23 to make on behalf of the Board any contract involving an expenditure exceeding three thousand rupees ;

(b) the Chairman shall not delegate his power under section 30 to make appointments to posts the monthly salary or the maximum monthly salary of which exceeds one hundred rupees ;

(c) the Chairman shall not delegate to any officer any of his powers under section 30 in respect of any employee of the Board, unless such employee was appointed by such officer or any subordinate of such officer, by virtue of a delegation of the Chairman's power of appointment under that section.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such restrictions, conditions and limitations (if any) as may be laid down by the Chairman, and shall also be subject to his control and revision.

Explanation.—Against any order of the nature referred to in sub-section (2) of section 30 passed by a person to whom the Chairman's power in that behalf has been delegated, an appeal shall lie to the Board, unless the Chairman has himself revised the order of such person, in which case an appeal shall lie to the Board against the order of the Chairman.

CHAPTER III.

IMPROVEMENT SCHEMES.

33. The Board may, subject to the provisions of this Act, undertake any works and incur any expenditure for the improvement or development of any area to which this Act applies, and for the framing and execution of such improvement schemes as may be necessary from time to time.

34. An improvement scheme may provide for all or any of the following matters, namely :—
 (a) the acquisition by purchase, exchange or otherwise of any property necessary for or affected by the execution of the scheme ;

(b) the re-laying out of any land comprised in the scheme ;

(c) the redistribution of sites belonging to owners of property comprised in the scheme ;

(d) the closure or demolition of dwellings or portions of dwellings unfit for human habitation ;

(e) the demolition of obstructive buildings or portions of buildings ;

(f) the construction and reconstruction of buildings ;

(g) the sale, lease, or exchange of any property comprised in the scheme ;

(h) the construction and alteration of streets and back lanes, bridges, causeways and culverts ;

(i) the draining, water-supply and lighting of streets so constructed or altered ;

(j) the provision of open spaces for the benefit of any area comprised in the scheme or any adjoining area, and for the enlargement of existing open spaces and approaches ;

(k) the provision of sanitary arrangements required for the area comprised in the scheme, including the conservation of and prevention of injury or contamination to rivers or other sources and means of water-supply ;

(l) the provision of accommodation for any class of the inhabitants ;

(m) the advance of money for the purposes of the scheme ;

(n) the provision of facilities for communication ;

(o) the reclamation or reservation of land for market, gardens, afforestation, the provision of fuel and grass-supply, and other needs of the population ;

(p) any other matter for which, in the opinion of the Government, it is expedient to make provision with a view to the improvement of any area comprised in the scheme or of any adjoining area or the general efficiency of the scheme.

35. An improvement scheme shall be of one of the following

Types of improvement schemes.	types, or a combination of any two or more of such types or of any special features thereof, that is to say—
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(a) a general improvement scheme ;

(b) a re-building scheme ;

(c) a re-housing scheme ;

(d) a street scheme ;

(e) a deferred street scheme ;

(f) a development scheme ;

(g) a Housing accommodation scheme ; and

(h) a town-expansion scheme.

36. Whenever it appears to the Board—

General improvement
scheme. (a) that, in any area, any build-
ings used or intended or likely to be
used as dwelling-places are unfit for
human habitation, or

(b) that danger to the health of the inhabitants of
buildings in any area, or of buildings in the neighbourhood of
such area is caused by—

(i) the narrowness, closeness, or bad arrangement
or condition of streets or buildings or groups of buildings in
such area, or

(ii) the want of light, air, ventilation or proper con-
veniences in such area, or

(iii) any other sanitary defects in such area,

the Board may pass a resolution to the effect that such
area is an insanitary area, and that a general improvement
scheme ought to be framed in respect of such area, and shall
then proceed to frame such a scheme.

37. (1) Whenever it appears to the Board that any area
Rebuilding scheme. is an insanitary area within the meaning
of the preceding section and that,
having regard to the comparative value of the buildings in
such area and of the sites on which they are erected, the most
satisfactory method of dealing with the area or any part
thereof is a rebuilding scheme, the Board may pass a resolution
to that effect, and shall then proceed to frame a scheme in
accordance with the provisions of this section.

(2) A rebuilding scheme may provide for—

(a) the reservation of streets, lanes and open spaces
and the enlargement of existing streets, lanes and open spaces
to such an extent as may be necessary for the purposes of the
scheme ;

(b) the re-laying out of the sites of the area upon
streets, lanes or open spaces so reserved or enlarged ;

(c) the payment of compensation in respect of any
such reservation or enlargement, and the construction of the
streets, lanes and open spaces so reserved or enlarged ;

(d) the reconstruction, alteration or demolition of
the existing buildings and their appurtenances by the owners,
or by the Board in default of the owners, and the erection of
buildings in accordance with the scheme by the said owners
or by the Board in default of the owners, upon the sites as
defined under the scheme ;

(e) the advance to the owners, upon such terms and
conditions as to interest, sinking fund and otherwise as may

be provided under the scheme, of such sums as may be necessary to assist them to reconstruct or alter existing buildings or to erect new buildings in accordance with the scheme ;

(f) the acquisition by the Board of any site or building comprised in the area included in the scheme.

38. The Board may frame schemes (herein called re-housing schemes) for the construction, maintenance and management of such and so many dwellings and shops as it may consider necessary for persons who—

Re-housing scheme.

(a) are displaced by the execution of any improvement scheme sanctioned under this Act, or

(b) are likely to be displaced by the execution of any improvement scheme which it is intended to frame, or to submit to the Government for sanction, under this Act.

39. (1) Whenever the Board is of opinion that, for the purpose of—

Street scheme.

(a) providing building sites, or

(b) remedying defective ventilation, or

(c) creating new or improving existing means of communication and facilities for traffic, or

(d) affording better facilities for conservancy,

it is expedient to lay out new streets or alter existing streets (including bridges, causeways and culverts) in any area, the Board may pass a resolution to that effect, and shall then proceed to frame a street scheme for such area.

(2) A street scheme may within the limits of the area comprised in the scheme, provide for the following matters :—

(a) the acquisition of any land which will, in the opinion of the Board, be necessary for its execution ;

(b) the re-laying out of all or any of the lands so acquired including the construction and reconstruction of buildings by the Board or by persons authorized by the Board in that behalf and the laying out, construction and alteration of streets and thoroughfares ;

(c) the draining, water-supply and lighting of streets and thoroughfares so laid out, constructed or altered ;

(d) the raising, lowering or reclamation of any land vested in, or to be acquired by, the Board for the purposes of the scheme ;

(e) the provision of open spaces for the better ventilation of the area comprised in the scheme ;

(f) the acquisition of any land adjoining any street, thoroughfare or open space to be formed under the scheme.

40. (1) Whenever the Board is of opinion that it is expedient for any of the purposes mentioned in section 39 to provide for the ultimate widening of any street by altering the existing alignments of such street to improved alignments to be prescribed by the Board, but that it is not expedient immediately to acquire all or any of the properties lying within the proposed improved alignments, the Board, if satisfied as to the sufficiency of its resources, may pass a resolution to that effect, and shall proceed to make a scheme to be called a "deferred street scheme" prescribing an alignment on each side of the street.

(2) A deferred street scheme shall provide for—

(a) the acquisition of the whole or any part of any property lying within the prescribed street alignments within the time-limit specified in the scheme which may be extended by the Government :

Provided that such time-limit including the extensions granted by the Government shall in no case exceed twenty years from the date of the sanction of the scheme by the Government ;

(b) the re-laying out of all or any such property, including the construction and reconstruction of buildings by the Board or by any other person, and the formation and alteration of the street ;

(c) the draining, water-supply and lighting of the streets so formed or altered.

(3) After a deferred street scheme has been sanctioned by the Government—

(a) no person shall, except with the written permission of the Board, erect, re-erect, add to or alter any building or wall so as to make the same project into the prescribed alignment of the street ;

(b) if the Board fails to acquire or to institute proceedings for the acquisition of any property within the prescribed alignment of any street, within the time-limit specified in the scheme or extended by the Government, the owner of such property may, at any time thereafter, give the Board notice requiring it to acquire or to institute proceedings for the acquisition of such property before the expiration of six months from the date of such notice, and thereupon the Board shall acquire, or institute such proceedings and acquire the property accordingly ; and if the Board fails to do so, it shall pay reasonable compensation to the owner for any damage sustained by him in consequence of such failure ;

(c) before proceeding to acquire any property lying within the prescribed alignment of the street [other than property regarding which it has received a notice under clause (b)], the Board shall give six months' notice to the owner of its intention to acquire such property ;

(d) notwithstanding anything contained in the Madras City Municipal Act, 1919, the Corporation shall not have power to prescribe any alignment of the street within the limits of the scheme, and any such alignment previously prescribed within such limits shall cease to be the alignment of the street. Madras Act IV of 1919.

41. (1) In regard to any area to which this Act applies, the Board may, from time to time, prepare a scheme of proposed public streets with plans showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) When any such scheme has been notified under section 53, the street to which it refers shall be deemed to be a projected public street.

(3) No person shall, without the permission of the Board, erect, re-erect, add to, or alter any building or wall so as to make the same project into the street alignment or beyond the building line shown in any plan so adopted.

(4) If the Board refuses to grant permission to any person to erect on his land any building or wall to project as aforesaid and if it does not proceed to acquire such land within one year from the date of such refusal, the Board shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

(5) When any building or wall projecting into or beyond, or adjacent to, the street alignment or building line shown in any plan adopted as aforesaid has fallen, or been demolished or burnt down, the Chairman may, by written notice, require or permit the same to be set back, or set forward, as the case may be, from or towards such street alignment or building line.

(6) When any building or wall is set back or set forward in pursuance of a requisition made under sub-section (5), the Board shall make full compensation to the owner of the building or wall for any damage that he may sustain thereby.

(7) If the requisition or permission under sub-section (5) to set forward any building or wall involves the inclusion within the premises of the owner of the building or wall, of any land belonging to the Board, the requisition or permission shall operate as a conveyance of such land to the said owner on the terms and conditions specified therein.

(8) If the owner is dissatisfied with any of the terms and conditions aforesaid, he may within thirty days after the communication to him of such terms and conditions, apply to the Chairman in writing for a reference of his case to the Tribunal. On receipt of such application, the Chairman shall refer the case to the Tribunal and its decision shall be final.

Madras Act
IV of 1919.

(9) When any scheme under this section is sanctioned by the Government, notwithstanding anything contained in the Madras City Municipal Act, 1919, the Corporation shall not have power to prescribe the alignment of any street within the limits of the scheme, and any alignment previously prescribed within such limits shall cease to be the alignment of the street.

42. Whenever the Board is of opinion that it is expedient and for the public advantage to provide housing accommodation for any class of persons in any area, the Board may frame a scheme, to be called a "Housing accommodation scheme"

43. (1) Whenever the Board is of opinion that it is expedient and for the public advantage to control and provide for the future expansion or development of the City, the Board may frame a scheme to be called a "Town expansion scheme"

(2) Such scheme shall ordinarily be framed in respect of an area wholly without the limits of the City, but may, in special circumstances and with the previous sanction of the Government, be framed in respect of an area which lies wholly within, or partly within and partly without, the City :

Provided that the Government shall, before giving their sanction to any such scheme, satisfy themselves that a development scheme under section 41 in respect of the area would not be suitable.

(3) Such scheme shall specify the proposed lay-out of the area to be developed and the purposes for which particular portions thereof are to be utilized.

(4) The provisions of clause (a) of sub-section (2) of section 51 shall not apply to a town-expansion scheme under this section, but the Board shall be required to supply to the Government such details as they may consider necessary.

(5) After any such scheme has been notified under section 53, no person shall, without the permission of the Board, erect, re-erect, add to, or alter any building or wall within the area comprised in the scheme.

(6) If the Board refuses to grant permission to any person to erect, re-erect, add to, or alter any building or wall on his land in the area aforesaid and does not proceed to acquire such land within one year from the date of such refusal, the Board shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

(7) Nothing contained in this section shall be deemed to authorize the framing of a town expansion scheme in respect of any area without the limits of the City unless the provisions of this section have been applied to such area in pursuance of section 1, sub-section (2).

Procedure to be followed in framing an improvement scheme.

44. (1) An improvement scheme may be framed by the Board on its own motion, or on an official representation. official representation by the Corporation.

(2) The official representation referred to in sub-section (1) may be made by the Corporation—

(a) on its own motion, or

(b) on a written application by its Commissioner, or

(c) in respect of any area comprised in any division of the City, on a written application signed by twenty-five or more residents of such division who are liable to pay property tax under the Madras City Municipal Act, 1919.

Madras Act
IV of 1919.

(3) If the Corporation decides not to make an official representation on any application made to it under clause (b) or clause (c) of sub-section (2), it shall cause a copy of such application to be sent to the Board with a statement of the reasons for its decision.

45. (1) The Board shall consider every official representation made under section 44 and, if satisfied as to the necessity for an improvement scheme on the lines recommended therein and as to the sufficiency of its resources for executing such a scheme, shall decide whether the scheme should be framed forthwith or not, and shall intimate its decision to the Corporation.

(2) If the Board decides that it is not necessary or expedient either to frame an improvement scheme or to frame the scheme forthwith, it shall inform the Corporation of the reasons for its decision.

(3) If the Board fails, for a period of twelve months after the receipt of any official representation made under section 44, to intimate its decision thereon to the Corporation, or if the Board intimates to the Corporation its decision that it is not necessary or expedient to frame an improvement scheme forthwith or decides to frame a scheme of a type other than that recommended by the Corporation, the Corporation may, if it thinks fit, refer the matter to the Government.

(4) The Government shall consider every reference made to them under sub-section (3), and—

(a) if they consider that the Board ought, in all the circumstances, to have passed a decision within the period mentioned in sub-section (3), shall direct the Board to pass a decision within such further period as the Government may think reasonable, or

(b) if they consider that it is, in all the circumstances, expedient that a scheme should forthwith be framed, shall direct the Board to proceed forthwith to frame a scheme. Such a direction may prescribe the type of scheme to be framed.

(5) The Board shall comply with every direction given by the Government under sub-section (4).

46. When framing an improvement scheme in respect of any area, regard shall be had to—

Matters to be considered when framing improvement schemes.

(a) the nature and the conditions of neighbouring areas and of the City as a whole ;

(b) the directions in which the expansion of the City appears likely to take place ; and

(c) the likelihood of improvement schemes being required for other parts of the City.

47. (1) When any improvement scheme has been framed, the Board shall prepare a notice stating that fact and specify—

Preparation, publication and transmission of notice as to improvement schemes, and supply of documents to applicants.

(a) the boundaries of the area comprised in the scheme, and

(b) the places (including at least one place in the area comprised in the scheme) at which particulars of the scheme, a map of the area comprised in the scheme, and a statement of the land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee, may be seen at reasonable hours.

(2) The Board shall—

(a) cause the said notice to be published weekly for three consecutive weeks in the *Fort St. George Gazette* and in local newspapers specifying the period within which objections will be received, and

(b) send a copy of the notice to the Commissioner of the Corporation.

(3) The Chairman shall cause copies of all documents referred to in clause (b) of sub-section (1) to be delivered to any applicant on payment of the fee prescribed by the Board.

48. The Commissioner of the Corporation to whom a copy

Transmission to Board of representation by Corporation as to improvement scheme.

of a notice has been sent under clause (b) of sub-section (2) of section 47 shall, within a period of ninety days from the receipt of the said copy, forward to the Board any representation which the Corporation may think fit to make with regard to the scheme.

49. (1) Within the thirty days following the day on which any notice is first published under Notice of proposed section 47 in respect of any improvement scheme, the Board shall serve a notice on—

(a) every person whose name appears in the assessment list of the Corporation or the municipality or local board concerned as being primarily liable to pay property tax on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, and

(b) the occupier (who need not be named) of each premises entered in the assessment list of the Corporation or the municipality or local board concerned which the Board proposes to acquire in executing the scheme.

(2) A copy of the notice shall also be affixed in each such premises.

(3) Such notice shall—

(a) state that the Board proposes to acquire such land or to recover such betterment fee for the purpose of carrying out an improvement scheme, and

(b) require such person, if he objects to such acquisition or to the recovery of such betterment fee, to state his reasons in writing within a period of sixty days from the service of the notice.

(4) Every such notice shall be signed by the Chairman or by a person authorized by him in that behalf.

50. The Commissioner of the Corporation or the executive authority of any municipality or local board in which the area was previously included shall furnish the Chairman, at his request, with a copy of, or extracts from, the assessment list of the Corporation or of the municipality or local board, as the case may be, on payment of such fees as may be prescribed by the Government in that behalf.

51. (1) After considering the objections and representations, if any, received in pursuance of sub-section (2) of section 47, section 48 and clause (b) of sub-section (3) of section 49, and after hearing all persons making any such objection or representation who may desire to be heard, the Board may either abandon the scheme or apply to the Government for sanction to the scheme, with such modifications, if any, as the Board may consider necessary.

(2) Every application for sanction under sub-section (1) shall be accompanied by—

(a) a description of, and full particulars relating to, the scheme and complete plans and estimates of the cost of executing the scheme ;

(b) a statement of the reasons for any modifications made in the scheme as originally framed ;

(c) a statement of the objections, if any, received under section 47 ;

(d) any representation received under section 48 ;

(e) a list of the names of all persons, if any, who have objected under clause (b) of sub-section (3) of section 49, to the proposed acquisition of their land or to the proposed recovery of a betterment fee and a statement of the reasons given for such objection ;

(f) a statement of the arrangements, if any, made or proposed by the Board for the re-housing of persons who are likely to be displaced by the execution of the scheme ; and

(g) such other particulars as may be prescribed by the Government.

(3) When any application has been submitted to the Government under sub-section (1), the Board shall cause notice of the fact to be published weekly for two consecutive weeks in the *Fort St. George Gazette* and in local newspapers.

52. (1) The Government may sanction, either with or without modification, or may refuse to sanction, or may return for reconsideration, any improvement scheme submitted to them under section 51.

(2) If a scheme returned for reconsideration under sub-section (1) is modified by the Board, it shall be republished in accordance with section 47—

(a) in every case in which the modification affects the boundaries of the area comprised in the scheme, or involves the acquisition of any land not previously proposed to be acquired, and

(b) in every other case, unless the modification is, in the opinion of the Government, not of sufficient importance to require republication.

53. (1) Whenever the Government sanction an improvement scheme, they shall announce the fact by notification and, except in the case of a deferred street scheme, development scheme or town expansion scheme, the Board shall forthwith proceed to execute the same.

(2) The publication of a notification under sub-section (1) in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

54. At any time after an improvement scheme has been sanctioned by the Government and before it has been carried into execution, the Board may alter or cancel it :

Provided that—

(a) if any alteration is considered likely to increase the estimated net cost of executing a scheme by more than five per cent or by more than Rs. 50,000, such alteration shall not be made without the previous sanction of the Government ;

(b) if any alteration involves the acquisition, otherwise than by agreement, of any land the acquisition of which has not been sanctioned by the Government, the procedure prescribed in the foregoing sections of this Chapter shall, so far as it may be applicable, be followed as if the alteration were a separate scheme ;

(c) if, owing to any alteration, any land not previously liable under the scheme to the payment of a betterment fee, becomes liable to such payment, the procedure prescribed in sections 47, 49 and 51 shall, so far as it may be applicable, be followed in regard to such land :

Provided further that no scheme shall be cancelled under this section without the previous sanction of the Government.

55. The Board may, at any time, include in a combined scheme the improvement schemes framed or proposed to be framed for two or more areas.

56. (1) No street laid out or altered by the Board shall be less than forty feet wide, if it is intended for carriage traffic, or less than twenty feet wide, if it is intended for pedestrian traffic only :

Provided that—

(i) the width of an existing street need not be increased to the minimum required by this sub-section if, in the opinion of the Board, such increase is impracticable ;

(ii) nothing in this sub-section shall apply to service passages for sanitary purposes.

(2) In every street laid out or altered by the Board, the Board shall make provision for the levelling, paving, metalling, flagging, channelling, sewerage and draining of the street, and the provision therein of lighting, water and other sanitary conveniences ordinarily provided in a municipality.

57. (1) Whenever any building, or any street, square, or other land, or any part thereof, which—
 Transfer to Board for purposes of improvement scheme of building or land vested in the Corporation or in a municipality or local board. (a) is situated in the City and is vested in the Corporation, or
 (b) is situated in any part of a municipality constituted under the Madras District Municipalities Act, 1920, in which this section is for the time being in force, and is vested in that municipality, or

Madras
Act V of
1920.

(c) is situated in any area included within the jurisdiction of a local board constituted under the Madras Local Boards Act, 1920, in which this section is for the time being in force, and is vested in that local board,

Madras
Act XIV of
1920.

is within the area of any improvement scheme and is required for the purposes of such scheme, the Board shall give notice accordingly to the Commissioner of the Corporation or the executive authority of such municipality or local board, as the case may be, and such building, street, square, other land or part thereof shall thereupon vest in the Board.

(2) Where any land situated in the City vests in the Board under the provisions of sub-section (1) and the Board makes a declaration that such land will be retained by the Board only until it reverts in the Corporation as part of a street or an open space under section 67, no compensation shall be payable by the Board to the Corporation in respect of that land.

(3) Where any land or building vests in the Board under sub-section (1) and no declaration is made under sub-section (2) in respect of the land, the Board shall pay to the Corporation, the municipality, or the local board, as the case may be, as compensation a sum equal to the market value of such land or building as on the date of the publication of the notification under section 53; and where any building situated on land in respect of which a declaration has been made by the Board under sub-section (2) is vested in the Board under sub-section (1), like compensation shall be payable in respect of such building by the Board.

(4) If, in any case where the Board has made a declaration in respect of any land under sub-section (2), the Board retains or disposes of the land contrary to the terms of the declaration, so that the land does not revert in the Corporation, the Board shall pay to the Corporation compensation in respect of such land in accordance with the provisions of sub-section (3).

(5) If any question or dispute arises—

(a) as to whether compensation is payable under sub-section (3) or sub-section (4), or

(b) as to the amount of the compensation paid or proposed to be paid under sub-section (3) or sub-section (4), or

(c) as to whether any building or street, or square or other land, or any part thereof, is required for the purposes of the scheme,

the matter shall be referred to the Government whose decision shall be final.

58. (1) Whenever any street or square or part thereof which is not vested in the Board or in the Corporation or in any municipality constituted under the Madras District Municipalities Act, 1920, or in any local board constituted under the Madras Local Boards Act, 1920, is required for executing any improvement scheme, the Board shall cause to be affixed in a conspicuous place in or near such street, square or part, a notice signed by the Chairman, and—

(a) stating the purpose for which the street, square or part is required, and

(b) declaring that the Board will, on or after a date to be specified in the notice, take over charge of such street, square or part from the owner thereof; and shall simultaneously send a copy of such notice to the owner of such street, square or part.

(2) After considering the objections (if any) received in writing before the date specified under clause (b) of sub-section (1), the Board may take over charge of such street, square or part, and the same shall thereupon vest in the Board.

(3) When the Board alters or closes any street or square or part thereof which has vested in it under sub-section (2), it shall pay reasonable compensation to the previous owner for the loss of his rights therein.

(4) If the alteration or closing of any such street, square or part causes damage or substantial inconvenience to owners of property adjacent thereto, or to residents in the neighbourhood, the Board—

(i) shall forthwith provide some other reasonable means of access for the use of persons who were entitled to use such street, square or part as a means of access to any property or place, and

(ii) if the provision of such means of access does not sufficiently compensate any such owner or resident for such damage or inconvenience, shall also pay him reasonable compensation in money.

59. (1) Where in any building, or street, square or other land, or part thereof, referred to in section 57 or section 58, there is any municipal or local board drain, water-work, electric main or installation, such drain, water-work, electric main

Transfer of private street or square to Board for purpose of improvement scheme.
Provision of drain or water-work to replace another situated on land vested in Board under section 57 or section 58.

Madras Act V of 1920.
Madras Act XIV of 1920.

or installation shall not vest in the Board until the Board has provided, if such provision is necessary, another drain, water-work, electric main or installation to the satisfaction of the Corporation or the municipality or local board concerned, as the case may be.

(2) If any question or dispute arises as to whether another drain, water-work, electric main or installation is necessary, or as to the sufficiency of any drain, water-work, electric main or installation provided by the Board under sub-section (1), such question or dispute shall be referred to the Government, whose decision thereon shall be final.

Madras Act
IV of 1919.

Bar to application of certain sections of the Madras City Municipal Act, 1919, to streets.

60. (1) Section 204, clause (c) of sub-section (1) of section 205, and section 206 of the Madras City Municipal Act, 1919, shall not apply to any street which is vested in the Board.

(2) Sections 213, 224 and 225 of the said Act shall not apply when any drain or premises vested in the Corporation is opened or broken up by the Board or when any public street is under construction by the Board.

61. Whenever the Board allows any street vested in it to be used for public traffic, it shall—
 Repair and watering of streets vested in Board. (a) keep the street in good repair, as far as practicable, and do all things necessary for the safety and convenience of persons using it, and

(b) cause the street to be watered, if it considers it necessary to do so for the public convenience.

62. Whenever any drain in, or the pavement or surface of, any street vested in the Board is opened or broken up by the Board for the purpose of carrying on any work, or whenever the Board allows any street which it has under construction to be used for public traffic,
 Guarding and lighting when street vested in Board is opened or broken up, or when street is under construction and speedy completion of work.

the Board shall cause the place to be fenced and guarded and to be sufficiently lighted during the night, and shall take proper precautions for guarding against accident by shoring up and protecting adjoining buildings,

and shall, with all convenient speed, complete the said work, fill in the ground, and repair the said drain, pavement or surface, and carry away the rubbish occasioned thereby or complete the construction of the said street, as the case may be.

63. (1) When any work referred to in section 62 is being

Prevention or restriction of traffic in street vested in Board, during progress of work.

executed by the Board in any public street vested in it, or when any other work which may lawfully be done is being executed by the Board in any street vested in it, the Board may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally, or to traffic of any specified description.

(2) When any such direction has been given, the Board shall, after notifying in local newspapers its intention to do so, set up in a conspicuous position in or near the street an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as it may think proper for preventing or restricting traffic therein.

64. (1) When any work is being executed by the Board

Provision of facilities, and payment of compensation, when work is executed by Board in public street vested in it.

in any public street vested in it, the Board shall, so far as may reasonably be practicable, make adequate provision for—

(a) the passage or diversion of traffic ;

(b) securing access to all premises approached from such street ; and

(c) any drainage, water-supply or means of lighting which is interrupted by reason of the execution of the work.

(2) The Board shall pay reasonable compensation to any person who sustains special damage by reason of the execution of any such work.

Power of Board to turn or close public street or square vested in it.

65. (1) The Board may—

(a) turn, divert, discontinue the public use of, or permanently close, any public street vested in it or any part thereof, or

(b) discontinue the public use of, or permanently close, any public square vested in it or any part thereof.

(2) Whenever the Board discontinues the public use of, or permanently closes, any public street vested in it, or any part thereof, it shall pay reasonable compensation to every person who was entitled, otherwise than as a mere member of the public, to use such street or part as a means of access and has suffered damage from such discontinuance or closing.

(3) Whenever the Board discontinues the public use of, or permanently closes, any public square vested in it, or any part thereof, it shall pay reasonable compensation to every person—

(a) who was entitled, otherwise than as a mere member of the public, to use such square or part as a means of access, or

(b) whose immovable property was ventilated by such square or part,

and who has suffered damage—

(i) in case (a), from such discontinuance or closing, or

(ii) in case (b), from the use to which the Board has put such square or part.

(4) In determining the compensation payable to any person under sub-section (2) or sub-section (3), the Board shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other public street or square at or about the same time that the public street or square or part thereof, on account of which the compensation is paid, is discontinued, or closed.

(5) When any public street or square vested in the Board, or any part thereof, is permanently closed under sub-section (1), the Board may sell, or lease so much of the same as is no longer required.

66. (1) If any question or dispute arises—

(a) between the Board and the
 Reference of disputes to Tribunal. previous owner of any street or square or part thereof which has vested in the Board under section 58 and has been altered or closed by it, as to the sufficiency of the compensation paid or proposed to be paid under sub-section (3) of that section, or

(b) between the Board and any person who was entitled, otherwise than as a mere member of the public, to use as a means of access any street or square or part thereof which has vested in the Board under section 58—

(i) as to whether the alteration or closing of such street, square or part causes damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, or

(ii) as to whether the other means of access provided or proposed to be provided under sub-section (4) of the said section 58 are reasonably sufficient, or

(iii) as to the sufficiency of any compensation paid or proposed to be paid under the said sub-section (4), or

(c) between the Board and any person, as to the sufficiency of any compensation paid or proposed to be paid to him under section 37, 40, 41, 43, 64, 65 or 157—

the matter shall be determined by the Tribunal if referred to it either by the Board or by the claimant, within a period of three months from—

in case (a) or case (b)—the date on which the street or square or part thereof was altered or closed by the Board, and

in case (c)—the date on which the said person was informed of the decision of the Board fixing the amount of compensation to be paid to him or rejecting his claim to compensation ;

and the determination of the Tribunal shall be final.

(2) If a reference to the Tribunal be not made within the period prescribed by sub-section (1), the decision of the Board shall be final.

(3) For the purpose of determining any matter referred to it under sub-section (1), the Tribunal shall have all the powers with regard to witnesses, documents and costs which it would have if the Land Acquisition Act, 1894, as modified by section 73 of this Act, were applicable to the case.

Central Act
I of 1894

67. (1) Whenever the Corporation is satisfied—

Vesting in Corporation of streets laid out or altered, and open space provided, by the Board under an improvement scheme.

(a) that any street laid out or altered by the Board has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the plans sanctioned by the Government under section 52, and

(b) that such lamps, lamp-posts and other apparatus as the Corporation considers necessary for the lighting of such street and as ought to be provided by the Board have been so provided, and

(c) that water and other sanitary conveniences ordinarily provided in the City have been duly provided in such street,

the Corporation shall, after informing the Board of its intention to do so, by written notice affixed in some conspicuous position in such street, declare the street to be a public street ; and the street shall thereupon vest in the Corporation, and shall thenceforth be maintained, kept in repair, lighted and cleansed by the Corporation.

(2) When any open space for purposes of ventilation or recreation has been provided by the Board in executing any improvement scheme, it shall, on completion, be transferred to the Corporation by resolution of the Board, and shall thereupon vest in, and be maintained at the expense of the Corporation :

Provided that the Corporation may require the Board before any such open space is so transferred, to enclose, level, turf, drain and lay out such space and provide footpaths therein, and, if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the Board and the Corporation in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the Government whose decision shall be final.

68. If section 67 be applied, by notification under sub-section (2) of section 1, to any municipality or local board in the neighbourhood of the City, it shall be construed as if the references therein to the Corporation were references to such municipality or local board.

69. Notwithstanding anything contained in section 67 or section 68, the Board may retain any service passage which it has laid out for sanitary purposes, and may enter into an agreement with the Corporation or any other person for the supervision, repair, lighting and general management of any passage so retained.

CHAPTER IV.

ACQUISITION AND DISPOSAL OF LAND.

70. The Board may enter into an agreement with any person for the acquisition from him by purchase, lease or exchange, of any land or interest in land, which the Board is authorized to acquire for any of the purposes of this Act.

71. The Board may, with the previous sanction of the Government, acquire land under the provisions of the Land Acquisition Act, 1894, for carrying out any of the purposes of this Act.

72. The Government may, if they think fit, constitute a Tribunal as provided in section 74 for the purpose of performing the functions of the Court in reference to the acquisition of land for the Board under the Land Acquisition Act, 1894.

73. For the purpose of acquiring land for the Board under the Land Acquisition Act, 1894—
(a) the said Act shall be subject to the modifications specified in the Schedule; and

(b) in case a Tribunal is constituted under section 74—

(i) the Tribunal shall (except for the purposes of section 54 of that Act) be deemed to be the Court, and the President of the Tribunal shall be deemed to be the Judge thereof;

(ii) the President of the Tribunal shall have power to summon and enforce the attendance of witnesses, and to compel the production of documents, by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908; and

Central Act
V of 1908.

(iii) the award of the Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act, 1894, and shall be final.

Central Act
I of 1894.

74. (1) The Tribunal shall consist of three members, namely, a President and two assessors.

Constitution of Tribunal.

(2) The President of the Tribunal shall be either—

(a) a member of the Indian Civil Service or of a Civil Service of the State who has, for at least three years, served as District Judge or held judicial office not inferior to that of a Subordinate Judge; or

(b) a barrister, advocate or pleader of not less than ten years' standing, who has practised as an advocate or pleader in the High Court of Judicature at Madras.

(3) The President of the Tribunal and one of the assessors shall be appointed by the Government, and the other assessor shall be appointed by the Corporation :

Provided that if the Corporation fails to make an appointment within one month after it is required so to do by the Government, the appointment shall be made by the Government.

(4) No person shall be eligible for appointment as a member of the Tribunal if he is a Trustee or is, for any of the reasons mentioned in section 7, disqualified for appointment as a Trustee.

(5) The term of office of each member of the Tribunal shall be three years; but any member shall, subject to sub-section (4), be eligible for re-appointment at the end of that term.

(6) The Government may, on the ground of incapacity or misbehaviour, or for any other good and sufficient reason, remove any member of the Tribunal from office.

(7) Every vacancy, whether permanent or temporary, in the office of a member of the Tribunal shall be filled in accordance with the provisions of sub-section (3).

(8) All appointments made under this section shall be notified in the *Fort St. George Gazette*.

75. A member of the Tribunal shall be entitled to receive such remuneration, by way of salary or fees or both, as the Government may prescribe.

Remuneration of members of Tribunal.

76. (1) The President of the Tribunal shall, from time to time, prepare a statement showing—

Officers and servants of Tribunal. (a) the number and grades of the clerks and other officers and servants whom he considers should be employed for carrying on the business of the Tribunal,

(b) the amount of the salary to be paid to each such officer or servant, and

(c) the contributions payable under section 141 in respect of each such officer or servant who is a servant of the Central or State Government.

(2) All statements prepared under sub-section (1) shall be subject to the previous sanction of the Government.

(3) The President of the Tribunal shall, with the previous sanction of the Government, make rules—

(i) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Tribunal :

Provided that a servant of the Central or State Government employed as an officer or servant of the Tribunal shall not be entitled to leave or leave allowances otherwise than as may be laid down in the conditions of his service under the Central or State Government relating to transfer to foreign service ;

(ii) for establishing and maintaining a provident fund, for compelling all or any of the officers or servants of the Tribunal (other than any servant of the Central or State Government in respect of whom a contribution is paid under section 141) to subscribe to the fund, at such rates and subject to such conditions as may be prescribed and, with the sanction of the Board, for supplementing such subscriptions out of the funds of the Board ;

(iii) for determining the conditions under which the officers and servants of the Tribunal, or any of them, shall, on retirement, receive gratuities or compassionate allowances and the amount of such gratuities and compassionate allowances :

Provided that it shall be at the discretion of the Tribunal to determine whether all such officers and servants or any and, if so, which of them, shall become entitled, on retirement, to any such gratuities or compassionate allowances as aforesaid.

(4) Subject to any rules made under sub-section (3) and for the time being in force, the power of making appointments and promotions to posts in the service of the Tribunal, of granting leave to officers and servants holding such posts, of censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct and of discharging such officers and servants from the service of the Tribunal for any other reason, shall be exercised by the President of the Tribunal.

77. The amount necessary for the payment of remuneration, salaries, leave allowances and acting allowances in accordance with sections 75 and 76 shall be provided by the Board.

78. (1) The President of the Tribunal may, from time to time, with the previous sanction of the Government, make rules, not repugnant to the Code of Civil Procedure, 1908, for the conduct of business by the Tribunal. Central Act V of 1908.

(2) All such rules shall be published in the *Fort St. George Gazette*.

79. (1) In any proceeding before the Tribunal, the decision on all questions of law and procedure (including questions as to whether anything is a question of law or procedure) shall rest solely with its President, and on all other questions, in the event of disagreement between the members, the opinion of the majority shall prevail.

(2) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by the Court of Small Causes at Madras as if it were a decree of that Court.

80. (1) When by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

(2) Such increase in value shall be the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner; and the betterment fee shall be one-third of such increase in value.

31. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall by a resolution passed in this behalf declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed has been served under clause (a) of sub-section (1) of section 49, or to the successor in interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 80.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall within three months from the date of receipt of notice in writing of such assessment from the Board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required by sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

82. (1) If the Government are satisfied after such inquiry as they think fit that any arbitrator appointed under sub-section (4) of section 81 has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, is removed, or refuses to perform or in the opinion of the Government neglects to perform or becomes disqualified for or incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board, and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award may, within three months from the date of the communication thereof, appeal to the Chief Judge of the Court of Small Causes at Madras, whether the case arises within or outside the limits of the City, and the decision of the said Chief Judge shall be final and conclusive and binding on all persons.

83. The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilized.

Fee for arbitrator.

84. (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate his award to the parties concerned :

Powers and duties of arbitrator.

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorized agent.

(2) The arbitrator shall have all the powers of a civil court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

Central Act V of 1908.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

85. When the amount of all betterment fees payable in respect of land in the area comprised in the scheme has been determined under section 81 or section 82, as the case may be, the Board shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four and a half per cent per annum upon any amount outstanding shall be payable from that date :

Board to give notice to persons liable to payment of betterment fee.

Provided that any person liable as aforesaid may make payment, if he so chooses, in such number of equal annual instalments not exceeding ten as the Board may determine, the amount of each instalment being fixed by the Board in such a manner that the total sum recovered from such person is equivalent to the amount due from him together with interest calculated at the rate of four and a half per cent per annum on the amount or so much thereof as may, from time to time, remain unpaid.

86. (1) Any person liable to pay a betterment fee in respect of any land may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of

Agreement to make betterment fee a charge on land.

interest at the rate of six per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 85.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land subject to the prior payment of land revenue, if any, due to the Government on such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1) be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with the interest due up to the date of such payment.

(5) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (1), no suit with respect to such agreement shall be brought against the Board by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land.

87. All money payable in respect of any land by any person in respect of a betterment fee under section 81, section 82 or section 85 or by any person under an agreement executed in pursuance of sub-section (1) of section 86, shall be recoverable by the Board (together with interest due, up to the date of realization at the rate of six per cent per annum), from the said person or his successor in interest in such land, in the manner provided by the Madras City Municipal Act, 1919, for the recovery of taxes and, if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Madras Act
IV of 1919.

88. The Board may direct by what authority any powers or duties incident under the Madras City Municipal Act, 1919, to the enforcement of any process for the recovery of taxes shall be exercised and performed when that process is employed under section 87.

Madras Act
IV of 1919.

Board to appoint persons for enforcement of processes for recovery of dues.

89. If any land in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 81 or has been made after its determination under section 82 or section 85 or in respect of which an agreement regarding the betterment fee has been executed under section 86, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act, 1894.

Central Act
I of 1894.

90. (1) The Board may retain, or may lease, sell, exchange, or otherwise dispose of, any land vested in or acquired by it under this Act.

Power to dispose of
land.

(2) Whenever the Board decides to lease or sell any land acquired by it under this Act from any person, it—

(a) shall give notice by advertisement in the local newspapers, and

(b) shall offer to the said person, or his heirs, executors or administrators, a prior right to take on lease or to purchase such land for an amount or at a rate to be fixed by the Board, if the Board considers that such an offer can be made without detriment to the carrying out of the purposes of this Act.

(3) If in any case two or more persons claim to have the prior right referred to in clause (b) of sub-section (2), preference shall be given to the person who agrees to pay the higher or the highest amount or rate for the land, not being less than the amount or rate fixed by the Board under that clause.

CHAPTER V.

FINANCE.

91. (1) The Government and the Corporation shall each contribute to the Board on the first day of April every year, so long as the Board continues to exist, a sum of not less than two and a half lakhs of rupees.

(2) The annual payment due from the Corporation under sub-section (1) shall be made in priority to all other payments due from it, except those referred to in section 152 of the Madras City Municipal Act, 1919.

Madras Act
IV of 1919.

(3) If the annual payment due from the Corporation cannot be made without increasing the maximum rate of property tax authorized by the proviso to sub-section (2) of section 99 of the Madras City Municipal Act, 1919, then, Madras Act IV of 1919, that maximum may be increased to such extent as may be necessary to secure the due making of such payment.

Central Act
IX of 1914.

92. (1) The Board shall be deemed to be a local authority, as defined in the Local Authorities Loans Act, 1914, for the purpose of borrowing money under that Act but the provisions of that Act and of the rules made thereunder shall have effect subject to the provisions contained in this Act.

(2) The Board shall also have power to borrow money from the Government on such terms as may be approved by them.

93. Whenever the borrowing of any sum of money has been approved by the Government, the Board may, instead of borrowing such sum or any part thereof from the public, take credit from any bank, on a cash account to be kept in the name of the Board to the extent of such sum or part ;

and with the previous sanction of the Government, may grant mortgages of all or any property vested in the Board by way of security for such credit.

94. Whenever any sum of money has been borrowed by the Board for the purpose of meeting particular expenditure or of repaying a particular loan, no portion thereof shall be applied to any other purpose without the previous sanction of the Government.

95. (1) Whenever money is borrowed by the Board on debentures, the debentures shall be in such form as the Board may, with the previous sanction of the Government, determine.

(2) All debentures shall be signed by the Chairman and one other Trustee.

(3) The holder of any debenture in any form prescribed under sub-section (1) may obtain in exchange therefor, a debenture in any other form so prescribed, upon such terms as the Board may determine.

(4) Every debenture issued by the Board shall be transferable by endorsement, unless some other mode of transfer is specified therein.

96. All coupons attached to debentures issued under this Act shall bear the signature of the Chairman ; and such signature may be engraved, lithographed or impressed by any mechanical process.

97. When any debenture or security issued under this Act

Payments to survivors is payable to two or more persons of joint payees. jointly, and either or any of them dies,

then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to the survivor or survivors of such persons : Central Act IX of 1872.

Provided that nothing in this section shall affect any claim by the representative of the deceased person against such survivor or survivors.

98. Where two or more persons are joint holders of any

Receipt by joint holder debenture or security issued under this for interest or dividend. Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Board by any other of such persons.

99. All payments due from the Board for interest on, or the

Priority of payments repayment of, loans, shall be made in for interest and repay- priority to all other payments due from ment of loans. the Board.

100. Every loan taken by the Board shall be repaid within

Repayment of loans the period approved by the Government taken under section 95. and, subject to the provisions of sub-section (2) of section 123, by such of the following methods as may be so approved, namely :—

(a) From a sinking fund established under section 101 in respect of the loan, or

(b) by paying equal yearly or half-yearly instalments of principal, or of principal and interest, throughout the said period, or

(c) if the Board has, before borrowing money on debentures, reserved by public notice a power to pay off the loan by periodical instalments and to select by lot the particular debentures to be discharged at particular periods then, by paying such instalments at such periods, or

(d) from money borrowed for the purpose, or

(e) partly from the sinking fund established under section 101 in respect of the loan, and partly from money borrowed for the purpose.

101. (1) Whenever the Government have approved the repayment of a loan from a sinking

Establishment and maintenance of sinking funds.

fund, the Board shall establish such a fund, and shall pay into it every year, until the loan is repaid, a sum so calculated that, if regularly paid throughout the period approved by the Government, it would, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the end of that period.

(2) The rate of interest on the basis of which the sum referred to in sub-section (1) shall be calculated shall be such as may be prescribed by the Government.

102. Notwithstanding anything contained in section 101, if at any time the sum standing at credit of the sinking fund established for the repayment of any loan, is of such amount that, if allowed to accumulate at the rate of interest prescribed under sub-section (2) of that section, it will be sufficient to repay the loan at the end of the period approved by the Government, then, with the permission of the Government, further annual payments into such funds may be discontinued.

103. (1) All money paid into any sinking fund shall as soon as possible be invested, under the orders of the Board, in—

- (a) Government securities, or
- (b) securities guaranteed by the Central or any State Government, or
- (c) debentures issued by the Corporation, or
- (d) debentures issued by the Trustees of the Port of Madras, or
- (e) debentures issued by the Board,

in the joint names of the Secretary to the Government of Madras in the Finance Department and the Accountant-General of Madras, to be held by them as trustees for the purpose of repaying from time to time the debentures issued by the Board.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (1).

(3) Any investment made under this section may from time to time, subject to the provisions of sub-section (1), be varied or transposed.

104. The two trustees referred to in sub-section (1) of section 103 in whose names any sinking fund is invested may from time to time apply the same, or any part thereof, in or towards the discharge of the loan or any part of the loan for which such fund was established; and until such loan is wholly discharged, shall not apply the same for any other purpose.

105. (1) The two trustees aforesaid shall at the end of Annual statements by every financial year, transmit to the trustees. Chairman a statement showing—

(a) the amount which has been invested during the year under section 103,

(b) the date of the last investment made previous to the transmission of the statement,

(c) the aggregate amount of the securities held by them,

(d) the aggregate amount which has, up to the date of the statement, been applied under section 104 in or towards repaying loans, and

(e) the aggregate amount already paid into each sinking fund.

(2) Every such statement shall be laid before the Board and published in the *Fort St. George Gazette*.

106. (1) The Accountant-General, Madras, shall examine the said sinking funds every year and Annual examination of ascertain whether the cash and the sinking funds. current value of the securities at credit of such funds are actually equal to the amount which would have accumulated, had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2) The Board shall forthwith pay into any sinking fund any amount which the Accountant-General may certify to be the deficiency therein after examination as aforesaid, unless the Government specially sanction a gradual readjustment.

107. (1) The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and expenditure of the Board for the next ensuing financial year. Estimates of income and expenditure to be laid annually before the Board.

(2) Every such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of this Act.

(3) Every such estimate shall differentiate capital and revenue funds, and shall be prepared in such form, and shall contain such details, as the Government or the Board may from time to time direct.

(4) Every such estimate shall be completed and printed and a copy thereof sent, by post or otherwise, to each Trustee at least ten clear days before the date of the meeting at which the estimate is to be laid before the Board.

108. The Board shall consider every estimate so laid before it and shall sanction the same, either without alteration or with such alteration as it may think fit.

Sanction of Board to estimates.

109. (1) Every such estimate, as sanctioned by the Board, shall be submitted to the Government who may, at any time within two months after receipt of the same—

Approval of Government to estimates.

(a) approve the estimate, or

(b) disallow the estimate or any portion thereof, and return the estimate to the Board for amendment.

(2) If any estimate is so returned to the Board, it shall forthwith proceed to amend it and shall resubmit the estimate as amended to the Government who may then approve it.

110. A copy of every such estimate shall, when approved by the Government, be sent by the Board to the Commissioner of the Corporation of Madras.

Transmission of copy of estimate to the Commissioner.

111. (1) The Board may, at any time during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and laid before it at a special meeting.

Supplementary estimates.

(2) The provisions of sub-sections (3) and (4) of section 107 and of sections 108 to 110 shall apply to every supplementary estimate.

112. (1) No sum shall be expended by or on behalf of the Board unless the expenditure of the same is covered by a current budget-grant or can be met by reappropriation or by drawing on the closing balance.

Adherence to estimate and maintenance of closing balance.

(2) The closing balance shall not be reduced below such limit as may be fixed in this behalf by the Government from time to time.

(3) The following items shall be exempted from the provisions of sub-sections (1) and (2), namely :—

(a) Repayments of moneys belonging to contractors or other persons and held in deposit, and of moneys collected by, or credited to, the Board by mistake ;

(b) payments due under a decree or order of a court or under an award of the Tribunal ;

(c) sums payable under a compromise of any suit or other legal proceeding or claim effected under this Act ;

(d) sums payable under this Act by way of compensation ; and

(e) payments required to meet any pressing emergency.

(4) Whenever any sum exceeding five thousand rupees is expended under clause (e) of sub-section (3), the Chairman shall forthwith report the circumstances to the Government explaining how the Board proposes to cover the expenditure.

113. All moneys payable to the Board shall be received by the Chairman, and shall forthwith be paid into such bank as may be approved by the Government in this behalf to the credit of an account which shall be styled "*The Account of the Trustees for the Improvement of the City of Madras*"

114. (1) Surplus moneys at the credit of the said account may from time to time be—
Investment of surplus money. (a) deposited at interest in the Bank aforesaid; or

(b) invested in such securities or debentures as may be approved by the Government.

(2) All such deposits and investments shall be made by the Chairman on behalf of, and with the sanction of, the Board; and, with the like sanction, the Chairman may at any time withdraw any deposits so made, or dispose of any securities, and re-deposit or re-invest the money so withdrawn or the proceeds of the disposal of such securities.

115. (1) No payment shall be made by the Bank out of the account referred to in section 113, except upon a cheque.
Payments by cheques.

(2) Payment of any sum due by the Board exceeding one hundred rupees in amount shall be made by means of a cheque, and not in any other way.

116. All orders for making any deposit, investment, withdrawal or disposal under section 114, and all cheques referred to in section 115, must be signed—
Signature of orders under section 114 and cheques.

(a) by the Chairman and the Secretary to the Board, or

(b) in the event of the illness or absence from the City of the Chairman or the Secretary, then by the Secretary or the Chairman, as the case may be, and by a Trustee other than the Chairman.

117. Before the Chairman or any other Trustee or the Secretary to the Board signs a cheque under section 116, he must satisfy himself that the sum for which such cheque is drawn is required for a purpose or work specifically sanctioned by the Board or is an item of payment specified in sub-section (3) of section 112.
Duty of Chairman and others before signing cheque.

118. (1) The expression "cost of management" as used in the following sections in this Chapter, means—

(a) the salary and house-rent and conveyance allowance (if any) of the Chairman or acting Chairman, and any other allowances and any contributions payable to or in respect of the Chairman or acting Chairman ;

(b) the salaries, fees and allowances of, and the contributions paid under section 141 in respect of, officers and servants of the Board referred to in section 28 ;

(c) the remuneration of other employees of the Board except employees who are paid by the day or whose pay is charged to temporary work ;

(d) all payments made under sections 77 and 141 on account of the Tribunal ; and

(e) all office expenses incurred by the Board or the Tribunal.

(2) The expression "office expenses" in clause (e) of sub-section (1) means expenses incurred for carrying on office work, and includes the rent of offices, the provision of furniture therefor, and charges for printing and stationery.

Keeping of capital account and revenue account.

119. (1) The Board shall keep a capital account and a revenue account.

(2) The capital account shall show separately all expenditure incurred by the Board on each improvement scheme.

Credits to capital account.

120. There shall be credited to the capital account—

(a) all sums (except interest) received by way of betterment fees under this Act ;

(b) all moneys received on account of loans taken by the Board in pursuance of this Act ;

(c) the proceeds of the sale of any land belonging to the Board which was purchased out of any such loan ;

(d) where land was purchased out of an advance from the revenue account, the portion of the proceeds of the sale of such land which remains after crediting to the revenue account the amount of such advance ;

(e) the proceeds of the sale of any movable property (including securities for money invested from the capital account) belonging to the Board ;

(f) all lump sums received from any Government in aid of the capital account ;

(g) all premia received by the Board in connexion with leases for any term exceeding forty years ;

(h) all sums (if any) which the Government direct under sub-section (2) of section 123 to be credited to the capital account ; and

(i) all moneys resulting from the sale of securities by direction of the Government under section 124.

121. The moneys credited to the capital account shall be held by the Board in trust, and shall be applied to—

(a) meeting all costs of framing and executing improvement schemes ;

(b) meeting the cost of acquiring land for carrying out any of the purposes of this Act ;

(c) meeting the cost of constructing building required for carrying out any of the purposes of this Act ;

(d) the repayment of loans from money borrowed in pursuance of this Act ;

(e) making payments in pursuance of section 146, otherwise than for interest or for expenses of maintenance or working ;

(f) making, or contributing towards the cost of surveys in pursuance of section 163 ;

(g) meeting such proportion of the cost of management as may be prescribed by the Board ;

(h) temporarily making good the deficit (if any) in the revenue account at the end of any financial year.

Credits to revenue account. 122. There shall be credited to the revenue account—

(a) all interest received in pursuance of section 86 or section 87 ;

(b) all sums contributed by the Government and by the Corporation under section 91 ;

(c) all other annually recurring sums received from the Government in aid of the funds of the Board ;

(d) all damages received by the Board under section 158 ;

(e) all premia received by the Board in connexion with leases for any term not exceeding forty years ;

(f) all rents of land vested in the Board ; and

(g) all other receipts by the Board which are not required by section 120 to be credited to the capital account.

123. (1) The moneys credited to the revenue account shall be held by the Board in trust, and shall be applied to—

(a) meeting all charges for interest and sinking fund due on account of any loan taken in pursuance of this Act, and all other charges incurred in connexion with such loans ;

(b) paying all sums due from the Board in respect of rates and taxes imposed under the Madras City Municipal Act, 1919, upon land vested in the Board ;

Madras Act
IV of 1919.

(c) paying the cost (if any) of maintaining a separate establishment for the collection of the rents and other proceeds of land vested in the Board ;

(d) paying the fees determined for arbitrators under section 83 ;

(e) paying all sums which the Government may direct to be paid to any auditor under section 130 ;

(f) making payments in pursuance of section 146 for interest or for expenses of maintenance or working ;

(g) paying the cost of management, excluding such proportion thereof as may be debited to the capital account under clause (g) of section 121 ;

(h) paying all other sums due from the Board, other than those which are required by section 121 to be disbursed from the capital account.

(2) The surplus (if any) remaining after making the payments referred to in sub-section (1) shall, subject to the maintenance of a closing balance as required by sub-section (2) of section 112, be invested in the manner prescribed in section 103 towards the service of any loans outstanding after the expiry of sixty years from the commencement of this Act, unless the Government otherwise direct.

124. If at any time after any surplus referred to in sub-section (2) of section 123 has been invested, the Government are satisfied that the investment is not needed for the service of any loan referred to in that sub-section, they may direct the sale of the securities held under the investment.

Power to direct sale of securities in which any surplus of the revenue account is invested.

125. (1) Notwithstanding anything contained in section 123, the Board may advance any sum standing at the credit of the revenue account for the purpose of meeting capital expenditure.

Advances from revenue account to capital account.

(2) Every such advance shall be refunded to the revenue account as soon as may be practicable.

126. (1) Any deficit in the revenue account at the end of any financial year may be made good by an advance from the capital account.

Advances from capital account to revenue account.

(2) Every such advance shall be refunded to the capital account in the following financial year.

127. At the end of each half of every financial year, the Board shall submit to the Government an abstract of the accounts of its receipts and expenditure for such half-year.

Submission of abstracts of accounts to Government.

128. The accounts of the Board shall be examined and audited once in every financial year by such auditor as the Government may appoint in this behalf.

Annual audit of accounts.

129. The said auditor may—

(a) by summons in writing require production of any document, the perusal or examination of which he believes necessary for the elucidation of the accounts ;

Powers of auditors.

(b) by summons in writing require any person who has the custody or control of any such document or who is accountable therefor to appear in person before him ;

(c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

130. The Board shall pay to the said auditor such remuneration as the Government may direct.

Remuneration of auditor.

131. (1) The said auditor shall—

(a) report to the Board and to the Government any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the Board, or in the accounts ;

Reports and information to be furnished by auditor to the Board.

(b) furnish to the Board such information as it may from time to time require concerning the progress of his audit ;

(c) report to the Chairman any loss or waste of money or other property owned by or vested in the Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste ; and

(d) submit to the Chairman a final statement of the audit and a duplicate copy thereof to the Government within a period of three months from the end of the financial year, or within such other period as the Government may allow in that behalf.

(2) (a) The said auditor may disallow every item contrary to law and surcharge the same on the person making or authorizing the making of the illegal payment ; and may charge against any person responsible therefor, the amount

of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

Explanation.—It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss, to contend that notwithstanding his negligence or misconduct, the deficiency or loss would not have occurred but for the negligence or misconduct of some other person.

(b) The said auditor shall state in writing the reasons for his decision in respect of every disallowance, surcharge or charge and furnish a copy thereof by registered post to the person against whom it is made.

(c) If the person to whom a copy of the decision is so furnished refuses to receive it, he shall nevertheless be deemed to have been duly furnished with the copy, within the meaning of clause (b); and the period of fourteen days fixed in sub-sections (3) and (4) shall be calculated from the date of such refusal.

(3) Any person aggrieved by a disallowance, surcharge or charge made under sub-section (2) may, within fourteen days after he has been furnished with a copy of the decision of the auditor, either (a) apply to the Court of Small Causes at Madras, notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882, to set aside such disallowance, surcharge or charge, in which case the Court may, after taking such evidence as it thinks necessary, confirm, modify or remit such disallowance, surcharge or charge, with such orders as to costs as it may think proper in the circumstances; or (b) in lieu of such application, appeal to the Government who shall pass such orders as they think fit.

(4) Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the Board within fourteen days after he has been furnished with a copy of the decision of the auditor unless within that time such person has applied to the Court or appealed to the Government against the decision under sub-section (3); and such sum if not so paid, or such sum as the Court or the Government shall declare to be due, shall be recoverable on an application made by the Board to the Court in the same way as an amount decreed by it.

(5) Notwithstanding anything contained in this section, the Government may at any time direct that the recovery of the whole or any part of the amount certified to be due from any person by the auditor under this Act shall be waived if in their opinion such a course is necessary, considering all the circumstances of the case.

132. The Chairman shall cause the report mentioned in clause (d) of section 131(1) to be printed and shall forward a printed copy thereof to each Trustee and shall bring such report before the Board for consideration at its next meeting.

Auditor's report to be sent to each Trustee and considered by Board.

133. It shall be the duty of the Board forthwith to remedy any defects or irregularities that may be pointed out by the auditor.

134. As soon as practicable after the receipt of the said report, the Board shall prepare an abstract of the accounts to which it relates, and shall publish such abstract in the *Fort St. George Gazette* and send a copy of the abstract to the Commissioner and to the Government.

CHAPTER VI.

RULES.

135. The Government may make rules consistent with this Act—

Power of the Government to make rules. (a) with regard to all matters expressly required or allowed by this Act to be prescribed by the Government ;

(b) for regulating elections to the Board in respect of all matters relating to such elections which are not expressly provided for in this Act ;

(c) for regulating the proceedings of the arbitrator referred to in section 82 ;

(d) for prescribing the fees payable for copies of, or extracts from, the assessment books of the Corporation or of any other local authority, furnished to the Chairman ;

(e) as to the conditions on which officers and servants of the Board or of the Tribunal may be appointed, reduced, suspended, discharged, removed or dismissed ;

(f) as to the intermediate office or offices (if any) through which correspondence between the Board and the Government or their officers shall pass ;

(g) as to the accounts to be kept by the Board ;

(h) as to the returns, statements, reports and accounts to be submitted by the Board ;

(i) prescribing and defining the mutual relations to be observed between the Board and other local authorities in any matter in which they are jointly interested ;

(j) generally for the guidance of the Board and public officers in all matters connected with the carrying out of the provisions of this Act.

136. The Board may, from time to time with the previous sanction of the Government, make rules consistent with this Act and with any rules made thereunder by the Government—

(a) in regard to all matters expressly required or allowed by this Act to be prescribed by the Board ;

(b) for associating members with the Board under section 17 ;

(c) for appointing persons other than Trustees and persons associated with the Board under section 17 to be members of Committees under section 18 ;

(d) for regulating the delegation of powers or duties of the Board to Committees or to the Chairman ;

(e) for the guidance of persons employed by it under this Act ;

(f) for prescribing the fees payable for copies of documents delivered by any of its officers and servants under this Act ;

(g) for the management, use and regulation of dwellings constructed under any improvement scheme ;

(h) generally for carrying out the purposes of this Act.

137. The power to make rules conferred by sections 135 and 136 is subject to the condition of previous publication and no such rules shall take effect until they have been published in the *Fort St. George Gazette*.

138. (1) The Chairman shall from time to time cause all rules made under section 135 or section 136 to be printed and shall make such printed copies available for sale to the public.

(2) The Chairman shall cause a notice to be published in local newspapers specifying the place where and the person from whom and the price at which a copy of the rules may be obtained.

139. The Government may, after previous publication of their intention, rescind any rule made by the Board under section 136 and thereupon such rule shall cease to have effect.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

140. Every Trustee, every officer and servant of the Board, Trustees, etc., deemed and every member, officer and servant to be public servants. of the Tribunal, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Central Act
XLV of 1860.

141. The Board shall be liable to pay such contributions Contributions by for the leave allowances and pensions Board towards leave allowances and pensions of servants of the Central or State Government employed under this Act. as a member, officer or servant of the Tribunal, as may be required by the conditions of his service under the Central or State Government, to be paid by him or on his behalf.

142. (1) When all or any provisions of this Act have been applied to any area in the neighbourhood of the City under sub-section (2) of section 1, the Government may, by notification, declare that all or any of the provisions of the Madras City Municipal Act, 1919, shall be extended to, and be in force in, such area. Madras Act
IV of 1919.

(2) The provisions so notified shall be construed with such alterations not affecting the substance as may be necessary or proper for the purpose of adapting them for such area.

(3) Without prejudice to the generality of the foregoing provision, except in so far as the notification issued under sub-section (1) may otherwise direct, all references in the provisions so extended to the Corporation or the council or a standing committee thereof shall be construed as references to the Board, all references to the Commissioner as references to the Chairman, all references to any other officer or servant of the Corporation as references to the corresponding officer or servant of the Board, and all references to the limits of the City as references to the limits of such area.

(4) When all or any of the provisions of the Madras City Municipal Act, 1919, are extended under sub-section (1) to any area, Madras Act
IV of 1919.

(a) the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, or the corresponding provisions of such Act, as the case may be, in so far as the same may be in force in such area, shall be deemed to be repealed therein, and Madras Act
V of 1920.
Madras Act
XIV of 1920.

(b) except in so far as the notification issued under sub-section (1) may otherwise direct, the rules, by-laws, regulations, orders, directions and powers made, issued or conferred under the provisions of the Madras City Municipal Act, 1919, which have been so extended and are in force on the date of such extension, shall apply to the said area, in supersession of the corresponding rules, by laws, regulations, orders, directions and powers (if any) made, issued or conferred under the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be.

Madras Act
IV of 1919.

Madras Act
V of 1920.
Madras Act
XIV of 1920.

143. (1) Before publishing a notification under sub-section (2) of section 1, or sub-section (1) of section 142, in respect of any area, the Government shall publish a draft of the same in the *Fort St. George Gazette*.

Publication of notifications under sections I (2) and 142 (1) in draft for criticism.

(2) Any rate-payer or inhabitant of such area may, if he objects to the draft, submit his objection in writing to the Government within six weeks from its publication, and the Government shall take such objection into consideration.

144. In any area to which this Act applies, the Government may by notification declare that from such date as may be specified therein, the Corporation or a standing committee thereof or the Commissioner of the Corporation shall not exercise or discharge any powers or functions under the Madras Town-Planning Act, 1920, and that subject to such restrictions and modifications, if any, as may be specified in the notification—

(i) the powers and functions of the Corporation or a standing committee thereof under the said Act shall be exercised and discharged by the Board ; and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act shall be exercised and discharged by the Chairman.

145. (1) In any area in respect of which an improvement scheme is in force, the Government may, by notification, declare that, for the period during which such scheme remains in force and subject to such restrictions and modifications, if any, as may be specified in the notification—

Board and Chairman to exercise powers and functions under the Madras City Municipal Act, 1919.

(i) the powers and functions of the Corporation or a standing committee thereof under the Madras City Municipal Act, 1919, shall be exercised and discharged by the Board ; and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act shall be exercised and discharged by the Chairman.

Madras Act,
IV of 1919.

(2) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(3) The exercise or discharge of any of the powers or functions delegated under sub-section (2) shall be subject to such limitations, conditions and control as may be laid down by the Board or the Chairman, as the case may be.

146. With a view to facilitating the movement of the population in and around the City of Madras, the Board may, from time to time—
Powers of the Board for facilitating movement of the population.

(1) subject to any condition it may think fit to impose—

(a) guarantee the payment, from the funds at its disposal, of such sums as it may think fit, by way of interest on capital expenditure on the construction, maintenance or working of means of locomotion; or

(b) make such payments as it may think fit from the said funds, by way of subsidy to persons undertaking to provide, maintain and work means of locomotion; or

(2) either singly or in combination with any other person, construct, maintain and work any means of locomotion, under the provisions of any law applicable thereto; or

(3) construct or widen, strengthen or otherwise improve, bridges:

Provided that no guarantee or subsidy shall be made under clause (1), and no means of locomotion shall be constructed, maintained or worked under clause (2), without the sanction of the Government.

147. Nothing in this Act shall be deemed to affect the provisions of the Indian Telegraph Act, 1885, or the Indian Railways Act, 1890, or the Indian Electricity Act, 1910, or the Electricity (Supply) Act, 1948.
Saving of Telegraph, Railways and Electricity Acts. Central Act XIII of 1885. Central Act IX of 1890. Central Act IX of 1910. Central Act LIV of 1948.

148. A Presidency Magistrate may take cognizance of any offence against this Act or any rule made thereunder wherever it may be committed, notwithstanding anything contained in the Code of Criminal Procedure, 1898, to the contrary.
Cognizance of offences.

149. No person shall be tried for any offence against this Act or any rule made thereunder unless complaint of such offence is made before a Presidency Magistrate within three months next after the commission thereof.
Limitation of time for prosecution. Central Act V of 1898.

150. The Chairman may, subject to the control of the Board—

Powers of Chairman as to institution, composition, etc., of legal proceedings and obtaining legal advice.

(a) institute, defend or withdraw from legal proceedings under this Act or any rule made thereunder ;

(b) compound any offence against this Act or any rule made thereunder which, under any law for the time being in force or the rules prescribed by the Government, may lawfully be compounded ;

(c) admit, compromise or withdraw any claim made under this Act or any rule made thereunder ; and

(d) obtain such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain, or as he may be desired by the Board to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Board or any officer or servant of the Board.

151. No suit shall be maintainable against the Board, or Indemnity to Board, any trustee, or any officer or servant etc. of the Board or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board, in respect of anything lawfully and in good faith done under this Act or any rule made thereunder.

152. No suit shall be instituted against the Board, or any Notice of suit against trustee, or any officer or servant of Board, etc. the Board, or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board, in respect of any act purporting to be done under this Act or any rule made thereunder until the expiration of one month next after written notice has been delivered or left at the Board's office or the place of abode of such officer, servant or person, stating the cause of action, the name and place of abode of the intending plaintiff, and the relief which he claims, and the plaint must contain a statement that such notice has been so delivered or left.

153. (1) The Commissioner of Police and his subordinates shall be bound to co-operate with the Co-operation of the Police. Chairman for carrying into effect and enforcing the provisions of this Act.

(2) It shall be the duty of every police-officer who is subordinate to the Commissioner of Police—

(i) to communicate without delay to the proper officer or servant of the Board any information which he receives of a design to commit or of the commission of any offence against this Act or any rule made thereunder, and

(ii) to assist the Chairman or any officer or servant of the Board reasonably demanding his aid for the lawful exercise of any power vesting in the Chairman or in such officer or servant under this Act or any rule made thereunder.

154. (1) Any police-officer not below the rank of a head

constable may arrest any person who commits, in his presence, any offence against this Act or any rule made thereunder, if the name or address of such person be unknown to him, and if such person, on demand declines to give his name or address, or gives a name or address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or for any longer time than is necessary for bringing him before a Magistrate. In no case shall such detention exceed twenty-four hours from the time of arrest without the orders of a Magistrate.

155. Whenever, under this Act or any rule made thereunder, the doing or the omission to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(a) the Board or the Chairman, or

(b) any officer or servant of the Board,

a written document, signed in case (a) by the Chairman, and in case (b) by the said officer or servant, conveying or setting forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction.

156. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of—

(a) the existence of any vacancy in, or any defect in the constitution of, the Board or any Committee; or

(b) any person, having ceased to be a Trustee; or

(c) any Trustee, or any person associated with the Board under section 17, or any other member of a Committee appointed under this Act, having voted or taken any other part in any proceeding in contravention of section 21; or

(d) the failure to serve a notice under section 49 on any person, where no substantial injustice has resulted from such failure; or

(e) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board, the minutes of the proceedings of which have been duly signed as prescribed in clause (h) of section 16, shall be deemed to have been duly convened and to be free from all defect and irregularity.

157. In any case not otherwise expressly provided for in this Act, the Board may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested by or under this Act in the Board or the Chairman or any officer or servant of the Board.

General power of Board to pay compensation.

158. (1) If, on account of any act or omission, any person has been convicted of any offence against this Act or any rule made thereunder and, by reason of the same act or omission of the said person, damage has occurred to any property of the Board, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

Compensation to be paid by offenders for damage caused by them.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate by whom he was convicted of the said offence.

(3) If the amount of any compensation due under this section be not paid, the same shall be recovered under a warrant from the said Magistrate, as if it were a fine imposed by him on the person liable therefor.

159. Every public notice given under this Act or any rule made thereunder shall be in writing over the signature of the Chairman, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspapers, or by any two or more of these means, and by any other means that the Chairman may think fit. Every such notice shall also be published by affixture in the notice board of the Board's office.

Public notices how to be made known.

160. Whenever it is provided by this Act or any rule made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or any information shall be published in local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers and two newspapers published in any language or languages of the State.

Newspapers in which advertisements or notices are to be published.

161. Every notice or bill, which is required by this Act or by any rule made thereunder to bear the signature of the Chairman or of any other Trustee or of any officer or servant of the Board, shall be deemed to be properly signed if it bears a *facsimile* of the signature of the Chairman or of such other Trustee or of such officer or servant, as the case may be, stamped thereupon.

162. When any notice, bill or other document is required by this Act or any rule made thereunder to be served upon or issued or presented to any person, such service, issue or presentation shall be effected—

(a) by giving or tendering such document to such person ;
or

(b) if such person is not found, by leaving such document at his last known place of abode in the City of Madras, or by giving or tendering the same to some adult male member or servant of his family ; or

(c) if such person does not reside in the City of Madras, and his address elsewhere is known to the Chairman, by forwarding such document to him by registered post under cover bearing the said address ; or

(d) if none of the means aforesaid be available, by causing a copy of such document to be affixed on some conspicuous part of the building or land (if any) to which the document relates.

163. The Board may—

(a) cause a survey of any land to be made, whenever it considers that a survey is necessary or expedient for carrying out any of the purposes of this Act, or

(b) contribute towards the cost of any such survey made by any other local authority.

164. (1) The Chairman or any person either generally or specially authorized by the Chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order—

(a) to make any inspection, survey, measurement, valuation or inquiry,

(b) to take levels,

(c) to dig or bore into the sub-soil,

(d) to set out boundaries and intended lines of work,

(e) to mark such levels, boundaries and lines by placing marks, and cutting trenches, or

(f) to do any other thing,

whenever it is necessary to do so for any of the purposes of this Act or any rule made or scheme sanctioned thereunder or any scheme which the Board intends to frame thereunder :

Provided as follows :—

(a) no such entry shall be made between sunset and sunrise ;

(b) no dwelling house, and no public building or hut which is used as a dwelling place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry ;

(c) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove themselves to some part of the premises where their privacy will not be disturbed ;

(d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(2) Whenever the Chairman or a person authorized under sub-section (1) enters into or upon any land in pursuance of that sub-section, he shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid ; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Board, whose decision shall be final.

165. If any Trustee, or any officer or servant of the Board, knowingly acquires, directly or indirectly, by himself or by any partner, employer or employee, otherwise than as such Trustee, officer or servant, any share or interest in any contract or employment with, by or on behalf of, the Board [not being a share or interest which, under sub-section (2) of section 7, it is permissible for a Trustee to have without being thereby disqualified for being appointed a Trustee], he shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Punishment for acquiring share or interest in contract, etc., with the Board.

Central Act
XLV of
1960.

166. If any person, without lawful authority—

Penalty for removing fence, etc., in street.

(a) removes any fence or shoring timber, or removes or extinguishes any light, set up under section 62, or

(b) infringes any order given, or removes any bar, chain or post fixed, under sub-section (2) of section 63—
he shall be punishable with fine which may extend to fifty rupees.

167. (1) If any person, without the permission of the Board, erects, re-erects, adds to or alters any wall or building so as to make the same project into the street alignment or beyond the building line prescribed by any deferred street scheme, development scheme or town expansion scheme, he shall be punishable—

(a) with fine which may extend in the case of a wall or masonry building to five hundred rupees and in any other case to fifty rupees; and

(b) with further fine which may extend, in the case of a wall or masonry building, to one hundred rupees and in any other case to ten rupees, for each day after the first during which the projection continues.

(2) (a) The owner for the time being of the wall or building so erected, re-erected, added to or altered, may be required by a written notice issued by the Chairman to stop further work on such wall or building and to alter or demolish the same in such manner and within such time as may be specified in the notice.

(b) Where the alteration or demolition directed by any such notice is not carried out as directed therein, the Chairman may cause the wall or building or portion thereof to be altered or demolished, as the case may be, and he may recover the expenses incurred in so doing from the owner for the time being in such manner as may be prescribed by the Government.

168. If any person fails to comply with any requisition made under section 129, he shall be punishable—

(a) with fine which may extend to one hundred rupees; and

(b) in case of a continuing failure, with fine which may extend to fifty rupees for each day after the first during which the failure continues.

169. If any person—

(a) obstructs or molests any person with whom the Chairman has entered into a contract on behalf of the Board, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act or any rule made thereunder, or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act or any rule made or scheme sanctioned thereunder,

he shall be punishable with fine which may extend to two hundred rupees.

170. Whoever contravenes any provision of this Act or of any rule made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable—

Penalty for breach of the provisions of the Act, etc.

(a) with fine which may extend to one hundred rupees ; and

(b) in case of a continuing contravention, with fine which may extend to fifty rupees for each day after the first during which the contravention continues.

171. (1) When all schemes sanctioned under this Act have been executed, or have been so far executed as to render the continued existence of the Board in the opinion of the Government unnecessary, the Government may, by notification, declare that the Board shall be dissolved on such date as may be specified in such notification ; and the Board shall be deemed to be dissolved accordingly.

Dissolution of Board and transfer of its assets and liabilities to the Government and the Corporation.

(2) On and from the said date—

(a) (i) all properties, funds and dues placed at the disposal of the Board by the Government, and

(ii) all properties, funds and dues exchanged for, derived from, or otherwise attributable to, the properties, funds and dues referred to in sub-clause (i),

which, immediately before the said date, were held by or realizable by the Board, shall vest in, and be realizable by the Government ;

(b) all properties, funds and dues, other than those referred to in clause (a), which, immediately before the said date, were vested in or were realizable by the Board and the Chairman respectively shall vest in and be realizable by the Corporation and the Commissioner respectively ;

(c) if any question arises as to whether any properties, funds or dues vest in the Government under clause (a) or in the Corporation under clause (b), the question shall be referred to the Government whose decision thereon shall be final ;

(d) all liabilities which, immediately before the said date, were enforceable against the Board shall be enforceable against the Government or the Corporation. The Government shall determine which of such liabilities shall be enforceable against them and which against the Corporation ;

(e) for the purpose of completing the execution of any scheme sanctioned under this Act, which has not been fully executed by the Board, and of realizing properties, funds and dues referred to in clauses (a) and (b), the functions of the Board and the Chairman under this Act shall be discharged by the Government or by the Corporation or the Commissioner thereof, as the case may be; and

(f) the Corporation shall keep separate accounts of all moneys respectively received and expended by it under this Act, until all loans raised thereunder have been repaid, and until all other liabilities referred to in clause (d) have been duly met.

172. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Board shall submit to the Government a detailed report of the administration during the preceding year in such form as the Government may direct.

(2) The Chairman shall prepare such report and the Board shall consider the report and forward the same to the Government with its resolutions thereon, if any, and copies of such report and resolutions shall be placed on the table of each House of the State Legislature at the first meeting thereof held after their receipt by the Government.

(3) Copies of the administration report shall be kept for sale at the office of the Board.

173. (1) The Madras City Improvement Trust Act, 1945, Madras Act
XVI of 1945.
Repeal. is hereby repealed.

(2) Notwithstanding such repeal, all action taken, all notifications published, all rules and orders issued and all things done under that Act shall be deemed to have been taken, published, issued and done under this Act, and may be continued thereunder.

(3) In particular, the Board constituted under that Act shall be deemed to have been constituted under this Act:

Provided as follows:—

(a) the members elected to the Board by the Madras Chamber of Commerce and the Southern India Chamber of Commerce shall be deemed to have vacated their offices at the commencement of this Act;

(b) the other members of the Board (including the Chairman) holding office immediately before the commencement of this Act shall, subject to the provisions of section 13, continue to hold office for the residue of the term for which they would have held office if this Act had not been passed;

(c) the Collector of Madras shall become an *ex-officio* member of the Board with effect from the commencement of this Act; and two persons shall be appointed by the Government to be members of the Board with effect from the date of the publication of the notification of their appointment.

THE SCHEDULE.

[Referred to in section 73 (a).]

Further modifications in the Land Acquisition Act, 1894.

Central Act I
of 1894.

1. After clause (ee) of section 3 of the Land Acquisition Act, 1894 (hereinafter in this Schedule referred to as "the said Act"), the following clause shall be deemed to be inserted, namely:—

"(eee) the expression 'local authority' includes the Board of Trustees for the Improvement of the City of Madras, constituted under section 3 of the Madras City Improvement Trust Act, 1950."

2. (1) The first publication of a notice of an improvement scheme under section 47 of the Madras City Improvement Trust Act, 1950, shall be substituted for and have the same effect as publication in the Official Gazette and in the locality of a notification under sub-section (1) of section 4 of the said Act, except where a notification under sub-section (1) of section 4 or a declaration under section 6 of the said Act has been previously made and is in force.

(2) Proceedings under section 49 and sub-section (1) of section 51 of the Madras City Improvement Trust Act, 1950, shall be substituted for and have the same effect as proceedings under section 5-A of the said Act.

(3) Subject to the provisions of paragraphs 6 and 7 of this Schedule, the issue of a notice under clause (c) of sub-section (3) of section 40 of the Madras City Improvement Trust Act, 1950, in the case of land proposed to be acquired in pursuance of that clause, and in any other case the publication of a notification under section 53 of that Act shall be substituted for and have the same effect as a declaration under section 6 of the said Act, except where a declaration under the last-mentioned section has been previously made and is in force.

3. In section 15 of the said Act, for the word and figures "and 24", the figures, word and letter "24 and 24-A" shall be deemed to be substituted.

4. In sub-section (3) of section 17 of the said Act, after the word and figures "section 24", the words, figures and letter "or section 24-A" shall be deemed to be inserted.

5. After section 17 of the said Act, the following section shall be deemed to be inserted, namely:—

"17-A. In every case referred to in section 16 or section 17, the Collector shall, upon payment of the cost of acquisition, make over charge of the land to the Board; and the land shall thereupon vest in the Board, subject to the liability of the Board to pay any further costs which may be incurred on account of its acquisition."

6. (1) In sub-section (1) of section 23 of the said Act, for clauses *first* and *sixthly*, the following clauses shall respectively be deemed to be substituted, namely:—

"*first*, the market value of the land—

(a) at the date of the issue of the notice under clause (b) of sub-section (3) of section 40 of the Madras City Improvement Trust Act, 1950, in case the land is proposed to be acquired in pursuance of that clause; and

(b) at the date of the first publication of the notice under section 47 of that Act, in any other case."

"*sixthly*, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the date referred to in paragraph (a) or paragraph (b), as the case may be, of clause *first*, and the date on which the Collector takes possession of the land."

(2) In the same section, sub-section (2) shall be omitted and in lieu thereof the following sub-section shall be deemed to have been substituted, namely :—

“(2) For the purposes of clause *first* of sub-section (1) of this section—

(a) if the market value of the land has been increased or decreased owing to the land falling within or near to the alignment of a projected public street, so much of the increase or decrease as may be due to such cause shall be disregarded ;

(b) if any person, otherwise than in accordance with the provisions of this Act, erects, re-erects, adds to, or alters any wall or building so as to make the same project into the street alignment or beyond the building line prescribed by any scheme made under this Act, then, any increase in the market value resulting from such erection, re-erection, addition or alteration shall be disregarded.”

7. For clause *seventhly* of section 24 of the said Act, the following clause shall be deemed to be substituted, namely :—

“*seventhly*, any outlay on additions or improvements to land acquired, which was incurred after the date with reference to which the market value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair.”

8. After section 24 of the said Act, the following section shall be deemed to be inserted, namely :—

“24-A. In determining the amount to be awarded for any land acquired for the Board under this Act, regard shall also be had to the following provisions, namely :—

Further provisions for determining compensation. (1) When any interest in any land acquired under this Act has been acquired after the date with reference to which the market value is to be determined, no separate estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land.

(2) If, in the opinion of the Court, any building is in a defective state from a sanitary point of view, or is not in a reasonably good state of repair, the amount of compensation shall not exceed the sum which the Court considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, *minus* the estimated cost of putting it into such condition or state.

(3) If, in the opinion of the Court, any building, which is used or is intended or is likely to be used for human habitation, is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials of the building, *minus* the cost of demolishing the building.”

9. After section 48 of the said Act, the following section shall be deemed to be inserted, namely :—

“48-A. (1) Where the Collector has not made an award under section 11 in respect of any land within a period of two years from the date of the publication of the declaration under section 6 or of the issue of a notice under clause (c) of sub-section (3) of section 40 of the Madras City Improvement Trust Act, 1950, or of the publication of a notification under section 53 of that Act, as the case may be, the owner of the land shall, unless he has been responsible for the delay to a material extent, be entitled to receive compensation for the damage suffered by him in consequence of the delay.

(2) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.”

GOVERNMENT OF MADRAS:
LEGAL DEPARTMENT. 10, 1951

GOVERNMENT OF INDIA:
MINISTRY OF HOME AFFAIRS.

New Delhi, the 12th April, 1950.

[Published in Part IV-B of the *Fort St. George Gazette*,
dated 18th April 1950.]

[*Certification by the President of certain Acts.*]

No. 43/7/50-Judicial.—The following certificate granted
by the President is hereby notified for public information :—

WHEREAS the Acts specified below enacted not more than
eighteen months before the commencement of the Constitu-
tion of India have, within three months of such commence-
ment, been submitted to the President for his certification ;

NOW, THEREFORE, in exercise of the powers conferred by
clause (6) of Article 31 of the Constitution of India,
I, Rajendra Prasad, hereby certify that none of the following
Acts, namely :—

(1) The Madras Estates (Abolition and Conversion into
Ryotwari) Act, 1948 (Madras Act XXVI of 1948) ;

(2) The Madras Estates (Abolition and Conversion into
Ryotwari) Amendment Act, 1950 (Madras Act I of 1950) ;

(3) The Madras Electricity Supply Undertakings (Acquisi-
tion) Act, 1949 (Madras Act XLIII of 1949) ;

(4) The East Punjab Displaced Persons (Land Resettle-
ment) Act, 1949 (East Punjab Act XXXVI of 1949) ; and

(5) The Assam Management of Estates Act, 1949 (Assam
Act XVII of 1949) ;

shall be called in question in any court on the ground that
it contravenes the provisions of clause (2) of the said Article
or has contravened the provisions of sub-section (2) of
section 299 of the Government of India Act, 1935.

RAJENDRA PRASAD,
President.

11th April 1950.

H. V. R. IENGAR,
Secretary to the Government of India.