

PRESIDENT'S ACTS OF 1951

S.No.

1951-55 Short title

1. The Punjab Security of the State Act, 1951.
2. The Punjab Requisitioning of Immovable Property (Amendment and Validation) Act, 1951.
3. The Punjab Security of the State (Amendment) Act, 1951.
4. The East Punjab Tractor Cultivation (Recovery of Charges) Amendment Act, 1951.
5. The Punjab Tenants (Security of Tenure) Amendment Act, 1951.
6. The Punjab District Boards Amendment Act, 1951.
7. The Punjab Small Towns (Amendment) Act, 1951.
8. The Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1951.
9. The Punjab Abolition of Ala-Malikiyat and Talukdari Rights Act, 1951.

PRESIDENT'S ACTS OF 1952.

1. The East Punjab War Awards (Amendment) Act, 1952.
2. The Punjab Cotton (Prevention of Adulteration) Act, 1952.
3. The Punjab Betterment Charges and Rates Act, 1952.
4. The East Punjab University (Amendment) Act, 1952.
5. The Capital of Punjab (Development and Regulation) Act, 1952.
6. Punjab Tobacco Vending Fees (Repealing) Act, 1952.

PRESIDENT'S ACTS OF 1953

S.No.

Short title

1. The Patiala and East Punjab States Union Police (Incitement to Disaffection) Act, 1953.
2. The Patiala and East Punjab States Union Abolition of Ala Malikiyat Rights Act, 1953.
3. The Patiala and East Punjab State Union Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953.
4. The Patiala and East Punjab States Union Opium Smoking Act, 1953.
5. The Patiala and East Punjab States Union Land Acquisition Act, 1953.
6. The Patiala and East Punjab States Union Evacuee Interest (Separation) Supplementary Act, 1953.
7. The Patiala and East Punjab States Union General Clauses Act, 1953.
8. The Patiala and East Punjab States Union Tenancy and Agricultural Lands Act, 1953.

PRESIDENT'S ACT OF * (1954

1. The Patiala and East Punjab States Union Betterment Charges and Acreage Rates Act, 1954.
2. The Patiala and East Punjab States Union Legislative Assembly (Prevention of Disqualification) Amendment Act, 1954.
3. The Patiala and East Punjab States Union Townships Development Board Act, 1954.
4. The Patiala and East Punjab States Union Chaukidari Act, 1954.
5. The Patiala and East Punjab States Union Live-stock Improvement Act, 1954.
6. The Patiala and East Punjab States Union Rules of Executive Business (Validation) Act, 1954.

S.No.Short titleANDHRA

7. The Indian Bar Councils (Andhra Amendment) Act, 1954.
8. Sri Venkateswara University (Amendment) Act, 1954.
- ✓ 9. The Madras Tenants and Ryots Protection (Andhra Amendment) Act, 1954.
10. The Societies Registration (Andhra Amendment) Act, 1954.
11. The Madras Motor Vehicles (Taxation of Passengers and Goods) Andhra Amendment Act, 1954.
- ✓ 12. The Andhra Preservation of Private Forests Act, 1954.
13. The Andhra Christian Marriage Validation Act, 1954.
- ✓ 14. The Andhra Inam Tenants Protection Act, 1954.
15. The Madras District Boards (Amendment) Andhra Second Amendment Act, 1954.

PRESIDENT'S ACTS OF 1955

1. The Madras Essential Articles Control and Requisitioning (Temporary Powers) Andhra Amendment Act, 1955.
2. The Madras Entertainments Tax (Andhra Amendment) Act, 1955.
3. The Andhra Requisitioning of Buildings (Amendment) Act, 1955.
4. The Andhra Cinemas (Regulation) Act, 1955.

The Gazette



of India

*Repealed by Punjab
Act 12 of 1953.*

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 37] NEW DELHI, WEDNESDAY, SEPTEMBER 12, 1951

MINISTRY OF LAW

New Delhi, the 12th September, 1951

The following President's Act enacted on the 12th September, 1951, is published for general information:—

THE PUNJAB SECURITY OF THE STATE ACT, 1951

No. I of 1951

An Act to provide for special measures to prevent activities prejudicial to the security of the State or the maintenance of public order.

[12th September, 1951]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Punjab Security of the State Act, 1951.

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

(3) It shall come into force on the 13th day of September, 1951.

2. Sabotage.—(1) No person shall do any act with intent to impair the efficiency or impede the working of or to cause damage to,—

(a) any building, vehicle, vessel, machinery, apparatus, or other property used, or intended to be used, for the purposes of Government or of any local authority;

(b) any railway, tramway, road, canal, bridge, culvert, causeway, aerodrome, telegraph, telegraph line or telegraph post;

(c) any rolling-stock of a railway or tramway or any aircraft; or

(d) any building or other property used in connection with any industry, business or establishment of the nature specified in the Schedule.

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty,

either to the Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches or is in the neighbourhood of any such building, place or property as is mentioned in sub-section (1) in circumstances which afford reason to believe that he intends to contravene that sub-section, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes or attempts to contravene any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Explanation.—No person shall be deemed to have contravened or attempted to have contravened the provisions of this section if he commences, continues, acts in furtherance of, or omits to do anything in pursuance of, a strike which is not illegal under any law for the time being in force.

3. Quasi-military organisations.—(1) No person shall take part in the organisation, control, management or training of, or be a member of, any body of persons organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of force or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

4. Power to prohibit drilling.—The District Magistrate, if satisfied that it is necessary so to do in the interests of the security of the State or for the maintenance of public order, may, by order in writing, prohibit in any area specified in the order, either absolutely or subject to exceptions contained in the order, the practice of, or participation in, any exercise, movement, evolution or drill which is either of a military nature or involves the use, or preparation for the use, of weapons of offence.

5. Wearing or display of uniforms, flags, etc.—(1) No person shall make or have in his possession, or wear, carry or display, any uniform, flag, banner or emblem which has been declared by the State Government by notification in the Official Gazette to signify association with a movement prejudicial to the security of the State or the maintenance of public order.

(2) Any such uniform, flag, banner or emblem wherever found shall be forfeited to Government.

(3) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

6. Power to prohibit meetings and processions.—The District Magistrate, if satisfied that it is necessary so to do for the maintenance of public order, may, by order in writing, prohibit within such area and during such period as may be specified in the order,—

(a) the holding of any procession or demonstration in any public place; .

(b) the holding of any public meeting;

thority or to any person, to do, person.

neighbourhood of any such in sub-section (1) in circumstances which he intends to contravene that attempted a contravention thereof.

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st Magistrate, if satisfied that e security of the State or for y order in writing, prohibit in itely or subject to exceptions participation in, any exercise, f a military nature or involves is of offence.

tc.—(1) No person shall make display, any uniform, flag, by the State Government by association with a movement maintenance of public order. lem wherever found shall be

is of sub-section (1), he shall extend to one year, or with

sions.—The District Magis- for the maintenance of public n such area and during such

demonstration in any public

(c) the carrying in public of anything capable of use as a weapon of offence.

Explanation.—For the purpose of this section, a public meeting is any meeting which is open to the public or to any class or portion of the public; and a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto is restricted by ticket or otherwise.

7. Power to restrict movements of persons.—(1) The State Government or a District Magistrate, if satisfied with respect to any particular person that, with a view to preventing him from acting in any manner prejudicial to the interests of the general public, it is necessary so to do, may by order in writing, give one or more of the following directions, viz., that such person—

(a) shall not enter, reside or remain in any area that may be specified in the order;

(b) shall reside or remain in any area that may be specified in the order;

(c) shall remove himself from, and shall not return to, any area that may be specified in the order;

(d) shall notify his movements or report himself, or do both, in such manner and at such times and to such authority or person as may be specified in the order.

(2) An order made under sub-section (1) (hereinafter referred to as a restriction order) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of the restrictions or conditions specified in the order.

(3) No restriction order shall be operative for more than—

(a) one month, if made by a District Magistrate, and

(b) one year, if made by the State Government.

(4) The State Government may at any time cancel or modify any restriction order made by a District Magistrate.

(5) An order made under clause (a) or clause (c) of sub-section (1) may, if made by the State Government, specify as the area to which the order relates the whole State or any part thereof only and, if made by the District Magistrate, specify as such area the whole or any part of the district only:

Provided that no such order made by the State Government shall direct the exclusion or removal from the State of any person ordinarily resident in the State; and no such order made by the District Magistrate shall direct the exclusion or removal from the district of any person ordinarily resident in the district.

(6) As soon as may be after a restriction order is made, the authority making the order shall communicate to the person against whom the order is made, so far as such communication can be made without disclosing facts likely to endanger public safety or the security of the State, the grounds on which the order has been made and such other particulars as are in its opinion adequate to enable him to make a representation to the State

Government against the order, and inform him of his right to make a representation and shall afford him the earliest opportunity of doing so.

(7) When the restriction order is made by a District Magistrate, he shall forthwith report to the State Government that the order has been made on the grounds on which it has been made and such other particulars as, in his opinion, have a bearing on the case.

(8) On receipt of a representation from the person against whom a restriction order has been made, the State Government shall, as soon as may be, place it before the Advisory Council constituted under sub-section (9) together with the grounds on which it has been made.

(9) The State Government shall constitute an Advisory Council consisting of a Chairman and two other members all of whom shall be persons who are or have been, or are qualified to be appointed as, Judges of a High Court.

(10) The Advisory Council shall, after considering the material placed before it and, if necessary, after calling for such further information from the State Government or from the person concerned as it may deem necessary, submit its report to the State Government within thirty days from the date on which a representation is placed before it.

(11) After considering the report of the Advisory Council, the State Government may confirm, modify or cancel the restriction order.

(12) All particulars contained in any correspondence between the State Government and the Advisory Council and the report made by the latter shall be confidential and, notwithstanding anything contained in any law for the time being in force, no court shall be entitled to require any public servant to produce before it any of the aforesaid documents.

8. Possession or conveyance of proscribed documents.—(1) Whoever, without lawful authority—

(a) has in his possession, or on premises in his occupation or under his control, or

(b) carries for delivery to another person otherwise than through the post,

any document the importation of which has been prohibited under the Sea Customs Act, 1878, or in respect of which an order of forfeiture has been made under any law for the time being in force, shall, unless he proves that he was unaware of the nature of the document, be punishable with imprisonment which may extend to one year, or with fine, or with both.

(2) Whoever allows his name or address to be used in order to facilitate transmission, through the post or otherwise, to any person other than the person for whom it purports to be intended, of any document of the nature described in sub-section (1), shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

9. Imposition of collective fines in dangerously disturbed areas.—(1) The State Government may, by notification in the Official Gazette, declare the whole or any part of the State to be a dangerously disturbed area.

of his right to make such opportunity of doing so.

District Magistrate, he shall the order has been made, such other particulars as, in

the person against whom a Government shall, as soon as constituted under sub-section been made.

Advisory Council consisting of whom shall be persons appointed as, Judges of a High

regarding the material placed further information from concerned as it may deem necessary within thirty days of the order before it.

Advisory Council, the State restriction order.

coincidence between the State report made by the latter being contained in any law intended to require any public documents.

Documents.—(1) Whoever,

in his occupation or under

otherwise than through

is prohibited under the order of forfeiture has force, shall, unless he documents, be punishable, or with fine, or with

issued in order to facilitate any person other than the document of the nature of imprisonment which is not.

in disturbed areas.—(1) the Official Gazette, dangerously disturbed

(2) The State Government or the District Magistrate if satisfied that the inhabitants of any dangerously disturbed area—

(a) are concerned in the commission of offences or other acts which are prejudicial to the security of the State, the maintenance of law and order, the public safety or the public revenues, or

(b) have been harbouring persons concerned in the commission of such offences or acts,

may forthwith impose a collective fine on the inhabitants of that area.

(3) An order made by the District Magistrate under sub-section (2) shall be reported forthwith by him through the Commissioner of the Division to the State Government, and the State Government may thereupon amend, vary or rescind such order.

(4) The authority imposing the fine under sub-section (2) may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(5) The District Magistrate, after such enquiry as he may deem necessary, shall apportion the fine imposed under sub-section (2) among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(6) (i) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

(ii) Without prejudice to the generality of the foregoing power, and in particular, the District Magistrate may forthwith recover such fine payable by any person by seizure and sale of his entire moveable property and uncut or ungathered crops.

Explanation.—For the purposes of this section, 'the inhabitants' of an area includes persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

10. Power to photograph, etc., arrested persons.—(1) The State Government or other authority making an arrest or directing the arrest of a person under the Act may, by order in writing direct that the arrested person shall—

(a) allow himself to be photographed;

(b) allow his finger and thumb-impressions to be taken; and

(c) furnish specimens of his handwriting and signature.

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

11. Power to give effect to orders, etc.—(1) Any authority, officer or person who is empowered by or in pursuance of this Act to make any order or to exercise any other power may, in addition to any other action prescribed by or under this Act, take, or cause to be taken, such steps

and use or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of this Act there is no authority, officer or person empowered to take action under sub-section (1), the State Government may take, or cause to be taken, such steps and use, or cause to be used, such force as may in the opinion of the Government, be reasonably necessary for securing compliance with or for preventing or rectifying any breach of such provision.

(3) For the avoidance of doubt, it is hereby declared that the power to take steps under sub-section (1) or under sub-section (2) includes the power to enter upon any land or other property whatsoever.

12. Powers of search.—(1) Any authority on whom any power is conferred by or under this Act may, by general or special order, authorise any person to enter and search any place, the search of which such authority has reason to believe to be necessary for the purpose of—

(a) ascertaining whether it is necessary or expedient to exercise such power; or

(b) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with; or

(c) generally giving effect to such power or securing compliance with or giving effect to any order given, direction made or condition prescribed in the exercise of such power. 7

(2) The power to issue search warrants conferred by section 98 of the Code of Criminal Procedure, 1898, shall be deemed to include the power to issue warrants for—

(a) the search of any place in which any magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the security of the State, the maintenance of public order or the interests of the general public has been, is being, or is about to be, committed, or that preparation for the commission of any such offence or act is being made;

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used or is intended to be used for any purpose mentioned in that clause;

and the provisions of the said Code shall, so far as may be, apply to searches made under the authority of any warrant issued and to the disposal of any property seized under this section.

13. Offences under the Act to be cognizable and non-bailable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences punishable under this Act shall be cognizable and non-bailable. 7

14. Operation of other penal laws not barred.—Nothing contained in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Act.

may, in the opinion of such authority, be necessary for securing compliance with or for contravention of such order, or

provisions of this Act there is no power to take action under sub-section (2) to be taken, such steps and in the opinion of the Government compliance with or for provision.

may be declared that the power under sub-section (2) includes the power to do so whatsoever.

on whom any power is conferred by or under special order, authorise the search of which such order is for the purpose of—

may be or expedient to exercise

may be, given, direction made, or such power has been duly

power or securing compliance with or for contravention of such order, or

may be, referred by section 98 of the Act to include the power

may be, any magistrate mentioned in any offence under this Act in the State, the maintenance of which the general public has been, or that preparation for the being made;

may be, searched under clause (a) of section 98 of the Act has reason to believe that any purpose mentioned

may be, as may be, apply to the provisions of the Act and to the provisions of the Act.

may be, le and non-bailable.—Notwithstanding anything contained in the Criminal Procedure, 1898, any offence which is cognizable and non-

may be, ed.—Nothing contained in the Act shall prevent any person from being prosecuted for any offence which constitutes an offence

15. Protection of action taken under this Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under, or in pursuance of, this Act.

(2) No suit or other legal proceedings shall lie against the State Government or, except with the sanction of the State Government, against any of its officers, for any damage caused or likely to be caused by anything in good faith done or intended to be done under, or in pursuance of, this Act.

16. Repeal and savings.—The East Punjab Public Safety Act, 1949 (East Punjab Act No. V of 1949) and the East Punjab Public Safety (Amendment) Ordinance, 1951 (No. V of 1951) are hereby repealed; but notwithstanding such repeal, any order made, notification or direction issued, appointment made or action taken under the said Act, and in force immediately before the commencement of this Act, shall, in so far as it is not inconsistent with therewith, continue in force and be deemed to have been made, issued or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See section 2(1)(d)]

All undertakings relating to—

(a) the maintenance and working of naval, military and air force works, railways, air transport including aerodromes, canals, inland water transport, road transport, telegraph, telephone, broadcasting and postal services, hospitals and services connected with the safeguarding of the public health, mines, fire-brigades, printing presses;

(b) the manufacture, storage, or distribution of stores or equipment required by Government for its departments or services;

(c) any system of public conservancy or sanitation;

(d) the upkeep of roads and bridges;

(e) any industry, business or establishment engaged in the production or supply to the public of light, heat, power, water or motive fuel; or

(f) any industry, business or establishment engaged in the production or supply to the public of any commodity of general use.

RAJENDRA PRASAD,

President.

K. V. K. SUNDARAM,

Secy. to the Govt. of India.

Reasons for the enactment.

The East Punjab Public Safety Act, 1949 expires on the 14th September 1951. Conditions in the State, however, are not yet normal or free from difficulty; and it is considered that some of the powers contained in the

Act should continue to be available to Government. With this end in view the President has enacted the Punjab Security of the State Act, 1951. Opportunity has been taken to bring the provisions of the Punjab Public Safety Act, 1949, into conformity with the Constitution, and to discarding provisions which are either unnecessary or considered to be more stringent than the requirements of the existing situation justify. The Act is now limited to those provisions which are considered essential for the maintenance of law and order.

H. V. R. IENGAR,
Secy. to the Govt. of India,
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EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 40] NEW DELHI, SATURDAY, SEPTEMBER 15, 1951

MINISTRY OF LAW

New Delhi, the 15th September, 1951

*Repealed by Punjab
Act No. 1953*

The following President's Act enacted on the 15th September, 1951,
is published for general information:—

**THE PUNJAB REQUISITIONING OF IMMOVABLE PRO-
PERTY (AMENDMENT AND VALIDATION) ACT, 1951.**

No. II of 1951.

An Act further to amend the East Punjab Requisitioning of
Immovable Property (Temporary Powers) Act, 1948, and
to provide for the validation of requisition and acquisition
of certain immovable property.

[15th September, 1951]

In exercise of the powers conferred by section 8 of the Punjab State
Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the Presi-
dent is pleased to enact as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called
the Punjab Requisitioning of Immovable Property (Amendment and
Validation) Act, 1951.

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

(3) It shall come into force at once.

2. **Definitions.**—In this Act,—

(a) "Repealed Act" means the Punjab Requisitioning of Immov-
able Property (Temporary Powers) Act, 1947 (Punjab Act XVII of
1947); and

(b) "Requisitioning Act" means the East Punjab Requisitioning
of Immovable Property (Temporary Powers) Act, 1948 (East Punjab
Act XVIII of 1948).

3. **Amendment of section 2, East Punjab Act XVIII of 1948.**—In sub-
section (1) of section 2 of the Requisitioning Act, after the words "requisi-
tion any immovable property" the words "for a public purpose" shall be
inserted, and shall be deemed always to have been inserted.

4. Amendment of section 3, East Punjab Act XVIII of 1948.—In section (1) of section 3 of the Requisitioning Act, after the words "acquired property" the words "for a public purpose" shall be inserted, and shall be deemed always to have been inserted.

5. Amendment of section 5, East Punjab Act XVIII of 1948.—In section 5 of the Requisitioning Act,—

(a) in clause (f) of sub-section (1), the words "except in cases where the amount thereof does not exceed the amount prescribed by rule made by the State Government" shall be omitted;

(b) after sub-section (1), the following sub-sections shall be inserted, and shall be deemed always to have been inserted, namely:—

"(1A) Where any immovable property is acquired under this Act in connection with the construction of the new capital of the State of Punjab, then, notwithstanding anything contained in sub-section (1), compensation may be paid, whether by agreement or by award of the arbitrator, either in money or in kind or partly in money and partly in kind; and where there is no person competent to alienate the immovable property or there is a person with limited interest in such property or there is any dispute as to the persons entitled to receive the compensation or as to the apportionment thereof, the question shall be referred to the arbitrator appointed under sub-section (1) and the arbitrator shall make an award in such manner, or make an arrangement in such a way, as may be equitable having regard to the interests of the persons concerned.

(1B) Where there are several persons claiming an interest in the compensation to be paid in respect of any property requisitioned or acquired under this Act, it shall be lawful, and shall be deemed always to have been lawful, for an arbitrator to apportion by his award the compensation payable in respect of the requisitioning or, as the case may be, acquisition of the property among the persons concerned.

(1C) Where an arbitrator has already made an award determining, but not apportioning, the compensation payable, and such compensation has not been paid, the State Government may, either on its own motion or on an application from any person claiming an interest in the compensation to be paid, appoint the same or any other arbitrator to apportion the compensation among the persons concerned, and it shall be lawful for the arbitrator so appointed to make a supplementary award of apportionment.

(1D) Notwithstanding anything to the contrary contained in the Indian Limitation Act, 1908 (IX of 1908), or in any other law for the time being in force, an appeal shall lie to the High Court against an award on an application made in this behalf—

(a) in the case of an award made before the commencement of the Punjab Requisitioning of Immovable Property (Amendment and Validation) Act, 1951, within three months from such commencement;

(b) in the case of an award or a supplementary award made after the commencement of the Punjab Requisitioning of Immovable Property (Amendment and Validation) Act,

(c) clause (c) of sub-section (3) shall be omitted.

6. Validation of requisition and acquisition of certain immovable

6. Validation of requisition and acquisition of certain immovable property.—Every requisition or acquisition of immovable property purporting to have been made before the commencement of this Act under sub-section (1) of section 2 or sub-section (1) of section 3 of the Requisitioning Act or the Repealed Act shall, unless the contrary is proved, be presumed to have been made for a public purpose, and notwithstanding any judgment, decree or order of any court, every such requisition or acquisition shall be deemed to have been duly made under the Requisitioning Act as if on the day on which the requisition or acquisition was made the Requisitioning Act as amended by this Act were in force in the State.

7. **Restoration of proceedings.**—Where, in any proceeding concluded before the 3rd day of August, 1951, any requisition or acquisition under the Repealed Act or the Requisitioning Act has been found to be invalid on the ground that the Act under which the requisition or acquisition was made did not contain a specific provision that the requisition or acquisition should be for a public purpose, such finding shall be void and of no effect; and the court shall, notwithstanding anything to the contrary contained in the Indian Limitation Act, 1908 (IX of 1908), or in any other law for the time being in force, on application made within three months from the aforesaid date by any party prejudicially affected by such finding, restore the proceeding at, and continue it from, the stage reached immediately before the order embodying or based on such finding was made.

8. **Repeal of Ordinance IV of 1951 and Punjab Ordinance VI of 1951.**—(1) The Punjab Requisitioning of Immovable Property (Amendment and Validation) Ordinance, 1951 (IV of 1951), and the East Punjab Requisitioning of Immovable Property (Temporary Powers) (Amendment) Ordinance, 1951 (Punjab Ordinance VI of 1951), are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under any of the said Ordinances shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

The Punjab High Court declared the East Punjab Requisitioning of Immovable Property (Temporary Powers) Act, 1948 as *ultra vires* of the Legislature as the provisions of that Act did not limit requisitioning for public purposes only. They further declared that orders of requisition and acquisition issued under the said Act were illegal. As it

was essential in public interests to validate all such orders, the Punjab Requisitioning of Immovable Property (Amendment and Validation Ordinance, No. IV of 1951, was promulgated by the President on the 3rd August, 1951.

2. The East Punjab Requisitioning of Immovable Property (Temporary Powers) Act, 1948 does not provide for any machinery for adjudication of disputes by an arbitrator appointed under the Act regarding (a) apportionment of compensation or any part thereof among persons interested, and (b) the persons to whom the compensation or any part thereof is payable. It is, therefore, necessary suitably to amend section 5 of this Act also in order to give the requisite powers to the arbitrator.

3. The present enactment seeks to replace the Ordinance and suitably to amend section 5 of the said Act.

H. V. R. IENGAR,
Secy. to the Govt. of India,
Ministry of Home Affairs.

RY [PART II—Sec. 1

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I. V. R. IENGAR,
to the Govt. of India,
istry of Home Affairs.

REGISTERED No. EP-503

The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 52] NEW DELHI, SUNDAY, NOVEMBER 11, 1951

MINISTRY OF LAW

New Delhi, the 11th November, 1951

The following President's Act enacted on the 11th November, 1951, is published for general information:—

THE PUNJAB SECURITY OF THE STATE (AMENDMENT) ACT, 1951.

No. III OF 1951

An Act to amend the Punjab Security of the State Act, 1951

[11th November, 1951]

In exercise of the powers conferred by section 8 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. Short title and commencement.—(1) This Act may be called the Punjab Security of the State (Amendment) Act, 1951.

(2) It shall come into force at once.

2. Amendment of section 1, President's Act I of 1951.—To sub-section (3) of section 1 of the Punjab Security of the State Act, 1951 (hereinafter referred to as the principal Act), the words and figures "and shall remain in force up to the 12th day of September, 1953" shall be added.

3. Amendment of section 2, President's Act I of 1951.—In section 2 of the principal Act,—

(a) in sub-section (1), the words "impair the efficiency or" shall be omitted;

(b) in sub-section (3), for the words "reason to believe", the words "reasonable grounds for believing" shall be substituted;

(c) in sub-section (4), for the word "three", the word "two" shall be substituted.

*Repealed by Punjab Act
12 of 1953*

4. Amendment of section 3, President's Act I of 1951.—In section 3 of the principal Act,—

(a) in sub-section (1), for the words "organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of force or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose", the words "for the unauthorised use or display of force" shall be substituted;

(b) in sub-section (2), for the words "two years", the words "one year" shall be substituted.

5. Amendment of section 4, President's Act I of 1951.—In section 4 of the principal Act,—

(a) for the word "practice", the words "unauthorised practice" shall be substituted;

(b) for the words "preparation for the use", the words "preparation for the organised use" shall be substituted.

6. Amendment of section 5, President's Act I of 1951.—In section 5 of the principal Act,—

(a) in sub-section (1)—

(i) the words "make or" shall be omitted;

(ii) for the words "a movement prejudicial to the security of the State or the maintenance of public order", the words "any organisation declared unlawful by the Government" shall be substituted;

(b) in sub-section (3), for the words, figure and brackets "contravenes the provisions of sub-section (1)", the words "publicly wears, carries or displays any such uniform, flag, banner or emblem" shall be substituted.

7. Amendment of section 6, President's Act I of 1951.—In section 6 of the principal Act,—

(a) after the words "by order in writing", the words "from time to time" shall be inserted;

(b) for the words "during such period", the words "for such period not exceeding two months" shall be substituted;

(c) the *Explanation* shall be omitted.

8. Amendment of section 7, President's Act I of 1951.—In sub-section (1) of section 7 of the principal Act,—

(a) for the words, "the interests of the general public", the words "the security of the State or the maintenance of public order" shall be substituted;

(b) in clause (d)—

(i) the words "or do both," shall be omitted;

(ii) for the words "authority or person", the word "magistrate" shall be substituted.

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9. Amendment of section 8, President's Act I of 1951.—In section 8 of the principal Act,—

(a) in sub-section (1)—

(i) in clause (a), the words "or on premises in his occupation or under his control" shall be omitted;

(ii) the words "unless he proves that he was unaware of the nature of the document" shall be omitted;

(b) in sub-section (2), for the word "allows", the words "intentionally permits" shall be substituted.

10. Amendment of section 9, President's Act I of 1951.—In section 9 of the principal Act,—

(a) in sub-section (2)—

(i) in clause (a), for the words "The maintenance of law and order, the public safety or the public revenues", the words "or the maintenance of law and order" shall be substituted;

(ii) the word "forthwith" shall be omitted;

(b) in sub-section (6), clause (ii) and the Explanation shall be omitted.

11. Omission of sections 10 and 11, President's Act I of 1951.—Sections 10 and 11 of the principal Act shall be omitted.

12. Amendment of section 12, President's Act I of 1951.—In section 12 of the principal Act,—

(a) sub-section (1) shall be omitted;

(b) in clause (a) of sub-section (2), for the words "the maintenance of public order or the interests of the general public", the words "or the maintenance of public order" shall be substituted.

13. Amendment of section 13, President's Act I of 1951.—In section 13 of the principal Act, for the words "and non-bailable", the words "and shall, if the offence is punishable with imprisonment for a term which may extend to a period exceeding one year, be non-bailable" shall be substituted.

14. Omission of section 14, President's Act I of 1951.—Section 14 of the principal Act shall be omitted.

15. Amendment of Schedule, President's Act I of 1951.—In clause (f) of the Schedule to the principal Act, for the words "of general use", the words "essential to the life of the community" shall be substituted.

RAJENDRA PRASAD,

President.

K. V. K. SUNDARAM,

Secy. to the Govt. of India.

Reasons for the enactment

The Punjab Security of the State Act, 1951 (President's Act I of 1951), was enacted by the President on the 12th September, 1951. In accordance with the provisions of section 3(3) of the Punjab State Legislature

(Delegation of Powers) Act, 1951, the President's Act was laid before Parliament on the 21st September, 1951. Within seven days i.e. on the 28th September, 1951, Parliament passed a resolution directing certain modifications to be made in the Punjab Security of the State Act, 1951. This Act seeks to incorporate these modifications.

H. V. R. IENGAR,
*Secy. to the Govt. of India,
Ministry of Home Affairs.*

[PART II—SEC. 1]

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J. R. IENGAR,
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The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 54[NEW DELHI, TUESDAY, NOVEMBER 20, 1951

MINISTRY OF LAW

New Delhi, the 20th November, 1951

The following President's Act enacted on 19th November, 1951, is published for general information:—

THE EAST PUNJAB TRACTOR CULTIVATION (RECOVERY OF CHARGES) AMENDMENT ACT, 1951

No. IV OF 1951

An Act to amend the East Punjab Tractor Cultivation (Recovery of Charges) Act, 1949. .

[19th November, 1951]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. **Short title and commencement.**—(1) This Act may be called the East Punjab Tractor Cultivation (Recovery of Charges) Amendment Act, 1951.

(2) It shall come into force at once.

2. **Amendment of section 2, East Punjab Act XI of 1949.**—For clause (f) of section 2 of the East Punjab Tractor Cultivation (Recovery of Charges) Act, 1949 (hereinafter referred to as the principal Act), the following clause shall be substituted, namely:—

“(f) “tractor cultivation” means any agricultural operation carried on with the help of tractors such as ploughing, harrowing, discing, sowing or harvesting and includes any other operation for the purpose of reclaiming *banjar* land;”.

3. **Amendment of section 3, East Punjab Act XI of 1949.**—In subsection (2) of section 3 of the principal Act, the word “full” shall be omitted.

4. Substitution of new section for section 6, East Punjab Act XI of 1949.—For section 6 of the principal Act, the following section shall be substituted, namely:—

“6. *Period within which payment is to be made.*—A cultivator whose land has been brought under tractor cultivation shall, within one month or such further time as may be allowed from the date of the receipt of the notice of demand under section 5, deposit, in the prescribed manner, the amount specified in that notice:

Provided that a refugee-cultivator may be allowed to pay the amount specified in the notice in such other manner and in such annual instalments as may be prescribed in this behalf.”

5. Amendment of section 9, East Punjab Act XI of 1949.—In clause (d) of sub-section (2) of section 9 of the principal Act, the words “figures and brackets ‘sub-section (1) or sub-section (2) of’” shall be omitted.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

REASONS FOR THE ENACTMENT

Under the East Punjab Tractor Cultivation (Recovery of Charges) Act, 1949, a refugee-cultivator has to pay tractor cultivation charges at the end of the first crop sown on his land. It is considered that this imposes serious difficulties on refugee-cultivators and the object of the present amending Act is to allow recovery to be spread over one or more annual instalments. Opportunity has been taken to clarify the definition of “tractor cultivation”.

H. V. R. IENGAR,
*Secy. to the Govt. of India,
Ministry of Home Affairs.*

RY [PART II—SEC. 1]

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ENDRA PRASAD,
President.

V. K. SUNDARAM,
to the Govt. of India.

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I. V. R. IENGAR,
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Ministry of Home Affairs.

NDIA PRESS, NEW DELHI
LICATIONS, DELHI, 1951

REGISTERED No. EP-503

Rep. by Punjab Act 10 of 1953.

The Gazette



of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 59] NEW DELHI, MONDAY, DECEMBER 24, 1951

MINISTRY OF LAW

New Delhi, the 24th December, 1951

The following President's Act enacted on the 22nd December, 1951, is
published for general information:—

**THE PUNJAB TENANTS (SECURITY OF TENURE)
AMENDMENT ACT, 1951**

No. V of 1951

**An Act to amend the Punjab Tenants (Security of Tenure)
Act, 1950, for affording further security of tenure to tenants.**

[22nd December, 1951]

In exercise of the powers conferred by section 3 of the Punjab State
Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the
President is pleased to enact as follows:—

1. Short title and commencement.—(1) This Act may be called the
Punjab Tenants (Security of Tenure) Amendment Act, 1951.

(2) It shall come into force at once.

2. Amendment of section 1, Punjab Act XXII of 1950.—For sub-section
(4) of section 1 of the Punjab Tenants (Security of Tenure) Act, 1950
(hereinafter referred to as the principal Act), the following sub-section
shall be substituted, namely:—

“(4) Nothing contained in this Act shall apply to—

- (i) any land held by an occupancy tenant, or
- (ii) any land reserved under this Act for self-cultivation by
any landowner, or
- (iii) any land which, after excluding any such area therefrom
as may be held by an occupancy tenant, does not exceed in area
the permissible limit, or

(iv) any land held by a tenant or lessee under Government, but save as provided in this sub-section this Act shall apply to all land held by a landowner in the State of Punjab.

3. Amendment of section 2, Punjab Act XXII of 1950.—In section 2 of the principal Act,—

(i) in clause (3), for the figures "100" and "200", wherever they occur, the figures "50" and "100" shall respectively be substituted;

(ii) in item (ii) of clause (5), for the figure "4" the word "five" shall be substituted.

4. Amendment of section 3, Punjab Act XXII of 1950.—In section 3 of the principal Act,—

(i) in the proviso to sub-section (1), for the words "he has in his possession", the words "he had in his possession immediately before the commencement of this Act" shall be substituted, and after the said proviso the following further proviso shall be inserted, namely:—

"Provided further that where a landowner has intimated his selection to the patwari before the commencement of the Punjab Tenants (Security of Tenure) Amendment Act, 1951, such selection shall cease to have effect on such commencement and the landowner shall intimate his selection afresh in the manner specified in this section, so, however, that the fresh selection is confined to the land already reserved under the selection which has ceased to be effective";

(ii) in sub-section (3), for the words "The right to reserve shall cease if it is not exercised within a year from the date of commencement of this Act;", the following words shall be substituted, namely:—

"A landowner whose selection has ceased to be effective under sub-section (1) shall be entitled to intimate a fresh selection after the commencement of the Punjab Tenants (Security of Tenure) Amendment Act, 1951, but such right shall cease if it is not exercised within one year from the date of such commencement";

(iii) in sub-section (4),—

(a) for the word "landlord" the word "landowner" shall be substituted; and

(b) for the words "on application" the words "on application made to the prescribed authority and on satisfying such authority that he was not at the time of ejection a tenant to whom the provisions of section 6 could have applied" shall be substituted.

(iv) after sub-section (4), the following sub-sections shall be inserted, namely:—

"(5) Where by reason of the provisions contained in this section any land reserved before the commencement of the Punjab Tenants (Security of Tenure) Amendment Act, 1951, ceases to be so reserved after such commencement, the tenant ejected therefrom before such commencement shall, on application made to the prescribed authority and on satisfying such authority that he was

ORDINARY [PART II]

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not at the time of ejectment a tenant to whom the provisions of section 6 could have applied, be restored to possession of such land on the same terms and conditions on which it was held by him at the time of ejectment:

Provided that at the time of ejectment the tenant had been in occupation of the land from a date anterior to the date of commencement of this Act.

(6) The period of limitation for an application under sub-section (5) shall be one year from the date of intimation of selection given after the commencement of the Punjab Tenants (Security of Tenure) Amendment Act, 1951, or, if no such intimation is given within the period specified in sub-section (1), two years from the date of such commencement."

5. Amendment of section 5, Punjab Act XXII of 1950.—In section 5 of the principal Act,—

(i) in sub-section (1), for the word "four" the word "five" shall be substituted;

(ii) in sub-section (2), for the word and figures "section 14" the words and figures "section 3 or section 14" shall be substituted.

6. Amendment of section 6, Punjab Act XXII of 1950.—In section 6 of the principal Act,—

(i) the word "or" shall be inserted at the end of clause (vi), and after that clause the following clause shall be inserted, namely:—

"(vii) who holds land in any capacity whatever in excess of the permissible limit, to the extent to which any land so held is in excess of the permissible limit.";

(ii) the existing *Explanation* shall be numbered as *Explanation I*, and after that *Explanation* as so numbered the following further *Explanation* shall be inserted, namely:—

"*Explanation II.*—For the purpose of clause (vii), where a tenant holds land jointly with others, the shares of the other joint holders in the land shall not be taken into account in computing the area of land held by the tenant."

7. Substitution of new section for section 7, Punjab Act XXII of 1950.—For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. *Amount of rent.*—(1) Notwithstanding anything contained in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), or in any agreement or usage or any decree or order of a court, the maximum rent payable by a tenant for any land held by him as such shall not exceed one-third of the crop of such land or the value thereof as determined in the prescribed manner.

(2) In computing the maximum rent payable by a tenant, such portion of the rent, if any, as represents the consideration for services or facilities provided by the landlord in relation to the land shall not be taken into account,

Explanation.—Where the portion of the rent payable for such services or facilities has not been specifically provided for in the agreement between the parties, it shall be computed having regard to the usage of the locality, and if there is no such usage, having regard, amongst other matters, to—

(a) the amount by which the value or the produce of the tenancy or the value of that produce is increased by such services or facilities;

(b) the condition or nature of the services or facilities and the probable duration of their effects;

(c) the labour or capital required for the provision of such services or facilities.

(3) Subject to the provisions of sub-sections (1) and (2), the amount payable by a tenant shall be such as has been agreed to in writing between the landlord and the tenant, and in the absence of any such agreement, the customary rent for similar land prevalent in the tehsil in which the land is situate."

8. Amendment of section 9, Punjab Act XXII of 1950.—In section 9 of the principal Act, for the word "four" the word "five" shall be substituted.

9. Amendment of section 10, Punjab Act XXII of 1950.—In section 10 of the principal Act, for the words "lands acquired" the words "lands acquired by the State Government" shall be substituted.

10. Insertion of new sections 12A, 12B and 12C in Punjab Act XXII of 1950.—After section 12 of the principal Act, the following new sections shall be inserted, namely:—

"12A. *Right of certain tenants to pre-empt sale, etc., of land.*—Notwithstanding anything to the contrary contained in any law, usage or contract, a tenant—

(i) who has been in continuous occupation of the land comprised in his tenancy for a period exceeding four years on the date of the sale of the land or foreclosure of the right to redeem the land, or

(ii) who was ejected from his tenancy after the 14th day of August, 1947, and before the commencement of this Act on grounds other than those mentioned in section 6, and was in continuous occupation of the land comprised in his tenancy for a period exceeding four years on the date of his ejectment, or

(iii) who has been restored to his tenancy under the provisions of this Act and whose periods of continuous occupation of the land comprised in his tenancy immediately before ejectment and immediately after restoration of his tenancy together exceed four years,

shall, be preference to the rights of other pre-emptors as provided in the Punjab Pre-emption Act, 1913 (Punjab Act I of 1913), be entitled to pre-empt the sale or foreclosure of the land in the manner

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prescribed in that Act within one year from the date of the sale or foreclosure, as the case may be:

Provided that no tenant referred to in this sub-section shall be entitled to exercise any such right in respect of the land or any portion thereof if he had sublet the land or portion, as the case may be, to any other person during any period of his continuous occupation, unless during that period the tenant was suffering from a legal disability or physical infirmity or, if a woman, was a widow or was unmarried.

12B. *Right of certain tenants to purchase land.*—(1) Notwithstanding anything to the contrary contained in any law, usage or contract, a tenant—

(i) who has been in continuous occupation of the land comprised in his tenancy for a period exceeding twelve years, or

(ii) who has been restored to his tenancy under the provisions of this Act and whose periods of continuous occupation of the land comprised in his tenancy immediately before ejectment and immediately after restoration of his tenancy together exceed twelve years, or

(iii) who was ejected from his tenancy after the 14th day of August, 1947, and before the commencement of this Act, and who was in continuous occupation of the land comprised in his tenancy for a period exceeding twelve years on the date of his ejectment,

shall be entitled to purchase from the landlord the land so held by him, in the case of a tenant falling within clause (i) or clause (ii) at any time, and in the case of a tenant falling within clause (iii) within a period of one year from the date of commencement of the Punjab Tenants (Security of Tenure) Amendment Act, 1951:

Provided that no tenant referred to in this sub-section shall be entitled to exercise any such right in respect of the land or any portion thereof if he had sublet the land or portion, as the case may be, to any other person during any period of his continuous occupation, unless during that period the tenant was suffering from a legal disability or physical infirmity or, if a woman, was a widow or was unmarried.

(2) A tenant desirous of purchasing land under sub-section (1) shall make an application in writing to an Assistant Collector of the First Grade under the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), having jurisdiction in the district in which the land is situate for determining the value of such land, and the Assistant Collector, after giving notice to the landlord and to all other persons interested in the land and after making such inquiry as he thinks fit, shall fix the value of the land.

(3) A tenant shall be deemed to have purchased the land if he deposits the value thereof as so fixed with the Assistant Collector within such time as that officer appoints.

(4) On the value being so deposited, the Assistant Collector shall on the application of the tenant, put the tenant in possession of the land.

(5) If the land is subject to a mortgage at the time of the purchase, the land shall pass to the tenant unencumbered by the mortgage, but the mortgage debt shall be a charge on the purchase money.

(6) If there is no such charge as aforesaid, the Assistant Collector shall, subject to any directions which he may receive from any court, pay the purchase money to the landlord.

(7) If there is such a charge, the Assistant Collector shall, subject as aforesaid apply in the discharge of the mortgage debt so much of the purchase money, as is required for that purpose and pay the balance, if any, to the landlord, or retain the purchase money pending the decision of a civil court as to the person or persons entitled thereto.

Explanation.—For the purposes of section 12A or section 12B,—

(a) in computing the period of continuous occupation, the period during which the tenant was suffering from a legal disability or physical infirmity or was a widow or an unmarried woman shall be excluded;

(b) a tenant for a fixed term exceeding five years shall also be deemed to be a tenant.

12C. *Sections 12A and 12B not to apply to certain property and tenants.*—Nothing contained in section 12A or section 12B shall—

(a) affect any evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950); or

(b) apply to a tenant who is himself holding land in excess of the permissible limit."

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment.

Since the enactment, in October, 1950, of the Punjab (Security of Tenure) Act, 1950, the course of events has tended to show that the relief granted to tenants by the Act is inadequate. The Act of 1950 aims at giving relief to tenants-at-will whose tenancies are for a term not exceeding four years. Its scope, however, is limited to tenants of landowners owning more than 200 acres of land or 100 standard acres (a standard acre being an acre convertible with reference to the quantity of yield and quality of soil into ordinary acres according to rules). Even such a landowner is

Assistant Collector shall, if the tenant is in possession of the land at the time of the purchase, be liable to pay the mortgage debt so much of the purchase money as is due to the mortgagee, and the Assistant Collector shall receive from any court, in satisfaction of the mortgage debt, so much of the purchase money as is due to the mortgagee, and the Assistant Collector shall, subject to the mortgage debt, pay the purchase money pending on or persons entitled to the land.

at the time of the purchase, be liable to pay the mortgage debt so much of the purchase money as is due to the mortgagee, and the Assistant Collector shall receive from any court, in satisfaction of the mortgage debt, so much of the purchase money as is due to the mortgagee, and the Assistant Collector shall, subject to the mortgage debt, pay the purchase money pending on or persons entitled to the land.

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12A or section 12B,—

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JENDRA PRASAD,
President.

K. SUNDARAM,
Secretary to the Govt. of India.

the Punjab (Security of Tenure) Act, 1950, to show that the relief provided in the Act of 1950 aims at securing to the tenant a term not exceeding five years of landowners owning land (a standard acre being the unit of yield and quality of land) such a landowner is

entitled under the Act to reserve 100 standard acres of his land for self-cultivation and the tenants of such reserved area are excluded from the benefits of the Act. The main relief which the Act gives to the tenants, is the fixing of the minimum period of their tenancies at four years.

2. The present Punjab Tenants (Security of Tenure) Amendment Act, 1951, reduces the limit of ownership of a landowner who would be affected from 200 ordinary acres or 100 standard acres of land to 100 ordinary acres or 50 standard acres respectively. It enhances the minimum period of a tenancy from four to five years. It attempts to fix the maximum rent of a tenant-at-will at one-third of the crop of the land or its equivalent in value. It enables a tenant who has been in continuous possession of his land for a period of four years to pre-empt any sale of his tenancy. Finally, it enables a tenant who has been in continuous possession of his land for a period exceeding twelve years to purchase the land of his tenancy at any time (the price to be fixed by the Assistant Collector). Advantage has also been taken to make some minor drafting improvements in the original Act.

DR. V. R. IENGAR,
Secy. to the Govt. of India,
Ministry of Home Affairs.

The Gazette



of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

o. 60] NEW DELHI, WEDNESDAY, DECEMBER 26, 1951

MINISTRY OF LAW

New Delhi, the 26th December, 1951

The following President's Acts enacted on 21st December, 1951, are published for general information:—

THE PUNJAB DISTRICT BOARDS AMENDMENT ACT, 1951.

No. VI of 1951

An Act further to amend the Punjab District Boards Act, 1883

[21st December, 1951]

IN exercise of the powers conferred by section 8 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Punjab District Boards (Amendment) Act, 1951.

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

2. **Amendment of section 11, Act XX of 1883.**—In section 11 of the Punjab District Boards Act, 1883 (hereinafter referred to as the principal Act),—

(i) for sub-sections (1) and (2), the following sub-section shall be substituted, namely:—

“(1) A district board or local board shall consist of such number of elected members as the State Government may fix in this behalf:

Provided that the State Government may nominate to each board such number of officials, not exceeding eight, as may be fixed by it to act as advisers, who shall have the right to take part in the proceedings of the board in an advisory capacity, but shall not, by virtue of anything contained in this Act, be deemed to be members thereof or be entitled to vote.”;

(ii) in sub-section (3), the words, brackets and figure “under a direction issued under sub-section (2)” shall be omitted.

3. Amendment of section 11A, Act XX of 1883.—In proviso (b) to section 11A of the principal Act, the words, brackets and figures “in the manner prescribed in sub-section (2) of section 11” shall be omitted.

4. Amendment of section 12, Act XX of 1883.—In section 12 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Any person nominated by virtue of his office to a board under the proviso to sub-section (1) of section 11 shall, unless and until the State Government otherwise directs, be deemed to have been nominated to the board for so long as he continues to hold that office.”;

(ii) in sub-section (2), for the words “all other elected and appointed members, respectively,” the word “members” shall be substituted.

5. Amendment of section 14, Act XX of 1883.—In section 14 of the principal Act, the word “or” at the end of clause (d), and clause (e) shall be omitted.

6. Amendment of section 15, Act XX of 1883.—In section 15 of the principal Act—

(i) in sub-section (1), for the words “elected member” the words “elected or appointed member” shall be substituted;

(ii) sub-section (2) shall be omitted.

7. Amendment of section 18, Act XX of 1883.—In section 18 of the principal Act,—

(i) in sub-section (1), the words “or appointed” shall be omitted;

(ii) sub-section (2) shall be omitted.

8. Amendment of section 19, Act XX of 1883.—In section 19 of the principal Act, in sub-section (1), the words and brackets “not being (whole-time salaried servants) of Government” shall be omitted.

9. Amendment of section 20, Act XX of 1883.—In section 20 of the principal Act, in sub-section (1), the word “and” at the end of clause (e) shall be omitted and after clause (f) the following clause shall be inserted, namely:—

“(g) the fulfilling of any other obligation imposed upon the district board by or under this Act or any other law for the time being in force.”

10. Amendment of section 27, Act XX of 1883.—In section 27 of the principal Act, sub-section (3) shall be omitted.

11. Amendment of section 45, Act XX of 1883.—In section 45 of the principal Act, after the words “conferred by law” the words “or is contrary to the interests of the public or is likely to cause waste of, or damage to, the funds or other property of the board” shall be inserted.

12. Amendment of section 54, Act XX of 1883.—In section 54 of the principal Act, in sub-section (3), the words “boards or” shall be omitted.

3.—In proviso (b) the words and figures "in the" shall be omitted.

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13. Substitution of new section for section 59, Act XX of 1883.—For section 59 of the principal Act, the following section shall be substituted, namely:—

"59. *Liability of members of boards.*—(1) Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the district board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a local board or of the district board, and any such person may, after being given an opportunity by notice served in the manner provided for the service of summonses in the Code of Civil Procedure, 1908 (Act V of 1908), to show cause by written or oral representation why he should not be required to make good the loss, be surcharged with the amount of such money or the value of such property by the Deputy Commissioner.

(2) The person against whom an order under sub-section (1) has been made may, within thirty days of the order, appeal to the State Government or to any officer specified by the State Government in this behalf, and the appellate authority may confirm, modify or revoke the surcharge:

Provided that nothing in this section shall be deemed to debar the aggrieved party from seeking his remedy in a civil court against an order made under sub-section (1).

(3) Where the amount surcharged under this section is not paid within fourteen days of the expiry of the period of appeal specified in sub-section (2) or, where an appeal has been preferred under sub-section (2) within fourteen days of the order passed on such appeal, the Collector, at the request of the Deputy Commissioner, shall forthwith proceed to recover the amount in the same manner as an arrear of land revenue and have it credited to the district fund.

(4) Notwithstanding anything contained in this section, no person shall be called upon to show cause why he should not be required to make good any loss after the expiry of four years from the occurrence of the loss, waste or misapplication or after the expiry of one year from his ceasing to be a member of the board."

14. Insertion of new section 65 in Act XX of 1883.—After section 64 of the principal Act, the following section shall be inserted, namely:—

"65. *Power of State Government to authorise district boards to exercise certain powers under Punjab Act III of 1911.*—The State Government may, by notification in the Official Gazette, direct that any powers exercisable by a municipal committee under Chapter IX or Chapter X or Chapter XI of the Punjab Municipal Act, 1911 (Punjab Act III of 1911), may, in such circumstances and subject to such conditions and restrictions as may be specified in the notification, be exercised by a district board in the district or in any area thereof subject to its jurisdiction."

15. Amendment of section 72, Act XX of 1883.—In section 72 of the principal Act, in sub-section (1), for the words "thirty days" the words "sixty days" shall be substituted.

RAJENDRA PRASAD,

* President.

Reasons for the Enactment

It is felt that in the future set-up of district boards there should be no appointed members or appointed chairmen and that as far as possible all the members should be elected. At the same time provision should be made for associating a prescribed number of nominated persons to advise the district boards in the discharge of their duties, but without a right to vote. Incidentally it is also necessary to amend certain sections of the Punjab District Boards Act, 1883, so as to authorise Deputy Commissioners and Commissioners to suspend any resolution or order of a district board if it is contrary to the interests of the public or of the board itself. Powers are also necessary to extend any provision of the Punjab Municipal Act, 1911, to district board areas so as to regulate planning and development in rural areas adjoining municipal committees. This enactment, which replaces a Punjab Ordinance on the same subject, namely, Ordinance IX of 1951, makes necessary provisions in this behalf, and incidentally extends the period of limitation for appeal from an order of assessment of district board taxes from 80 days to 60 days.

H. V. R. IENGAR,
Secy. to the Govt. of India,
Ministry of Home Affairs.

**THE PUNJAB SMALL TOWNS (AMENDMENT) ACT,
1951**

No. VII of 1951

An Act further to amend the Punjab Small Towns Act, 1921.

[21st December, 1951]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Punjab Small Towns (Amendment) Act, 1951.

(2) It shall come into force at once.

2. **Amendment of sections 3 and 4, Punjab Act II of 1922.**—In the Punjab Small Towns Act, 1921 (hereinafter referred to as the principal Act), in sub-section (3a) of section 3 and in sub-section (4) of section 4,—

(i) after the words "notified area", where they occur for the first time, the words "or a municipality" shall be inserted; and

(ii) for the words "notified area committee" the words "notified area committee or municipal committee, as the case may be," shall be substituted.

3. **Amendment of sections 15 and 19, Punjab Act II of 1922.**—In section 15 and in clause (b) of section 19 of the principal Act, after the words "notified area", where they occur for the first time, the words "or a municipality" shall be inserted, and after the same words, where they occur a second time, the words "or municipal committee, as the case may be" shall be inserted.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the Enactment

The Punjab Small Towns Act, 1921, *inter alia* enables the Government to convert municipal committees into town committees; but there is no provision whereunder the disposal of the assets and the liabilities of a municipal committee converted into a town committee is to be regulated. The present enactment removes this lacuna in the law, and continues in operation similar provisions in a Punjab Ordinance promulgated in this behalf, namely, Punjab Ordinance VIII of 1951.

H. V. R. IENGAR,

Secy. to the Govt. of India,
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EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 62] NEW DELHI, FRIDAY, DECEMBER 28, 1951

MINISTRY OF LAW

New Delhi, the 28th December, 1951

The following President's Acts enacted on the 28th December, 1951, are published for general information :—

THE PUNJAB OCCUPANCY TENANTS (VESTING OF PROPRIETARY RIGHTS) ACT, 1951

No. VIII of 1951

An Act to vest proprietary rights in occupancy tenants and to provide for payment of compensation to the landlords whose rights are extinguished and for certain consequential and incidental matters.

[28th December, 1951]

In exercise of the powers conferred by section 8 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows :—

1. **Short title, extent and commencement.**—(1) This Act may be called the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1951.

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

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

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

(a) "appointed day" means—

(i) in relation to any tenant who, immediately before the commencement of this Act, is recorded as an occupancy tenant of any land in the revenue records, the date of such commencement;

(ii) in relation to any tenant who obtains a right of occupancy in any land after the commencement of this Act, the date on which he obtains such right of occupancy;

(b) "Collector" means the Collector of the district in which the land, in respect of which proprietary rights are vested in an occupancy tenant under this Act, is situate, and includes any officer not below the rank of an Assistant Collector of the First-Grade specially empowered by the State Government to perform the duties of a Collector under this Act;

(c) "Commissioner" and "Financial Commissioner" have the meanings respectively assigned to them under the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887);

(d) "land", "land revenue" and "rent" have the meanings respectively assigned to them in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887);

(e) "landlord" means a person under whom an occupancy tenant holds land and to whom the occupancy tenant is, or but for a special contract would be, liable to pay rent for that land, and includes the predecessors and successors in interest of a landlord;

(f) "occupancy tenant" means a tenant who, immediately before the commencement of this Act, is recorded as an occupancy tenant in the revenue records and includes a tenant who, after such commencement, obtains a right of occupancy in respect of the land held by him whether by agreement with the landlord or through a court of competent jurisdiction or otherwise, and includes, also the predecessors and successors in interest of an occupancy tenant.

3. Vesting of proprietary rights in occupancy tenants and extinguishment of corresponding rights of landlords.—Notwithstanding anything to the contrary contained in any law, custom or usage for the time being in force, on and from the appointed day—

(a) all rights, title and interest (including the contingent interest, if any, recognised by any law, custom or usage for the time being in force) of the landlord in the land held under him by an occupancy tenant shall be extinguished and such rights, title and interest shall be deemed to vest in the occupancy tenant free from all encumbrances, if any, in the land created by the landlord;

(b) the landlord shall cease to have any right to collect or receive any rent or any share of the land revenue in respect of such land and his liability to pay land revenue in respect of the land shall also cease;

(c) the occupancy tenant shall pay direct to the Government the land revenue accruing due in respect of the land;

(d) the occupancy tenant shall be liable to pay, and the landlord concerned shall be entitled to receive and be paid, such compensation as may be determined under this Act.

4. Determination of compensation payable to landlord.—(1) Any landlord whose rights have been extinguished under section 3 may, within twelve months from the appointed day, apply to the Collector, in such form as may be prescribed, for the determination of the amount of compensation payable to him by the occupancy tenant:

Provided that the Collector may entertain the application after the expiry of the said period of twelve months if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

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(2) On receipt of an application under sub-section (1), the Collector shall issue notice to the parties concerned and, after giving the parties an opportunity of being heard and after making such inquiry as may be prescribed, shall make an award determining the amount of compensation payable by the occupancy tenant to the landlord in accordance with the provisions of section 5.

(3) Where there is any dispute as to the person or persons who are entitled to the compensation, the Collector shall decide such dispute and if the Collector finds that more than one person is entitled to compensation, he shall apportion the amount thereof amongst such persons.

(4) Where the compensation is payable to a minor or to a person having a limited interest, the Collector may make such arrangements as may be equitable having regard to the interests of the minor, the parties concerned and their reversioners.

5. Principles of compensation.—The amount of compensation payable to the landlord under this Act shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say,—

(a) where the rent payable by the occupancy tenant is expressed in terms of the land revenue in respect of the land, the amount of compensation shall,—

(i) if the right of occupancy has been obtained on any of the grounds specified in section 5 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), be equal to the annual rent (exclusive of land revenue and cesses) plus one anna for every rupee of the annual land revenue multiplied in each case by twentyfive;

(ii) in any other case, be equal to the annual rent (exclusive of land revenue and cesses) plus two annas for every rupee of the annual land revenue multiplied in each case by twentyfive;

Illustration (A).—If the annual rent (exclusive of land revenue and cesses) is Rs. 50 and the land revenue payable annually is Rs. 160, then, in a case coming under clause (i), the amount of compensation will be (Rs. 50 + Rs. 10) × 25 = Rs. 1,500.

Illustration (B).—If the annual rent (exclusive of land revenue and cesses) is Rs. 50 and the land revenue payable annually is Rs. 160, then, in a case coming under clause (ii), the amount of compensation will be (Rs. 50 + Rs. 20) × 25 = Rs. 1,750;

(b) where the rent payable by the occupancy tenant is not in any way expressed in terms of the land revenue in respect of the land, the amount of compensation shall,—

(i) if the rent is paid in cash, whether as a fixed amount or at a fixed rate with reference to the area of the land, be equal to twenty times the average annual rent in respect of the land;

(ii) if the rent is paid by a division or appraisement of the produce on the basis of *batai*, bear the same proportion to average market value of the land as the landlord's share of the produce bears to entire produce of the land:

Provided that the amount of compensation shall in no case exceed one-fourth share of the market value so determined;

(iii) if the rent is paid partly in cash (whether as a fixed amount or at a fixed rate with reference to the area of the land) and partly as a share of the produce, be equal to twenty times the average annual rent in respect of the land:

Provided that the amount of compensation shall in no case exceed one-fourth share of the average market value of the land.

Explanation.—For the purpose of determining the average market value of the land or average annual rent under this clause, the average of the market value of the land, or as the case may be, of the rent paid or payable, and in any case where rent is a share of the produce, the average of the price of the produce, during a period of fifteen years commencing from the 1st day of June 1935, shall be taken into account.

6. Payment of compensation.—(1) The compensation awarded under this Act shall either be paid in cash or be deposited with the Collector by the occupancy tenant within a period of three months of the date of the award:

Provided that the Collector may, having regard to the amount of compensation or for other reasons and after recording his reasons for so doing, allow the occupancy tenant to pay the compensation in such six monthly instalments, not exceeding in any case six years, as he thinks fit.

(2) Where the occupancy tenant makes a default in the payment of compensation in accordance with the terms of the award, the amount due may be recovered in the same manner as an arrear of land revenue.

7. Appeal, review and revision.—(1) An appeal shall lie from—

(a) any award or order made by the Collector, to the Commissioner; and

(b) any order of the Commissioner, to the Financial Commissioner:

Provided that when an original award or order is confirmed on first appeal, a further appeal shall not lie.

(2) The Collector, the Commissioner or the Financial Commissioner may, either of his own motion or on the application of the party interested, review and on such review, modify, reverse or confirm any order passed by himself or by any of his predecessors in office; and such power shall be exercised subject to the provisions, so far as they may be applicable, of section 82 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

(3) With respect to all matters dealt with under this Act, the Financial Commissioner shall have the same power to call for, examine and revise the proceedings of the Collector or the Commissioner as provided in section 84 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

(4) The period of limitation for an appeal under this section shall run from the date of the award or order appealed against and shall be as follows:—

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(b) when the appeal lies to the Financial Commissioner

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(5) In computing the period for an appeal from an award or order under this Act, the Indian Limitation Act, 1908 (IX of 1908) shall apply.

(6) For the purposes of this Act, the Collector, the Commissioner and the Financial Commissioner may, in so far as may be necessary or expedient to do so, exercise all the powers of a revenue officer or a revenue court as the case may be under the Punjab Tenancy Act, 1887 (Punjab Act XLVI of 1887).

8. **Certain mortgages and charges not enforceable against land held by occupancy tenants.**—Notwithstanding anything contained in any contract or in any law for the time being in force, no claim or liability, whether under any decree or order of a civil court or otherwise, enforceable against a landlord for any money which is charged on, or is secured by a mortgage of, any land held under him by an occupancy tenant, shall be enforceable against the land, and every such claim or liability shall be deemed to be a charge on the compensation payable to the landlord in respect of such land.

9. **Act not to apply to evacuee property.**—Nothing in this Act shall apply to evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

10. **Bar of jurisdiction.**—Save as otherwise expressly provided in this Act, every award or order made by the Collector, Commissioner or Financial Commissioner shall be final, and no proceeding or order taken or made under this Act shall be called in question by any court or before any officer or authority.

11. **Bar to legal proceedings.**—No prosecution, suit or other legal proceeding shall lie against the State Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

12. **Power to make rules.**—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) the form and manner in which an application for determination of compensation may be made by the landlord;

(b) the form of notice and the manner in which notices may be served under this Act;

(c) the manner in which inquiries may be held under this Act;

(d) the manner in which compensation may be paid;

(e) the manner in which appeals and applications for review and revision may be filed;

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

RAJENDRA PRASAD,

President.

Reasons for the enactment.

In March 1949, a Land Reforms Committee was appointed by the Government of Punjab to examine the tenancy legislation in force in that State and to suggest ways and means to ameliorate the economic condition of tenants. One of the recommendations of that Committee was that occupancy tenants should be given proprietary rights in their tenancies on payment of suitable compensation to the landlords. The Committee was of the view that conferment of proprietary rights in land on the actual tiller of the soil was in conformity with modern trends of thought. The Committee also felt that, because of the tension prevailing between occupancy tenants and their landlords, neither the tenant nor the landlord was in a position to develop the land to its utmost. The President has enacted the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1951, in order to give effect to the recommendation made by the Land Reforms Committee. Under this Act, occupancy tenants will become full proprietors of their tenancies on payment of compensation as determined by the Collector on the principles specified therein.

H. V. R. TENGAR,

*Secretary to the Government of India,
Ministry of Home Affairs.*

Ref. by Punjab Act 9 of 1953.

THE PUNJAB ABOLITION OF ALA MALIKIYAT AND TALUKDARI RIGHTS ACT, 1951.

NO. IX OF 1951

An Act to abolish the rights of superior proprietors, to confer full proprietary rights on inferior proprietors in land held by them and to provide for payment of compensation to the superior proprietors whose rights are extinguished and for certain consequential and incidental matters.

[28th December, 1951]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Punjab Abolition of Ala Malikiyat and Talukdari Rights Act, 1951.

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

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

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

(a) "adna malik" means, in the case of land in which the proprietary rights are divided between superior and inferior owners, the inferior owner;

(b) "ala malik" means, in the case of land in which the proprietary rights are divided between superior and inferior owners, the superior owner and includes a talukdar;

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Committee was appointed by the Government in force in that the economic conditions of that Committee was that of rights in their tenancies on landlords. The Committee's views on the rights in land on the modern trends of thought, the tension prevailing between the tenant nor the landlord at the utmost. The President has been of Proprietary Rights) recommendation made by the Land Revenue Commission that the tenants will become full compensation as determined herein.

V. R. IENGAR,
Secretary to the Government of India,
Ministry of Home Affairs.

ALA MALIKIYAT ACT, 1951.

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(c) "appointed day" means the date on which this Act comes into force under sub-section (3) of section 1.

(d) "Collector" means the Collector of the district in which the land, in respect of which the rights of ala malik are abolished, is situate and includes any officer not below the rank of an Assistant Collector of the First-Grade specially empowered by the State Government to perform the duties of a Collector under this Act;

(e) the expressions "land", "land revenue", "rent" and any other expression not defined, but used, in this Act shall have the meanings respectively assigned to them in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887);

(f) the expression "Financial Commissioner" and "Commissioner" have the meanings respectively assigned to them under the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887).

3. Abolition of rights of ala maliks and vesting of full proprietary rights in adna maliks.—Notwithstanding anything to the contrary contained in any law, custom or usage for the time being in force, on and from the appointed day—

(a) all rights, title and interest (including the contingent interest, if any, recognised by any law, custom or usage for the time being in force) of an ala malik in the land held under him by an adna malik shall be abolished; and full proprietary rights shall be deemed to vest in the adna malik free from all encumbrances; if any, in the land created by the ala malik;

(b) the ala malik shall cease to have any right to collect or receive any rent or customary due in respect of such land;

(c) the ala malik shall be entitled to receive and be paid such compensation as may be determined under this Act.

4. Determination of compensation payable to ala maliks.—(1) Any ala malik whose rights have been extinguished under section 3 may, within twelve months from the appointed day, apply to the Collector, in such form as may be prescribed, for the determination of the amount of compensation payable to him:

Provided that the Collector may entertain the application after the expiry of the said period of twelve months if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

(2) On receipt of an application under sub-section (1), the Collector shall issue notice to the parties concerned and, after giving the parties an opportunity of being heard and after making such inquiry as may be prescribed, shall make an award determining the amount of compensation payable to the ala malik in accordance with the provisions of section 5.

(3) Where there is any dispute as to the person or persons who are entitled to the compensation, the Collector shall decide such dispute and if the Collector finds that more than one person is entitled to compensation, he shall apportion the amount thereof amongst such persons.

(4) Where the compensation is payable to a minor or to a person having a limited interest, the Collector may make such arrangements as may be equitable having regard to the interests of the minor, the parties concerned and their reversioners.

(5) The amount of compensation determined under this section shall be payable by the adna malik:

Provided that where a portion of the annual rent or other dues is payable by the Government, that portion of the compensation, which bears the same proportion to the total amount of compensation as the share of the Government in the annual rent or other dues bears to the total amount of rent or other dues, shall be paid by the Government.

5. Principles of compensation.—The amount of compensation payable to the ala malik under this Act shall be eight times the amount of annual rent or other dues, if any, payable to the ala malik, whether by the adna malik or whether partly by adna malik and partly by the Government.

Provided that where the rent or other dues is or are paid wholly or partly in kind, the amount of such annual rent or other dues shall be calculated on the basis of the average of the price of the produce during a period of fifteen years, commencing from the 1st day of June, 1935.

6. Payment of compensation.—(1) The compensation awarded under this Act shall either be paid in cash or be deposited with the Collector by the adna malik or, as the case may be, by the Government within a period of three months of the date of the award:

Provided that the Collector may, having regard to the amount of compensation or for other reasons, and after recording his reasons for so doing, allow the adna malik to pay the compensation in such six monthly instalments, not exceeding in any case six years, as he thinks fit.

(2) Where the adna malik makes a default in the payment of compensation in accordance with the terms of the award, the amount due may be recovered in the same manner as an arrear of land revenue.

7. Appeal, review and revision.—(1) An appeal shall lie from—

(a) any award or order made by the Collector, to the Commissioner; and

(b) any order of the Commissioner, to the Financial Commissioner:

Provided that when an original award or order is confirmed on first appeal, a further appeal shall not lie.

(2) The Collector, the Commissioner or the Financial Commissioner may, either of his own motion or on the application of the party interested, review and on such review modify, reverse or confirm any order passed by himself or by any of his predecessors in office; and such power shall be exercised subject to the provisions, as far as they may be applicable, of section 82 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

(3) With respect to all matters dealt with under this Act, the Financial Commissioner shall have the same power to call for, examine and revise the proceedings of the Collector or the Commissioner as provided in section 84 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

(4) The period of limitation for an appeal under this section shall run from the date of the award or order appealed against and shall be, as follows:—

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(b) when the appeal lies to the Financial Commissioner ... ninety days.

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(5) In computing the period for an appeal from an award or order under this Act, the Indian Limitation Act, 1908 (IX of 1908) shall apply.

(6) For the purposes of this Act, the Collector, the Commissioner and the Financial Commissioner may, in so far as may be necessary or expedient to do so, exercise all the powers of a revenue officer or a revenue court as the case may be under the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

8. **Certain mortgages and charges not enforceable against land held by adna maliks.**—Notwithstanding anything contained in any contract or in any law for the time being in force, no claim or liability, whether under any decree or order of a civil court or otherwise, enforceable against an adna malik for any money which is charged on, or is secured by a mortgage of, any land held under him by an adna malik, shall be enforceable against the land, and every such claim or liability shall be deemed to be a charge on the compensation payable to the adna malik in respect of such land.

9. **Act not to apply to evacuee property.**—Nothing in this Act shall apply to evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

10. **Bar of jurisdiction.**—Save as otherwise expressly provided in this Act, every award or order made by the Collector, Commissioner or Financial Commissioner shall be final, and no proceeding or order taken or made under this Act shall be called in question by any court or before any officer or authority.

11. **Bar to legal proceedings.**—No prosecution, suit or other legal proceeding shall lie against the State Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

12. **Power to make rules.**—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

- (a) the form and manner in which an application for determination of compensation may be made by the adna malik;
- (b) the form of notice and the manner in which notices may be served under this Act;
- (c) the manner in which inquiries may be held under this Act;
- (d) the manner in which compensation may be paid;
- (e) the manner in which appeals and applications for review and revision may be filed;
- (f) any other matter which has to be, or may be, prescribed.

RAJENDRA PRASAD,
President.

K. V. R. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

In March 1949, a Land Reforms Committee was appointed by the Government of Punjab to examine the tenancy legislation in force in the State and to suggest ways and means to ameliorate the economic condition of the tenants. One of the recommendations of the Land Reforms Committee was that the rights of Ala Maliks and Talukdars should, on payment of compensation, be extinguished. This recommendation was accepted by Government on the ground that Ala Maliks and Talukdars had no real connection with the land. The President has enacted the Punjab Abolition of Ala Malikiyat and Talukdari Rights Act, 1951, in order to give effect to the recommendation made by the Land Reforms Committee. The Act seeks to extinguish the rights of Ala Maliks and Talukdars on payment of compensation on the basis of eight years' annual income, the compensation being payable by the persons who are at present responsible for paying the dues of the Ala Maliks and Talukdars. This measure will take effect from the date the Act is brought into force by the State Government.

H. V. R. IENGAR,
Secy. to the Govt. of India,
Ministry of Home Affairs.

[PART II—SEC. 1]

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V. R. IENGAR,
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The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 2] NEW DELHI, TUESDAY, JANUARY 8, 1952

MINISTRY OF LAW

New Delhi, the 8th January, 1952

The following President's Act enacted on the 8th January, 1952 is published for general information:—

THE EAST PUNJAB WAR AWARDS (AMENDMENT) ACT, 1952

No. I of 1952

An Act to amend the East Punjab War Awards Act, 1948.

[8th January, 1952]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. Short title and commencement.—(1) This Act may be called the East Punjab War Awards (Amendment) Act, 1952.

(2) It shall be deemed to have come into force on the 10th day of April, 1948.

2. Amendment of section 2, East Punjab Act XXII of 1948.—In clause (a) of section 2 of the East Punjab War Awards Act, 1948, for the words "resident of East Punjab" the words "citizen of India who immediately before the 15th day of August, 1947, ordinarily resided in the undivided Punjab and" shall be substituted.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

The East Punjab War Awards Act, 1948, was enacted to empower the Government of Punjab to award Jagirs to parents, three or more of whose children were enrolled or commissioned for service in His Majesty's Forces during the World War. Under the Act only a resident of Punjab (India) is eligible for

a war Jagir. There are, however, persons who originally belonged to West Punjab but who, on partition, did not settle in Punjab (India), having migrated to other States in India; there are others similarly affected on account of territorial adjustments of areas which have been transferred to the States of Himachal Pradesh, Rajasthan and Patiala and East Punjab States Union. Such persons are not eligible under the Act. The intention behind the Act was to recognize the efforts of all persons belonging to undivided Punjab, three or more of whose children had enrolled themselves during the last World War. The East Punjab War Awards (Amendment) Act, 1952, seeks to carry out this intention.

H. V. R. IENGAR

*Secy. to the Govt. of India
Ministry of Home Affairs*

The following President's Act enacted on the 8th January, 1952 is published for general information:—

THE PUNJAB COTTON (PREVENTION OF ADULTERATION) ACT, 1952

No. II of 1952

An Act to provide for the prevention of adulteration of cotton

[8th January, 1952]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951) the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Punjab Cotton (Prevention of Adulteration) Act, 1952.

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

(3) It shall come into force at once.

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

(a) "admixture of cotton" means mixture of different varieties of cotton in contravention of the rules made under this Act;

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

(c) all words and expressions used, but not defined, in this Act and defined in the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925), shall have the meanings assigned to them in that Act.

3. Prohibition of admixture of cotton in specified areas and penalties therefor.—(1) The State Government may, by notification in the Official Gazette, prohibit, in any area specified in the notification, any admixture of cotton which is ginned or pressed in a cotton ginning or cotton pressing factory.

who originally belonged to West Punjab (India), having migrated similarly affected on account of territorial transfer to the States of Himachal Pradesh and Jammu and Kashmir, Punjab States Union. Such persons on behind the Act was to recognize the East Punjab, three or more of which were affected by the territorial transfer last World War. The East Punjab Government is desirous to carry out this intention.

H. V. R. IENGAR,
Secy. to the Govt. of India,
Ministry of Home Affairs

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(2) In any area specified in the notification under sub-section (1), if—

(a) any owner or person in charge of a cotton ginning or cotton pressing factory gins or presses or allows to be ginned or pressed any cotton which he knows or has reason to believe to contain an admixture of cotton, or

(b) any person makes any admixture of cotton or abets or knowingly allows or connives at such admixture of cotton which is ginned and which is being, or is intended to be, pressed in a cotton pressing factory.

he shall, on conviction, be punishable with fine which may extend to five thousand rupees.

4. Penalty for watering, etc.—(1) Any owner or person in charge of a cotton ginning or cotton pressing factory who knowingly or having reason to believe that any cotton is watered or contains seed in excess of the prescribed proportion or contains any foreign substance, gins or presses or allows such cotton to be ginned or pressed in such factory shall, on conviction, be punishable with fine which may extend to five thousand rupees.

(2) Any person who knowingly waters or wets any cotton or mixes seed or foreign substance with any cotton or abets or knowingly allows or connives at such watering, wetting or mixing of cotton, which is ginned and which is being, or is intended to be, pressed in a cotton pressing factory shall, on conviction, be punishable with fine which may extend to five thousand rupees.

Explanation.—For the purposes of this section, cotton shall be deemed to be watered if such cotton contains moisture in excess of the normal amount, the normal amount being the amount of moisture that such cotton may reasonably be expected to contain regard being had to the place or places at or to which, and the time or times of the year in which such cotton has been picked, collected, stored, conveyed, left, ginned or pressed.

(3) A certificate given by an officer authorised in this behalf by the State Government as to the normal amount of moisture that a given quantity of cotton may contain and the amount of moisture that it actually contains shall be evidence of such matters, until the contrary is proved, and if the amount of moisture that cotton actually contains exceeds the normal amount, it shall be evidence, until the contrary is proved, that the cotton is watered.

5. Examination of cotton packages or bales.—(1) Any gazetted officer authorised by the State Government in this behalf may, of his own motion or on receipt of a complaint (together with the prescribed

fee) that there has been a contravention of the provisions of section 3 or section 4 in respect of any cotton, cotton package or bale, cause such cotton or the contents of such package or bale to be examined by an officer authorised in this behalf; and for such purpose, he may take or cause to be taken a sample of such cotton.

(2) A certificate given by the authorised officer after examination of any cotton or the contents of any package or bale under sub-section (1), shall be admissible in evidence and be presumptive proof of the facts mentioned therein until the contrary is proved.

6. Entry and inspection.—(1) The State Government may authorise any gazetted officer to enter and inspect, at any reasonable time, any cotton ginning or cotton pressing factory for the purpose of ascertaining whether there is any contravention of any of the provisions of this Act or of any rules made thereunder or of any of the conditions subject to which such factory has worked or has been permitted to work and to seize all things in respect of which an offence punishable under this Act appears to have been committed.

(2) The owner or person in charge of every cotton ginning or cotton pressing factory shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).

(3) The owner or person in charge of such factory shall, in every instance, be permitted to be present during the inspection, and anything seized during such inspection shall be sealed in the prescribed manner.

7. Protection of action taken under the Act.—No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of the rules made thereunder.

8. Power of the State Government to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) the mixture of different varieties of cotton permissible under this Act;

(b) the proportion of seed that may be contained in the cotton;

(c) the authorisation of officers to examine and certify as to the actual amount of moisture that a given quantity of cotton

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(d) the authorisation of the officers to examine cotton, cotton
packages or bales under this Act;

(e) the manner in which anything seized under this Act may
be sealed;

(f) levy of fees on complaints made under section 5;

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

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

Certain good varieties of cotton grown in the State of Punjab
serve as seed not only in Punjab but all over India. These varieties
have been kept out of price control to give advantage of higher prices
to the cultivators and also to encourage them to produce the quanti-
ties required. Due to short supply, however, there is likely to be
every temptation to the cultivators and dealers to damp or to mix
inferior cotton with these varieties. The Punjab Cotton (Prevention
of Adulteration) Act, 1952, seeks to provide for the prevention of
such adulteration.

H. V. R. IENGAR,
Secy. to the Govt. of India,
Ministry of Home Affairs.

The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

*Repealed by Punjab
Act 2 of 1953.*

No. 4] NEW DELHI, FRIDAY, JANUARY 18, 1952

MINISTRY OF LAW

New Delhi, the 18th January, 1952.

The following President's Act enacted on the 18th January, 1952 is published for general information:—

THE PUNJAB BETTERMENT CHARGES AND ACREAGE RATES ACT, 1952.

No. III of 1952

An Act to provide for the levy of betterment charges and acreage rates on certain lands in the State of Punjab.

[18th January, 1952]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Punjab Betterment Charges and Acreage Rates Act, 1952.

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

(3) It shall come into force at once.

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

(a) "acreage rates" means the charges levied under section 6 on lands included in an irrigation scheme;

(b) "betterment charges" means the charges levied under section 4 on lands included in an irrigation scheme;

(c) "canal" includes—

(i) all parts of a river, stream, lake or a natural collection of water or natural drainage channel to which the provisions of Part II of the Northern India Canal and Drainage Act, 1873 (VIII of 1873), apply;

(ii) all canals, channels, reservoirs, wells, tube-wells and irrigation arrangements constructed, maintained or controlled by Government for the supply or storage of water;

(iii) all works, embankments, structures, supply and escape channels connected with such canals, channels, reservoirs, wells, tube-wells or lift irrigation arrangements;

(iv) all water courses, that is to say, all channels which supplied with water from a canal but which are not maintained at the cost of the Government, and all subsidiary works belonging to any such channels;

(d) "Government" means the Government of the State of Punjab;

(e) "irrigation scheme" means any such scheme as is referred to in section 3;

(f) "landowner" has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (XVII of 1887);

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

(h) the expressions "land", "tenant" and "occupancy tenant" have the meanings respectively assigned to them in the Punjab Tenancy Act, 1887 (XVI of 1887);

(i) the expressions "Canal-officer" and "Divisional Canal-officer" have the meanings respectively assigned to them in the Northern India Canal and Drainage Act, 1873 (VIII of 1873);

3. Irrigation schemes and notification of proposal to levy betterment charges.—Where any scheme has come or comes into operation after the 15th day of August, 1947, for any one or more of the following purposes, namely :—

(i) the irrigation of lands from any existing or projected canal;

(ii) the extension of irrigation of land situate within the approved irrigation boundary of an existing canal;

(iii) the improvement of irrigation supply or capacity factors or water allowances to lands already irrigated;

(iv) the provision for or the improvement of drainage or any reservoir, dam or embankment constructed, maintained or controlled by the Government for the supply or storage of water,

the Government may proceed to levy betterment charges in respect of the lands which are included or are likely to be included in the irrigation scheme by notifying in the Official Gazette and in such other manner as may be prescribed its intention so to do, and shall specify in such notification such particulars respecting the proposed levy as it may think necessary, including particulars respecting the type and extent of irrigation proposed.

Explanation 1.—"Capacity factor" means the ratio of the mean supply to the authorised full supply discharge of a channel, and "mean supply" for a period connotes the sum of the daily supply in cusecs divided by the number of days during that period.

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Explanation II.—"Water allowance" means the designed number of cusecs of outlet or distributary capacity per thousand acres of land included in an irrigation scheme.

Explanation III.—"Cusec" is the unit of discharge, and means the rate of flow of one cubic foot of water per second.

4. Procedure for levy of betterment charges.—(1) At any time after the expiry of one month from the date of the notification referred to in section 3 the Government may cause a schedule of betterment charges to be prepared for all lands or class of lands included in an irrigation scheme showing the rates at which the charges shall be leviable on the lands and payable by the landowners and occupancy tenants thereof and the proportions in which the charges shall be so payable.

(2) In preparing a schedule under sub-section (1) for the levy of betterment charges in respect of any irrigation scheme regard shall be had to the following, namely:—

- (a) the type of irrigation;
- (b) the improvement in irrigation;
- (c) the extent of betterment accruing to the lands.

(3) A draft of the schedule prepared under sub-section (1) shall be published in the Official Gazette and in such other manner as may be prescribed.

(4) Any landowner or occupancy tenant who may be affected by the proposed betterment charges may, within sixty days from the date of the publication of the schedule in the Official Gazette, present a petition in writing to the Government stating his objections, if any, to the levy of the betterment charges or the rate thereof.

(5) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of betterment charges and cause the same to be published in the Official Gazette, and in such other manner as may be prescribed.

5. Amount of betterment charges.—(1) The amount of the betterment charges leviable in respect of any lands included in an irrigation scheme shall not exceed one-half of the difference between the value of the lands with reference to such date prior to the commencement of any work in connection with the irrigation scheme as the Government may, by notification in the Official Gazette, fix in this behalf and their estimated value with reference to such other date after such commencement as the Government may similarly fix, and such valuations shall be made in the prescribed manner.

(2) Where in an irrigation scheme only lift irrigation arrangements are maintained and operated by the landowners or occupancy tenants, the betterment charges leviable shall not exceed one-half of the charges which would otherwise have been payable for gravity flow irrigation:

Provided that whenever such lift irrigation arrangements are converted into gravity flow irrigation, the landowners or occupancy tenants, as the case may be, shall be liable to pay the full betterment charges in respect of the lands.

6. Levy of acreage rates.—(1) Where in respect of any lands included in an irrigation scheme expenditure has been, or is likely to be, incurred by the

Government in the execution of any one or more of the following works or undertaking any one or more of the following measures, namely:—

- (a) rectangulation, sub-rectangulation or killa-bandi (that is to say sub-division of land into one-acre fields),
- (b) level, topographical or soil surveys,
- (c) construction of water courses,
- (d) construction of village roads and works appertaining thereto,

the Government may, for the purpose of recouping or meeting such expenditure cause a schedule of acreage rates to be prepared showing the rates at which they shall be leviable on the lands, and the manner in which and the persons by whom they shall be payable.

(2) A draft of the schedule prepared under sub-section (1) shall be published in the Official Gazette and in such other manner as may be prescribed.

(3) Any landowner or occupancy tenant who may be affected by the proposed acreage rates may, within sixty days from the date of the publication of the schedule in the Official Gazette, present a petition in writing to the Government stating his objections, if any, to the levy of the acreage rates or the incidence thereof.

(4) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of acreage rates and cause the same to be published in the Official Gazette and in such other manner as may be prescribed.

7. Finality of schedule of betterment charges and acreage rates.—The betterment charges and the acreage rates leviable under the final schedules as published under sub-section (5) of section 4 and sub-section (4) of section 6 shall be final and no court shall call in question the schedules so published or the levy or rates of such charges or the determination by the Government of the increase in value of lands for the purpose of levying betterment charges.

8. Demand of betterment charges and acreage rates.—(1) When the schedule of betterment charges or acreage rates has been published in the Official Gazette under sub-section (5) of section 4 or sub-section (4) of section 6, the Canal-officer shall prepare a demand statement in respect thereof in such form as may be prescribed containing full particulars of the amount which each landowner or occupancy tenant shall be liable to pay and cause a notice of demand to be served on him.

(2) Any landowner or occupancy tenant may, within such period as may be prescribed from the date of the notice of demand, present a petition to the Divisional Canal-officer or the Deputy Collector objecting to the demand or any part thereof, and the petition shall be disposed of in such manner and orders passed thereon shall be subject to such appeals as may be prescribed.

(3) Any amount due under a notice of demand shall, subject to any orders that may be passed on appeal under sub-section (2), be payable within such time as may be prescribed.

9. Mode of recovery of betterment charges and acreage rates.—(1) The betterment charges and acreage rates may be paid in one or more instalments as may be prescribed:

Provided that where the betterment charges or acreage rates are allowed to be paid in instalments interest shall be payable in respect of such instalments.

following works or in such rate as may be prescribed and such interest shall be recovered in the manner as the betterment charges or the acreage rates.

andi (that is to say) (2) Notwithstanding anything contained in this section, the Government may, subject to such conditions as may be prescribed, allow a landowner to relinquish any part of his land in favour of the Government in satisfaction of the betterment charges payable in respect thereof.

aining thereto, 10. Postponement of recovery of betterment charges and acreage rates in certain cases.—Where there has been a failure of crops in any area, the Government may, notwithstanding anything to the contrary contained in this Act or the rules made thereunder, postpone for such period as it thinks fit the recovery of any such charges or rates, whether wholly or in part.

g such expenditure rates at which they shall be published 11. Apportionment of betterment charges and acreage rates.—The betterment charges and acreage rates shall be recoverable from the landowner and occupancy tenant concerned in such proportions as may be prescribed:

ted by the proposed a publication of the to the Government tes or the incidence Provided that in making any such apportionment between the landowner and the occupancy tenant of the same land due regard shall be had to the prevailing practice in respect of the division of produce or capital values between such persons in respect of that land:

uch further inquiry nment shall deter e to be published in scribed. Provided further that where there are more landowners than one they shall be jointly and severally liable for the portion recoverable from the landowner, and similarly where there are more occupancy tenants than one they shall be jointly and severally liable for the portion recoverable from the occupancy tenant.

rates.—The better- 12. Betterment charges and acreage rates to be a charge on the land.—Any schedules as pub- sum lawfully due under this Act by way of betterment charges or acreage rates (1) of section 6 shall shall take priority over all other charges payable in respect of the land except so published or the land revenue and shall be deemed to that extent to be a charge on the land and Government of the shall be recoverable as an arrear of land revenue.

When the schedule the Official Gazette 13. Betterment charges and acreage rates not to affect any other charges leviable.—The betterment charges and acreage rates payable under this Act in section 6, the Canal respect of any land shall not affect any other rates or charges leviable under any such form as may other law for the time being in force.

each landowner or e of demand to be 14. Bar to jurisdiction of civil courts.—No civil court shall have jurisdiction in respect of any matter relating to anything done or to be done under this Act.

h period as may be a petition to the for compensation or for the refund of betterment charges or acreage rates on the demand or any account of loss occasioned by the failure or stoppage of water in a canal or by any manner and orders cause beyond the control of the Government or by any repairs, alterations or additions made to the canal by the Divisional Canal Officer or by any measures prescribed. taken by him for regulating the proper flow of water therein or for maintaining the established course of irrigation in cases where the Divisional Canal Officer subject to any orders payable within such considers such action to be necessary.

es.—(1) The better- 16. Indemnity.—No suit, prosecution or other legal proceeding shall lie instalments as may against any person in respect of anything done or intended to be done in good faith under this Act or the rules made thereunder.

ates are allowed to f such instalments 17. Power to make rules.—(1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) the manner in which notices under this Act or the schedules betterment charges and acreage rates shall be published;

(b) the manner in which valuation may be made of any lands for purpose of sub-section (1) of section 5 and for determining their increase in value;

(c) the manner in which rates of betterment charges shall be calculated with reference to any lands or class of lands in an irrigation scheme;

(d) the form in which demand statements may be prepared under sub-section (1) of section 8 and the procedure for preparing the same;

(e) the form in which notices of demand may be prepared under this Act and the manner of their service;

(f) the time within which objections may be preferred from notices of demand under sub-section (2) of section 8, the procedure for the determination of such objections and the authorities to whom and the manner in which and the conditions subject to which appeals may be preferred therefrom;

(g) the time within which betterment charges and acreage rates shall be payable after the notice of demand and the manner in which such charges or rates may be realised;

(h) the conditions subject to which any sum due under this Act may be paid in instalments and the rate of interest for the payment of such sum in instalments;

(i) the conditions subject to which any landowner may be allowed to relinquish any part of his land to the Government in satisfaction of betterment charges due from him;

(j) the manner in which betterment charges and acreage rates may be apportioned between landowners and occupancy tenants;

(k) the manner in which and the conditions subject to which any officer shall exercise his powers under this Act;

(l) any other matter requiring to be prescribed under this Act.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

With a view to rehabilitating the agricultural economy of the State the Government of Punjab have undertaken the construction of a number of irrigation schemes, the biggest and most important of which is the Bhakra Nangal Project. These schemes will result in a considerable increase in the value of the lands included in them. The landowners having hardly made any contribution towards obtaining these advantages, it is both necessary and proper that

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WENDRA PRASAD,
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to the Govt. of India.

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ab Betterment Charges and Acreage Rates Act, 1952, has, therefore, been
ted to empower the Government of Punjab to levy betterment charges and
age rates on all lands included in any irrigation scheme which has come or
mes into operation after the 15th August, 1947.

2. The betterment charges leviable in respect of lands in an irrigation scheme
may amount to one-half of the difference between the value of the lands before
the scheme came into operation and their estimated value after the coming into
operation of the scheme. An elaborate procedure has been prescribed for
insuring that the charges are equitable.

3. The acreage rates are intended to cover the expenditure incurred by the
Government in undertaking sub-division of the lands included in an irrigation
scheme into one-acre fields or in undertaking level, topographical or soil surveys
or in constructing water courses or village roads therein.

H. V. R. IENGAR,
*Secy. to the Govt. of India,
Ministry of Home Affairs.*

The Gazette of India

EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 7] NEW DELHI, FRIDAY, FEBRUARY 22, 1952

MINISTRY OF LAW

New Delhi, the 22nd February, 1952

The following President's Act enacted on the 21st February, 1952, is published for general information:—

THE EAST PUNJAB UNIVERSITY (AMENDMENT) ACT, 1952

No. IV of 1952

[21st February, 1952]

An Act further to amend the East Punjab University Act, 1947

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. **Short title and commencement.**—(1) This Act may be called the East Punjab University (Amendment) Act, 1952.

(2) It shall come into force at once.

2. **Amendment of section 14, East Punjab Act VII of 1947.**—In section 14 of the East Punjab University Act, 1947 (hereinafter referred to as the said Act), for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Any person who had graduated in any Faculty of the University of the Punjab at Lahore before the year 1948 shall, on application made and on payment of such fees and on complying with such conditions as may be prescribed by the Regulations of the University, be entitled to have his name entered in the Register of Graduates of the East Punjab University:

Provided that he graduated not less than five years before registration.”

3. Saving.—Any registration effected after the 19th day of June, 1951, and before the commencement of this Act which would be valid if sub-section (4) of section 14 of the said Act as amended by this Act were in force on the date of such registration is hereby declared to be valid for all the purposes of the said Act.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment.

The East Punjab University Act, 1947, contains no provision which would enable graduates of the Punjab University at Lahore to apply for registration after the 31st July, 1949. Consequently in June, 1951, the Governor of Punjab promulgated the East Punjab University (Amendment) Ordinance, 1951, whereby graduates of the Punjab University at Lahore were permitted to register themselves up to the 31st December, 1951. It is now considered that graduates who passed their examination before 1949, should be permitted to get themselves registered even after the 31st December, 1951. The East Punjab University (Amendment) Act, 1952, accordingly enables such persons to get themselves enrolled in the Register of Graduates of the University at any time on fulfilment of the required conditions; the Act incidentally saves all action taken under the Ordinance.

H. V. R. LINGAR,
Secy. to the Govt. of India,
Ministry of Home Affairs.

[PART II—SEC. 1]

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ENDRA PRASAD,
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PRESS, NEW DELHI
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The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

*Repealed by Punjab
Act-27 of 1952.*

No. 16] NEW DELHI, FRIDAY, MARCH 7, 1952

MINISTRY OF LAW

New Delhi, the 7th March, 1952

The following President's Act enacted on the 7th March, 1952, is published for general information:—

THE CAPITAL OF PUNJAB (DEVELOPMENT AND REGULATION) ACT, 1952. No. V of 1952

[7th March, 1952]

An Act to make certain provisions in respect of the development and regulation of the Capital of Punjab.

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Capital of Punjab (Development and Regulation) Act, 1952.
- (2) It extends to such areas comprising the site of the Capital of Punjab as may, from time to time, be specified by the State Government by notification in the Official Gazette.
- (3) It shall come into force at once.
2. **Definitions.**—In this Act, unless the context otherwise requires,—
 - (a) "advertisement" means any word, letter, model, sign, placard, board, notice, device or representation in any manner whatsoever, wholly or in part, intended for the purpose of advertisement, announcement or direction, and includes any structure used or adapted for the display of advertisements;
 - (b) "amenity" includes roads, water-supply, street lighting, drainage, sewerage, public building, horticulture, landscaping and any other public utility service provided at Chandigarh;

(c) "building" means any construction or part of a construction which is transferred by the State Government under section 3 which is intended to be used for residential, commercial, industrial or other purposes, whether in actual use or not, and includes any house, stable, cattle-shed and garage and also includes any building erected on any land transferred by the State Government under section 3;

(d) "Chandigarh" means the areas comprising the site of the Capital of Punjab to which this Act extends;

(e) "Chief Administrator" means an officer appointed as such by the State Government, by notification in the Official Gazette, to perform the functions of the Chief Administrator under this Act;

(f) "erect a building" has the same meaning as "erect or re-erect any building" in the Punjab Municipal Act, 1911 (Punjab Act No. 1 of 1911);

(g) "Estate Officer" means a person appointed as such by the State Government, by notification in the Official Gazette, to perform the functions of the Estate Officer under this Act;

(h) "occupier" means a person (including a firm or other body of individuals, whether incorporated or not) who occupies a site or building transferred under this Act and includes his successors, assigns;

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

(j) "site" means any land which is transferred by the State Government under section 3;

(k) "transferee" means a person (including a firm or other body of individuals whether incorporated or not) to whom a site or building is transferred, in any manner whatsoever, under this Act and includes his successors and assigns;

(l) "workshop" means any building or place in which or within the compound of which any manual labour is employed or utilised in the carrying out, or incidental to, any process for the following purposes:—

- (i) the making of any article or part thereof;
- (ii) the altering, repairing, ornamenting or finishing of any article; or
- (iii) the adapting for sale of any article.

3. Power of State Government in respect of transfer of land and buildings in Chandigarh.—(1) The State Government may sell, lease or otherwise transfer, whether by auction, allotment or otherwise, any land or building belonging to the Government in Chandigarh on such terms and conditions as it may, subject to any rules that may be made under this Act, think fit to impose.

(2) The consideration money for any transfer under sub-section (1) shall be paid to the State Government in such manner and in such instalments and at such rate of interest as may be prescribed.

(3) The unpaid portion of the consideration money together with interest or any other amount, if any, due to the State Government on account of the transfer of any site or building under sub-section (1) shall be a first charge on that site or building, as the case may be; and notwithstanding

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ere shall, except with the previous permission in writing of the
Officer, be entitled to sell, mortgage or otherwise transfer (except
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or building transferred to him under sub-section (1) until the amount
is a first charge under this sub-section has been paid in full to the
Government.

Power to issue direction in respect of erection of building.—(1) For
purpose of proper planning or development of Chandigarh, the State
Government or the Chief Administrator may issue such directions as may
be considered necessary, in respect of any site or building, either generally
for the whole of Chandigarh or for any particular locality thereof, regarding
one or more of the following matters, namely:—

(a) architectural features of the elevation or frontage of any
building;

(b) erection of detached or semi-detached buildings or both and the
area of the land appurtenant to such building;

(c) the number of residential buildings which may be erected on
any site in any locality;

(d) prohibition regarding erection of shops, workshops, ware-houses,
factories or buildings of a specified architectural character or buildings
designed for particular purposes in any locality;

(e) maintenance of height and position of walls, fences, hedges or
any other structural or architectural construction;

(f) restrictions regarding the use of site for purposes other than
erection of buildings.

(2) Every transferee shall comply with the directions issued under sub-
section (1) and shall, as expeditiously as possible, erect any building or
take such other steps as may be necessary, to comply with such directions:

5. Bar to erection of buildings in contravention of building rules.—(1)
No person shall erect any building at Chandigarh in contravention of any
building rules made under sub-section (2).

(2) The State Government may, by notification in the Official Gazette,
make rules to regulate the erection of buildings and such rules may pro-
vide for all or any of the following matters, namely:—

(a) the materials to be used for external and partition walls, roofs,
floors, stair-cases, lifts, fire-places, chimneys and other parts of a
building and their position or location or the method of construction;

(b) the height and slope of the roofs and floors of any building
which is intended to be used for residential or cooking purposes;

(c) the ventilation in, or the space to be left about, any building
or part thereof to secure a free circulation of air or for the prevention
of fire;

(d) the number and height of the storeys of any building;

(e) the means to be provided for the ingress or egress to and from
any building;

(f) the minimum dimensions of rooms intended for use as living
rooms, sleeping rooms, or rooms for the use of cattle;

(g) the ventilation of rooms, the position and dimensions of roof or projections beyond the outer faces of external walls of a building and of doors or windows.

6. Power to require proper maintenance of site or building.—If it appears to the Chief Administrator that the condition or use of any site or building is prejudicially affecting the proper planning of, or the amenity of, any part of Chandigarh or the interests of the general public there, he may serve on the transferee or occupier of that site or building a notice requiring him to take such steps and within such period as may be specified in the notice and thereafter to maintain it in such a manner as may be specified therein.

7. Levy of fee or tax for amenities.—(1) For the purpose of providing and maintaining or continuing any amenity at Chandigarh, the State Government may levy such fees or taxes as it may consider necessary (which shall be in addition to any fee or tax for the time being leviable under any other law) in respect of any site or building on the transferee or occupier thereof.

(2) If the State Government considers it necessary or expedient so to do, having regard to the fact that the transferee or occupier is a religious or charitable institution or that he does not enjoy the amenity for which any fee or tax is levied, the State Government may, by general or special order, exempt wholly or partly any class of such transferees or occupiers from the payment of fees or taxes levied under sub-section (1).

8. Imposition of penalty and mode of recovery of arrears.—(1) Where any transferee makes any default in the payment of any consideration money or instalment thereof or any other amount due on account of the transfer of any site or building under section 3 or of any rent due in respect of any lease, or where any transferee or occupier makes any default in the payment of any fee or tax levied under section 7, the Estate Officer may direct that, in addition to the amount of arrears, a sum not exceeding that amount shall be recovered from the transferee or occupier, as the case may be, by way of penalty.

(2) In the case of any default in the payment of an amount payable under this Act, the outstanding amount in default together with any sum, if any, directed to be paid by way of penalty under sub-section (1) may be recovered from the transferee or occupier, as the case may be, in the same manner as an arrear of land revenue.

9. Forfeiture for breach of conditions of transfer.—In the case of non-payment of consideration money or any instalment thereof on account of the transfer of any site or building under section 3 or of any rent due in respect of the lease of any such site or building or in case of the breach of any other conditions of such transfer or breach of any rules made under this Act, the Estate Officer may, if he thinks fit, resume the site or building so transferred and may further forfeit the whole or any part of the money, if any, paid in respect thereof.

10. Appeal and revision.—(1) Any person aggrieved by an order of the Estate Officer made under section 9 may, within thirty days of the date of the communication to him of such order, prefer an appeal to the Chief Administrator in such form and manner as may be prescribed:

Provided that the Chief Administrator may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

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(2) The Chief Administrator may, after hearing the appeal, confirm, vary or reverse the order appealed from and may pass such orders as he deems fit.

(3) The Chief Administrator may, either of his own motion or on an application received in this behalf, at any time call for the record of any proceeding in which the Estate Officer has passed an order for the purpose of satisfying himself as to the legality or propriety of such order and may pass such order in relation thereto as he thinks fit:

Provided that the Chief Administrator shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

(4) The order passed by the Chief Administrator under sub-section (2) or sub-section (3) shall be final.

11. Preservation and planting of trees.—If it appears to the Chief Administrator that it is necessary or expedient to preserve trees generally or a specified kind of trees in Chandigarh, he may, by notification in the Official Gazette, make an order (hereinafter referred to as the Trees Preservation Order) with respect to trees generally or such kind of trees as may be specified in that order, and such order may regulate, restrict or prohibit—

(a) the cutting down, topping, lopping or wilful destruction of trees, except with the previous permission of the Chief Administrator; and

(b) the planting and replanting of any trees or kinds of trees in any site or location therein as may be specified in the order.

12. Control of advertisements.—If it appears to the Chief Administrator that it is necessary or expedient to restrict or regulate the display of advertisements in Chandigarh, he may, by notification in the Official Gazette, make an order (hereinafter referred to as the Advertisements Control Order) restricting or regulating the display of advertisements and such order may provide—

(a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which such advertisements may be displayed and the manner in which they are to be affixed to land or building;

(b) for requiring the permission of the Chief Administrator to be obtained for the display of advertisements;

(c) for enabling the Chief Administrator to require the removal of any advertisement which is being displayed in contravention of the order or the discontinuance of the use for the display of advertisements of any site which is being used for that purpose in contravention of the order;

(d) for fees to be charged for advertisements at places specified in the order.

13. Penalty for contravention of direction, etc.—Any person who contravenes the provisions of sub-section (2) of section 4 or sub-section (1) of section 5 or section 6 shall, on conviction, be punishable with fine which may extend to five hundred rupees and to a further fine which may extend

to twenty rupees for each day during which the offence is proved to have continued after the first day.

14. Penalty for contravention of Trees Preservation Order and Advertisement Control Order.—(1) If any person contravenes any provision of the Trees Preservation Order or of the Advertisements Control Order, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months, or with fine, which may extend to five hundred rupees, or with both; and whoever after having been convicted of the contravention of any provision of either of the said orders continues to contravene the said provisions, he shall, on a subsequent conviction, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both, and to a further fine which may extend to twenty rupees for each day after the previous date of conviction during which the contravention is so continued.

(2) The Court trying the contravention of any provision of the Trees Preservation Order may, if it so thinks fit, direct that any property in respect of which the order has been contravened or any part thereof shall be forfeited to the Government or impose a fine of an amount which shall be equivalent to the value of that property or part thereof.

15. Procedure for prosecution.—No Court shall take cognizance of any offence punishable under this Act or any rule made thereunder except on the complaint of, or upon information given by, the Chief Administrator or any other person authorised by him in this behalf.

16. Bar of jurisdiction of courts.—No order made by the State Government or any other authority in exercise of any power conferred by or under this Act shall be called in question in any Court.

17. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Chief Administrator, Estate Officer, or any other person acting under their direction in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government, the Chief Administrator, or the Estate Officer or any other person in respect of any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or rules or orders made thereunder.

18. Delegation.—(1) The State Government may by order direct that any power exercisable by it under this Act shall be exercisable, subject to such conditions, if any, also by such officers subordinate to the State Government as may be specified in the order.

(2) The Chief Administrator may delegate all or any of his powers under this Act to any officer of the State Government, subject to such conditions, if any, as may be specified by the Chief Administrator.

19. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

- (a) the terms and conditions on which any land or building may be transferred by the State Government under this Act;
- (b) the manner in which consideration money for any transfer may be paid;
- (c) the rate of interest payable, and the procedure for payment of instalments, interest fees, rents or other dues payable under this Act;
- (d) the terms and conditions under which the transfer of any right in any site or building may be permitted;
- (e) erection of any building or the use of any site;
- (f) levy of fees or taxes under section 7;
- (g) the terms and conditions for the breach of which any site or building may be resumed;
- (h) the conditions with regard to the buildings to be erected on sites transferred under this Act;
- (i) the form of notice and the manner in which notices may be served;
- (j) the form and manner in which appeals and applications under this Act may be filed and the court-fees leviable on such appeals and applications;
- (k) the matters referred to in sub-section (2) of section 5;
- (l) any other matter which has to be or may be prescribed.

(3) Any rule made under this section may provide that a contravention of any of the provisions thereof shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for each day during which such contravention continues after the first conviction; and the Court while passing any sentence on conviction of any person for the contravention of any rule, may direct that any property or part thereof in respect of which the rule has been contravened, shall be forfeited to the State Government.

RAJENDRA PRASAD,

President.

K. V. K. SUNDARAM,

Secretary.

Reasons for the enactment

The construction of the new Capital of the Punjab at Chandigarh is in progress. It is considered necessary to vest the State Government with legal authority to regulate the sales of building sites and to ensure that

the purchasers construct buildings in accordance with bye-laws and generally observe the conditions of sale. It is necessary also to provide for the maintenance of the amenities provided in the Capital before a properly constituted local body takes over the administration of the city. The Capital of Punjab (Development and Regulation) Act, 1952, seeks to carry out the above objects.

H. V. R. IENGAR,
*Secy. to the Govt. of India,
Ministry of Home Affairs.*

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The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No 20] NEW DELHI, SATURDAY, MARCH 29, 1952

MINISTRY OF LAW

New Delhi, the 29th March, 1952

*Repealed by Punjab
Act 71 of 1953.*

The following President's Act enacted on the 29th March, 1952, is published for general information:—

THE PUNJAB TOBACCO VEND FEES (REPEALING) ACT, 1952 No. VI of 1952

[29th March, 1952.]

An Act to repeal the Punjab Tobacco Vend Fees Act, 1934.

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Punjab Tobacco Vend Fees (Repealing) Act, 1952.

(2) It shall come into force on the 1st day of April, 1952.

2. **Repeal of Punjab Act V of 1934.**—The Punjab Tobacco Vend Fees Act, 1934 is hereby repealed:

Provided that section 4 of the Punjab General Clauses Act, 1898 (Punjab Act I of 1898) shall apply in relation to such repeal as if this Act had been a Punjab Act.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

In 1934, the Government of the Punjab enacted the Punjab Tobacco Vend Fees Act, 1934, prescribing licenses for the sale of manufactured tobacco in urban areas and on railway stations, on payment of graduated licence fees. Subsequently, the Government of Punjab enacted the

Punjab General Sales Tax Act, 1941, imposing a sales tax on goods in the Punjab. In order to avoid double taxation, the Punjab General Sales Tax Act exempted sales of "manufactured tobacco as defined in the Punjab Tobacco Vend Fees Act, 1934" from the levy of sales tax. The East Punjab General Sales Tax Act, 1948, which replaced the Punjab General Sales Tax Act of 1941, raised the incidence of sales tax but "manufactured tobacco as defined in the Tobacco Vend Fees Act, 1934", continued to be exempted with the result that tobacco is subject to a lighter incidence of taxation in the Punjab than other commodities. The withdrawal of this exemption will result in an increase in the yield of sales tax revenue by approximately rupees two lakhs per annum. The Punjab Tobacco Vend Fees (Repealing) Act, 1952, has accordingly been enacted to repeal the Punjab Tobacco Vend Fees Act, 1934.

H. V. R. IENGAR

Secy. to the Govt. of India
Ministry of Home Affairs

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The Gazette of India

EXTRAORDINARY
PART II—Section 1

PUBLISHED BY AUTHORITY

No. 22] NEW DELHI, TUESDAY, AUGUST 18, 1953

MINISTRY OF LAW

New Delhi, the 18th August 1953

The following President's Act enacted on the 16th August, 1953 is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION POLICE (INCITEMENT TO DISAFFECTION) ACT, 1953

No. 1 OF 1953

[16th August, 1953]

An Act to provide a penalty for spreading disaffection among the police and for kindred offences.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Patiala and East Punjab States Union Police (Incitement to Disaffection) Act, 1953.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force at once.

2. **Definition.**—In this Act, the expression “member of a police-force” means any person appointed or enrolled for the performance of police duties under any enactment specified in the Schedule.

3. **Penalty for causing disaffection, etc.**—Whoever intentionally causes or attempts to cause, or does any act which he knows is likely to cause, disaffection towards any Government established by law in India amongst the members of a police force, or induces or attempts to induce, or does any act which he knows is likely to induce, any member of a police force to withhold his services or to commit a breach of discipline shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

4. **Offences not to be tried without sanction of District Magistrate.**—No Court shall proceed to the trial of any offence under the Act except with the previous sanction, or on the complaint, of the District Magistrate.

5. **Trial of cases.**—(1) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an offence under this Act,—

- (a) shall be cognizable and non-bailable, and
- (b) shall not be triable summarily.

THE SCHEDULE

(See section 2)

1. The Patiala Police Act, 1985 Bk. (Patiala Act No. II of 1985 Bk.).
2. The Police Act, 1888 (III of 1888).
3. The Delhi Special Police Establishment Act, 1946 (XXV of 1946).

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

Reasons for the enactment

Attempts have been made and are being made by certain sections of the public in Patiala and East Punjab States Union to spread disaffection among members of the Police force and to induce them to refrain from doing their duty by means of threats, intimidation or otherwise. In Part A States this form of crime can be dealt with under the Police (Incitement to Disaffection) Act, 1922. But there is no corresponding law in the Patiala and East Punjab States Union. The present Bill, therefore, seeks to enact a similar law for that State.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953, has approved the enactment of this Bill.

C. S. VENKATACHAR,
Secy. to the Govt. of India,
Ministry of States.

The Gazette of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 23] NEW DELHI, SATURDAY, AUGUST 29, 1953

MINISTRY OF LAW

New Delhi, the 29th August 1953

The following President's Acts enacted on the 29th August, 1953 are published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION ABOLITION OF ALA MALIKIYAT RIGHTS ACT, 1953

No. 2 OF 1953

[29th August, 1953]

An Act to abolish the rights of ala maliks and vest full proprietary rights in adna maliks and to provide for payment of compensation to ala maliks and for matters connected therewith.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Patiala and East Punjab States Union Abolition of Ala Malikiyat Rights Act, 1953.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force at once; and it shall apply in the first instance to all land other than evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950) but the State Government may, by notification in the Official Gazette, apply the provisions of this Act to such class of evacuee property and with effect from such date as may be specified in the notification.

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

(a) "adna malik", in respect of a land in which the proprietary rights are divided between a superior owner and an inferior owner means the inferior owner;

(b) "ala malik", in respect of a land in which the proprietary rights are divided between a superior owner and an inferior owner means the superior owner;

(c) "appointed day" means the date on which this Act comes into force under sub-section (3) of section 1;

(d) "Collector" means the Collector of the district in which the land, in respect of which the rights of an ala malik are abolished, situate and includes any other officer not below the rank of an Assistant Collector of the first grade specially empowered by the Government to perform the duties of a Collector under this Act;

(e) "Government" means the Government of the State of Patiala and East Punjab States Union;

(f) "rent" means whatever is payable to an ala malik in money, kind or service by an adna malik in respect of the land held by the adna malik;

(g) the expressions "land" and "land revenue" have the meanings respectively assigned to them in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887);

(h) "Financial Commissioner" has the same meaning as in the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887), and includes any other officer specially empowered by the Government to perform the duties of the Financial Commissioner under this Act;

(i) references in this Act to the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), and the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887), shall be construed as references to those Acts as in force in the State of Patiala and East Punjab States Union.

3. Extinguishment of rights of ala maliks and vesting of full proprietary rights in adna maliks.—Notwithstanding anything to the contrary contained in law, custom or usage for the time being in force, as from the appointed day,—

(a) all rights, title and interest (including the contingent interest, if any, recognised by any law, custom or usage for the time being in force) of an ala malik in the land held under him by an adna malik shall be extinguished; and such rights, title and interest shall vest in the adna malik free from all encumbrances, if any, created in the land by the ala malik;

(b) the ala malik shall cease to have any right to collect or receive any rent in respect of such land;

(c) the ala malik shall be entitled to receive and be paid such compensation as may be determined under this Act.

4. Determination of compensation payable to ala maliks.—(1) Any ala malik whose rights have been extinguished under section 3 may, within twelve months from the appointed day, make an application to the Collector, in such form and manner as may be prescribed, for the determination of the amount of compensation payable to him.

(2) For the purpose of determining the amount of compensation payable to an ala malik, the Collector may, of his own motion and shall, on receipt of an application under sub-section (1), issue notice to the parties concerned, and, after giving the parties an opportunity of being heard and after making such inquiry as he may consider necessary, the Collector shall make an award determining the amount of compensation payable to the ala malik in accordance with the provisions of section 5.

(3) Where there is any dispute as to the person or persons who are entitled to the compensation, the Collector shall decide such dispute and if the Collector finds that more than one person is entitled to compensation, he shall apportion the amount thereof amongst such persons.

(4) Where the compensation is payable to a minor or to a person having a limited interest, the Collector may make such arrangement as may be equitable having regard to the interests of the minor, the person having a limited interest and their reversioners.

(5) The amount of compensation determined under this section shall be payable by the adna malik:

Provided that where a portion of the annual rent is payable by the Government, that portion of the compensation, which bears the same proportion to the total amount of compensation as the share of the Government in the annual rent bears to the total amount of the annual rent, shall be payable by the Government.

5. Principles of compensation.—The amount of compensation payable to an ala malik under this Act shall be five times the amount of annual rent payable to the ala malik, whether by the adna malik or whether partly by adna malik and partly by the Government:

Provided that where no rent is payable in respect of any land held by the adna malik, the amount of compensation shall be five per centum of the land revenue including rates and cesses payable in respect thereof by the ala malik.

6. Payment of compensation.—(1) The compensation awarded under this Act shall either be paid in cash to the ala malik or be deposited with the Collector by the adna malik, or, as the case may be, partly by the Government and partly by the adna malik within a period of one year from the date of the award.

(2) Where the adna malik makes a default in the payment of compensation or any instalment thereof in accordance with the terms of the award, the amount due may be recovered from him in the same manner as an arrear of land revenue.

7. Review and revision.—(1) The Collector may, either of his own motion or on an application of any party interested, review any award made by him or by any of his predecessors in office, and pass an order modifying,

reversing or confirming the award; and such power shall be exercised subject to the provisions, as far as they may be applicable, of section 82 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

(2) With respect to all matters dealt with under this Act, the Financial Commissioner shall have the same power to call for, examine and revise the proceedings of the Collector as provided in section 84 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

8. Certain powers of Collector and Financial Commissioner.—For the purposes of this Act, the Financial Commissioner and the Collector may, in so far as may be necessary or expedient so to do, exercise all the powers of a revenue officer or a revenue court, as the case may be, under the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

9. Certain mortgages and charges not enforceable against land held by adna maliks.—Notwithstanding anything contained in any contract or any law for the time being in force, no claim or liability, whether under any decree or order of a civil court or otherwise, enforceable against an ala malik for any money which is charged on, or is secured by a mortgage of, any land held under him by an adna malik, shall be enforceable against the land, and every such claim or liability shall be deemed to be a charge on the compensation payable to the ala malik in respect of such land.

10. Bar of jurisdiction.—(1) No civil court or any other authority shall have jurisdiction to settle, decide or deal with any question which under this Act is required to be settled, decided or dealt with by the Financial Commissioner or the Collector.

(2) Save as otherwise expressly provided in this Act, every award or order made by the Financial Commissioner or Collector shall be final, and no award or order made under this Act shall be called in question by any court or other authority.

11. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against any officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provision contained in this Act or any rules made thereunder.

12. Power to make rules.—(1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) the form and manner in which an application for determination of compensation may be made by an ala malik;

(b) the form of notice and the manner in which notice may be served under this Act;

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- (c) the manner in which inquiries may be held under this Act;
- (d) the manner in which compensation may be paid;
- (e) the manner in which applications for review or revision may be filed;
- (f) any other matter which has to be, or may be, prescribed.

RAJENDRA PRASAD,

President.

Reasons for the enactment

It has been recognised that superior owners (*Ala Maliks*) have no specific function to perform and have no real connection with the land. Extinction of their rights is long overdue. The present Bill seeks to abolish the rights of superior landlords on payment of compensation and to vest full proprietary rights in inferior owners (*Adna Maliks*). The Bill is on the lines of the Punjab Abolition of Ala Malkiyat and Talukdari Rights Act, 1951.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953, has approved the enactment of this Bill.

C. S. VENKATACHAR,

Secy. to Govt. of India,

Ministry of States.

**THE PATIALA AND EAST PUNJAB STATES UNION
OCCUPANCY TENANTS (VESTING OF PROPRIETARY
RIGHTS) ACT, 1953**

No. 3 OF 1953

[29th August, 1953]

An Act to vest proprietary rights in accupancy tenants and to provide for payment of compensation to landlords and for matters connected therewith

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Patiala and East Punjab States Union Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force at once; and it shall apply in the first instance to all land other than evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950) but the State

Government may, by notification in the Official Gazette, apply the provisions of this Act to such class of evacuee property and with effect from such date as may be specified in the notification.

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

(a) "appointed day" means—

(i) in relation to any person who at the commencement of this Act is, or is deemed to be, an occupancy tenant, the date of such commencement; and

(ii) in relation to any other person who, after the commencement of this Act, obtains a right of occupancy in respect of any land, the date on which he obtains such right of occupancy;

(b) "Collector" means the Collector of the district in which the land in respect of which proprietary rights are vested in an occupancy tenant under this Act, is situate and includes any other officer specially empowered by the Government to perform the duties of a Collector under this Act;

(c) "Commissioner" and "Financial Commissioner" have the meanings respectively assigned to them under the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887) and includes any other officer specially empowered by the Government to perform the duties of a Commissioner or Financial Commissioner under this Act;

(d) "Government" means the Government of the State of Patiala and East Punjab States Union;

(e) "land", "land revenue", "rent" and all other words and expressions used, but not defined in this Act and defined in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887) shall have the meanings respectively assigned to them in that Act;

(f) "landlord" means a landowner or any other person under whom an occupancy tenant holds land and to whom the occupancy tenant is, or but for a special contract would be, liable to pay rent for that land and includes the predecessors and successors in interest of a landlord;

(g) "landowner" has the same meaning as in the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887);

(h) "occupancy tenant", in respect of any land, means a person who, at the commencement of this Act, is or is deemed to be an occupancy tenant in respect of the land and includes a person who, after such commencement, obtains a right of occupancy in respect of the land, whether by any agreement with the landlord or by any decree or order of any court or other authority of competent jurisdiction and includes also the predecessors and successors in interest of an occupancy tenant;

Provided that no person who has abandoned his tenancy shall be deemed to be an occupancy tenant within the meaning of this clause.

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Explanation I.—For the purposes of this clause, a person is or is deemed to be an occupancy tenant at the commencement of this Act—

(i) if he is recorded, immediately before the commencement of this Act, as an occupancy tenant in the latest annual records; or

(ii) if he is recorded in the record of rights of any of the estates of the former Faridkot State as—

- (a) muzara-i-shartia,
- (b) chakotedar khas,
- (c) muzara bila tai-yun sifat,
- (d) muzara tabe marzi malik,
- (e) chakotedar nautor,

of any landlord, not being the Government; or

(iii) if he is recorded in the latest annual records of any estate of the former Malerkotla State as—

- (a) dakhilkar,
- (b) maurussi; or

(iv) if he was recorded as an occupancy tenant in the annual records on the 11th March, 1940 and—

(a) his right of occupancy in the land has been extinguished, but partition proceedings under the Farman-i-Shahi No. 6, dated the 11th March, 1947, or the Patiala and East Punjab States Union Abolition of Biswedari Ordinance, 2006 BK (Ordinance No. XXIII of 2006 BK) have not been finally completed; or

(b) he has been dispossessed, or deprived of his right to the occupation, of the land at any time after the 11th March, 1940, but has not been granted any relief under the Patiala and East Punjab States Union Abolition of Biswedari Ordinance, 2006 B.K.

Explanation II.—Where an occupancy tenant holds any land under another occupancy tenant, the former shall be deemed to be the occupancy tenant within the meaning of this clause;

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

(j) "special officer" means any officer appointed by the Government by notification in the Official Gazette for performing the functions and duties assigned to such officer under this Act and a special officer shall have jurisdiction to perform his functions in such local area as may be specified in the notification;

(k) references in this Act to the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887) and the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887) shall be construed as references to those Acts as in force in the State of Patiala and East Punjab States Union.

3. Extinguishment of rights of landlords and vesting the same in occupancy tenants.—Notwithstanding anything to the contrary contained in

any law, custom or usage for the time being in force, on and from the appointed day,—

(a) all rights, title and interest (including the contingent interest if any, recognised by any law, custom or usage for the time being in force) of a landlord in the land held under him by an occupancy tenant shall be extinguished; and such rights, title and interest shall vest in the occupancy tenant free from all encumbrances, if any, created in the land by the landlord;—

(b) the landlord shall cease to have any right to collect or receive any rent in respect of such land (including arrears of rent, if any, whether under a decree or not, for any period prior to the appointed day) and his liability to pay land revenue in respect of the land shall also cease;

(c) the occupancy tenant shall be liable to pay direct to the Government the land revenue payable in respect of the land;

(d) the landlord shall be entitled to receive and be paid such compensation as may be determined under this Act.

4. Determination of compensation payable to the landlord.—(1) Any landlord whose rights have been extinguished under section 3 may, within twelve months from the appointed day, make an application to the special officer of competent jurisdiction, in such form and manner as may be prescribed, for the determination of the amount of compensation payable to him.

(2) For the purpose of determining the amount of compensation payable to a landlord, the special officer may, of his own motion, and shall, on receipt of an application under sub-section (1), issue notice to the parties concerned and, after giving the parties an opportunity of being heard and after making such inquiry as he may consider necessary, the special officer shall make an award determining the amount of compensation payable by the occupancy tenant in accordance with the provisions of section 5 and section 6.

(3) Where there is any dispute as to the person or persons who are entitled to the compensation, the special officer shall decide such dispute and if he finds that more than one person is entitled to compensation, he shall apportion the amount thereof amongst such persons.

(4) Where the compensation is payable to a minor or to a person having a limited interest, the special officer may make such arrangement as may be equitable having regard to the interests of the minor, the person having a limited interest and their reversioners.

(5) In making any award under this Act, the special officer may, having regard to the amount of compensation and other circumstances of the case, allow the occupancy tenant to pay the compensation in such instalments and within such time as may be specified in the award; and in fixing such instalments, the special officer shall have regard to the following considerations, namely:—

(a) where the amount of compensation does not exceed two hundred and fifty rupees, the compensation may be recovered within a period of six months from the date of the award;

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(b) where the amount of compensation exceeds two hundred and fifty rupees, the excess amount may be recovered in such six monthly instalments, not extending in any case beyond six years from the date of the award, as the special officer thinks fit.

(6) Every award made under this section shall contain such particulars as may be prescribed; and a copy of the award shall be forwarded to the occupancy tenant and the landlord.

5. Principles of compensation.—(1) The amount of compensation payable to the landlord for the extinguishment of his right, title and interest in any land under section 3 shall be determined in accordance with the provisions hereinafter set out, that is to say—

(a) where the rent payable by the occupancy tenant is expressed in terms of the land revenue in respect of the land, the amount of compensation shall be twelve times the annual rent thereof exclusive of land revenue and rates and cesses;

(b) where the rent payable by the occupancy tenant is not so expressed in terms of the land revenue in respect of the land, and—

(i) if the rent is payable in cash, whether as a fixed amount or at a fixed rate with reference to the area of the land, the amount of compensation shall be twelve times the annual rent thereof exclusive of land revenue and rates and cesses or twelve times the land revenue including rates and cesses payable by the landlord in respect of the land, whichever amount is less; or

(ii) if the rent is payable wholly or partly by a division or appraisement of the produce on the basis of *batai*, the amount of compensation shall be twelve times the land revenue including rates and cesses payable by the landlord in respect of the land;

(c) where no rent is payable by the occupancy tenant in respect of the land, the amount of compensation shall be an amount equal to the land revenue and rates and cesses payable by the landlord in respect of the land.

(2) Where an occupancy tenant has not paid rent in respect of his land for any period prior to the appointed day, the compensation payable to the landlord shall, in addition to the amount determined under sub-section (1), include the amount of arrears of rent lawfully recoverable from the occupancy tenant:

Provided that where the rent is payable wholly or partly by a division or appraisement of the produce on the basis of *batai*, then, notwithstanding anything to the contrary contained in any contract, judgment or decree, the rate of annual rent shall, for the purposes of this sub-section, be deemed to be equal to twice the land revenue including rates and cesses payable by the landlord in respect of the land.

Explanation.—For the purposes of this sub-section, the amount of arrears of rent lawfully recoverable means—

(i) the amount of arrears of rent as may be determined in accordance with this sub-section for any period not exceeding three years

prior to the appointed day where no decree for such period has been obtained; or

(ii) the amount of arrears of rent as may be determined in accordance with this sub-section for any period not exceeding six years prior to the appointed day where a decree for such period has been obtained and the decree is legally executable on the appointed day.

6. Rights of landlords in *Shamilat* to vest in occupancy tenants

(1) Where the rights of a landlord in respect of any land have vested in an occupancy tenant under section 3, then, notwithstanding anything to the contrary contained in any law, custom or usage for the time being in force, the right, title and interest of the landlord in the share in the *Shamilat* in proportion to that land shall also, as from the appointed day, be extinguished and such right, title and interest in that share shall vest in the occupancy tenant free from all encumbrances, if any, created therein by the landlord; and the occupancy tenant shall be liable to pay land revenue, if any, in respect of that share.

(2) The amount of compensation payable to the landlord for the extinguishment of his right, title and interest in any share under sub-section (1) shall be twelve times the land revenue including rates and cesses payable in respect of that share:

Provided that in any case where the *Shamilat* is not liable to the payment of land revenue, the land revenue in respect thereof shall, for the purposes of this sub-section, be deemed to be assessed at the lowest rate prevalent in the village in respect of *barani* land and the amount of compensation shall be six times the land revenue so assessed.

7. Liability of occupancy tenant for payment of compensation.—(1) The amount of compensation awarded under this Act shall be deposited with the Collector by the occupancy tenant in accordance with the terms of the award.

(2) Where the occupancy tenant makes a default in the payment of compensation or any instalment thereof in accordance with the terms of the award, the amount due may be recovered from him in the same manner as an arrear of land revenue.

8. Payment of compensation to landlords.—(1) There shall be paid by the Government to every landlord as compensation for the extinguishment of his rights, title and interest in the land and of his right to recover arrears of rent, if any, due to him in respect thereof, the amount determined in that behalf under section 4.

(2) The compensation payable under this Act shall, subject to the provisions of sub-section (3) and sub-section (4), be given in cash or in bonds or partly in cash and partly in bonds.

(3) Where the amount of compensation does not exceed two hundred and fifty rupees, the compensation shall be given in cash within a period of eight months from the date of the award.

(4) Where the amount of compensation exceeds two hundred and fifty rupees, the excess amount may be given in bonds carrying interest at three per centum per annum from the date of the award to the date of the

redemption of bonds, and the bonds may be redeemed in such instalments, as the Government thinks fit, not extending in any case beyond eight years from the date of the award.

9. Appeal and revision.—(1) Any person aggrieved by an award or order made by the special officer may, within thirty days from the date of the award or order, prefer an appeal to the Collector in such form and manner as may be prescribed:

Provided that the Collector may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Any person aggrieved by an order of the Collector may, within thirty days from the date of the order, prefer an appeal to the Commissioner in such form and manner as may be prescribed:

Provided that the Commissioner may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) With respect to all matters dealt with under this Act, the Financial Commissioner shall have the same power to call for, examine and revise the proceedings of the special officer, or the Collector or the Commissioner as provided in section 84 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

10. Amendment of orders.—Clerical or arithmetical mistakes in orders passed by the Financial Commissioner or a Commissioner or a Collector or a special officer or errors arising therein from any accidental slip or omission may, at any time, be corrected by the Financial Commissioner or the Commissioner or the Collector or the special officer, as the case may be, either on his own motion or on an application received in this behalf from any of the parties.

11. Certain powers of special officer, Collector, Commissioner and Financial Commissioner.—For the purposes of this Act, the Financial Commissioner, Commissioner, Collector and special officer may, in so far as may be necessary or expedient so to do, exercise all the powers of a revenue officer or a revenue court, as the case may be, under the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

12. Certain mortgages and charges not enforceable against any land held by occupancy tenants.—Notwithstanding anything contained in any contract or any law for the time being in force, no claim or liability, whether under any decree or order of a civil court or otherwise, enforceable against a landlord for any money which is charged on, or is secured by a mortgage of, any land held under him by an occupancy tenant, shall be enforceable against the land, and every such claim or liability shall be deemed to be a charge on the compensation payable to the landlord in respect of such land.

13. Bar of jurisdiction.—(1) No civil court or any other authority shall have jurisdiction to settle, decide or deal with any question which under this Act is required to be settled, decided or dealt with by the Financial Commissioner, Commissioner, Collector or special officer.

(2) Save as otherwise expressly provided in this Act, every award or order made by the Financial Commissioner or the Commissioner or the Collector or the special officer shall be final and no award or order made under this Act shall be called in question by any court or other authority.

14. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against any officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provision contained in this Act or any rules made thereunder.

15. Certain officers to be public servants.—Every officer acting under or in pursuance of the provisions of this Act or any rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

16. Repeal.—(1) The Patiala and East Punjab States Union Abolition of Biswedari Ordinance, 2006 B.K. (Ordinance No. XXIII of 2006 B. K.) and the Farman-i-Shahi No. 6, dated the 11th March, 1947 are hereby repealed.

(2) For the removal of doubts, it is hereby declared that all proceedings commenced under the repealed Ordinance or the repealed Farman-i-Shahi and not finally completed before the commencement of this Act shall be disposed of in accordance with the provisions of this Act.

17. Power to make rules.—(1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) the form and manner in which the application for determination of compensation may be made by the landlord;

(b) the form of notice and the manner in which notices may be served under this Act;

(c) the manner in which inquiries may be held under this Act;

(d) the circumstances to be taken into consideration in fixing the number and amount of instalments for payment of compensation by an occupancy tenant;

(e) the particulars which an award may contain;

(f) the manner in which compensation may be deposited by the occupancy tenant with the Collector;

(g) the manner of payment of compensation to the landlord by the Government;

(h) the manner in which appeals and application for revision may be filed;

- (i) fees, if any, to be paid on an application under this Act; or
(j) any other matter which has to be, or may be, prescribed.

RAJENDRA PRASAD,

President.

K. Y. BHANDARKAR,

Secy. to the Govt. of India.

Reasons for the enactment

Relations between occupancy tenants and landlords in parts of the former Patiala State were strained and this tension was affecting law and order in the State. The former Patiala State and later the Patiala and East Punjab States Union Government made several attempts to resolve the disputes between the occupancy tenants and landlords but the legislation enacted from time to time since March, 1947 has proved ineffective in respect of those very centres of discontent which originally compelled the authorities of the former Patiala State to decide upon the abolition of landlords' rights. The problem presented by the occupancy tenants in Patiala and East Punjab States Union demands an urgent solution and hence the present Bill. Under the present Bill occupancy tenants become, by operation of law, full proprietors of their holdings on payment of compensation. Persons who are occupancy tenants at the date of the commencement of this Act become proprietors of their holdings from the date of commencement; others who acquire occupancy rights thereafter become proprietors from the date on which they obtain rights of occupancy. The Bill will thus not only end the present friction between the occupancy tenant and the landlord but will also remove the possibility of any dispute arising between the landowner and the occupancy tenant in respect of his holding.

2. The Bill follows generally the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1951 (President's Act VIII of 1951).

3. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 has approved the enactment of this Bill.

C. S. VENKATACHAR,

Secy. to the Govt. of India,

Ministry of States.

The Gazette of India

EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 28] NEW DELHI, THURSDAY, OCTOBER 1, 1953

MINISTRY OF LAW

New Delhi, the 1st October, 1953.

The following President's Act enacted on the 1st October, 1953 is published for general information :—

THE PATIALA AND EAST PUNJAB STATES UNION OPIUM SMOKING ACT, 1953

No. 4 OF 1953

[1st October, 1953.]

An Act to provide for the control of the practice of smoking prepared opium and to secure the ultimate prohibition of smoking of prepared opium in the State of Patiala and East Punjab States Union.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Patiala and East Punjab States Union Opium Smoking Act, 1953.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force at once.

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

(a) "opium" has the same meaning as in the Opium Act, 1878 (I of 1878);

(b) "place" includes a building, house, shop, pool, *chhappar*, enclosure, tent, vessel, raft and vehicle and any part thereof;

(c) "prepared opium" means any product or admixture of opium obtained by any operation or series of operations designed to transform opium into an extract suitable for smoking, and

includes *chandu*, *madak* and the dross or other residue remaining after opium is smoked;

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

(e) "register" means the register of smokers of prepared opium maintained by or under the authority of the State Government before the commencement of this Act; and

(f) "registered smoker" means a person whose name is entered in the register, at any time before the commencement of this Act, as a smoker of prepared opium.

3. Prohibition of smoking of prepared opium by persons other than registered smokers.—No person, other than a registered smoker, shall, after the commencement of this Act, smoke prepared opium.

4. No fresh entry to be made in the register.—(1) No fresh names as smokers of prepared opium shall be entered in the register after the commencement of this Act.

(2) Subject to the provisions of sub-section (1), the prescribed authority may, at any time, of its own motion or on application by any interested person, omit the name of any person from the register, or correct in the prescribed manner any error or defect in any entry in the register.

(3) The register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 (I of 1872).

5. Right of registered smoker to manufacture opium.—(1) A registered smoker shall, subject to such conditions as may be prescribed, be entitled to manufacture prepared opium not exceeding half a tola and to keep it in his possession for personal use only.

(2) Any registered smoker who has, in his possession, prepared opium in contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

6. Penalty for un-registered smokers.—(1) Any person, other than a registered smoker, who—

(a) manufactures prepared opium; or

(b) has in his possession any prepared opium; or

(c) has in his possession any pipes or any other utensils or apparatus used in connection with the manufacture or smoking of prepared opium;

shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(2) Any person, other than a registered smoker, who smokes or otherwise uses prepared opium shall be punishable—

(a) for a first offence, with imprisonment which may extend to two months, or with fine or with both; and

(b) for any second or subsequent offence, with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

7. Punishment for allowing places to be used for the commission of an offence or for selling or dealing in prepared opium.—Whoever—

(a) being the owner, or occupier, or having the use, of any place, knowingly permits it to be used by any person other than a registered smoker for manufacturing or smoking prepared opium, or

(b) sells or otherwise deals in prepared opium,

shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

8. Power to issue warrants.—Any district magistrate or sub-divisional magistrate who, upon information received and after such inquiry (if any) as he considers necessary, has reason to believe that any place is being or is likely to be used for the commission of an offence punishable under section 6 or section 7 may issue a warrant to an officer of the excise department, not below the rank of sub-inspector, empowering him—

(a) to enter such place by day or night with any person whose assistance such officer may consider necessary;

(b) to search all parts of such place in which such officer has reason to believe that any opium or appliance for the manufacture of prepared opium or for the smoking of opium is concealed and all or any persons whom he may find in such place;

(c) to arrest all persons—

(i) whom such officer may find in such place actually engaged in smoking prepared opium; or

(ii) whom such officer reasonably suspects of having smoked prepared opium in such place immediately before his entry therein; or

(iii) from whose possession, prepared opium is recovered;

(d) to seize all opium and appliances for the smoking of prepared opium or for the manufacture of prepared opium which may be found in such place.

9. Power of entry, search, seizure, arrest without warrant.—(1) Any officer of the excise department, not below the rank of sub-inspector, who has reason to believe from personal knowledge or upon information given by any person and taken down in writing that an offence punishable under section 6 or section 7 has been, is being, or is about to be, committed, or that an article liable to confiscation under this Act is kept or concealed in any place, may, between sunrise and sunset,—

(a) enter any such place;

(b) in case of resistance, break open any door and remove any such obstacle to such entry;

(c) seize all opium and appliances for the smoking of prepared opium or for the manufacture of prepared opium and any

other article which he has reason to believe to be liable to confiscation under section 14 and which may be found in such place

(d) detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to have committed an offence punishable under section 6 or section 7:

Provided that if such officer has reason to believe that a search warrant cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of an offender, he may enter and search such place at any time between sunset and sunrise after recording the grounds for his belief.

(2) Where an officer takes down any information in writing under sub-section (1), or records grounds for his belief under the proviso thereto, he shall forthwith send a copy thereof to his immediate official superior.

10. Searches how made.—The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply in so far as they are not inconsistent with the provisions of section 8 and section 9 to all warrants issued and arrests and searches made under the said sections.

11. Provision for bail and security.—When any person arrested under this Act is prepared to furnish bail, he shall be released on bail, or, in the discretion of the officer making the arrest, on his own bond.

12. Procedure after arrest and seizure.—(1) Whenever any person makes any arrest or seizure under this Act, he shall, within a period of twenty-four hours after such arrest or seizure—

(a) make a full report giving particulars of such arrest or seizure to his immediate official superior; and

(b) unless bail or, as the case may be, a bond has been accepted under section 11, produce the person arrested or the articles seized, if the arrest or seizure was made—

(i) in pursuance of a warrant issued under section 8, to the authority by whom the warrant was issued; or

(ii) under section 9, to the nearest magistrate.

(2) The authority or magistrate to whom any person or article is produced under sub-section (1) shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person or article.

13. Officers of certain departments to help excise officers.—Every officer of the police and the land revenue departments shall upon notice given or request made, be legally bound to give reasonable aid to any officer of the excise department in carrying out the provisions of this Act.

14. Forfeiture of illicit articles.—On the conviction of any person for any offence under this Act, the Court may order that any opium or any instrument or appliance in respect of, or by means of, which such offence has been committed, or any receptacle, package or covering in which such opium, instrument or appliance has been

[PART II]

found and any other contents of such receptacle, package or covering shall be forfeited to the Government.

15. Jurisdiction to try offences.—No magistrate other than a magistrate of the first class, or a magistrate of the second class specially empowered in this behalf shall try any offence punishable under this Act.

16. Indemnity.—No suit, prosecution or other legal proceeding whatever shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

17. Power to make rules.—(1) The State Government may make rules for carrying out the purposes of this Act.

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

(a) the circumstances in which an entry in the register may be omitted;

(b) the authority by whom and the manner in which any error or defect in an entry in the register may be corrected or any entry may be omitted;

(c) the conditions and restrictions subject to which a registered smoker may manufacture, possess or smoke prepared opium;

(d) the payment of rewards out of fines imposed under this Act.

18. Repeal and savings.—(1) The Patiala Opium Smoking Act, 1988 BK. (I of 1988 BK.), is hereby repealed.

(2) The provisions of section 6 of the General Clauses Act, 1897 (X of 1897) shall apply in relation to the repeal of the said Act as if the said Act had been an enactment and this Act a Central Act.

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

Reasons for the enactment

The Act provides for the control of the practice of opium smoking with a view to securing its ultimate prohibition in the State of the Patiala and East Punjab States Union. A similar law exists in almost all other States. Under the Act, every person who is addicted to opium smoking and who is registered as a smoker of prepared opium will be entitled to manufacture prepared opium not exceeding half a tola and to keep such quantity of prepared opium in his possession

for his personal use only. Persons who are not registered are absolutely prohibited from smoking opium. The Government of Patiala and East Punjab States Union is already maintaining a register of opium smokers which shall be deemed to be the register of opium smokers for the purposes of the Act. No fresh entry will be made in the register after the 30th September, 1953, in accordance with the decision of the Government of India.

2. In view of the provisions of the Act, the Patiala Smoking Act, 1938 BK, which merely prohibits the smoking of opium in an assembly, is being repealed.

3. The Committee appointed under the proviso to subsection (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953, has approved the enactment of this measure.

C. S. VENKATACHAR,
Secy. to the Govt. of India,
Ministry of States.

(c) the conditions and restrictions subject to which a registered smoker may manufacture, possess or smoke prepared opium;

(d) the payment of rewards out of fines imposed under this Act.

(1) The Patiala Opium Smoking Act, 1938 BK, (1 of 1938 BK) is hereby repealed.

(2) The provisions of section 4 of the General Clauses Act, 1897 (X of 1897) shall apply in relation to the repeal of the said Act as if the said Act had been an enactment and this Act a Central Act.

HALENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

Reasons for the enactment

The Act provides for the control of the practice of opium smoking with a view to securing its ultimate prohibition in the State of Patiala and East Punjab States Union. A similar law exists in almost all other States. Under the Act every person who is addicted to opium smoking and who is registered as a smoker of prepared opium will be entitled to a certain number of cigarettes daily.

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EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 29] NEW DELHI, TUESDAY, OCTOBER 6, 1953

MINISTRY OF LAW

New Delhi, the 6th October, 1953

The following President's Act enacted on the 6th October, 1953 is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION LAND ACQUISITION ACT, 1953

No. 5 OF 1953

[6th October, 1953]

An Act to extend the Land Acquisition Act, 1894, to the State of Patiala and East Punjab States Union so as to provide for the acquisition of land for purposes other than purposes of the Union.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Patiala and East Punjab States Union Land Acquisition Act, 1953.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force at once.

2. **Definition.**—In this Act, 'the Land Acquisition Act' means the Land Acquisition Act, 1894 (I of 1894), as enacted by the Central Legislature and as in force immediately before the commencement of this Act.

3. **Extension of Central Act I of 1894 to the State.**—On and from the commencement of this Act, the Land Acquisition Act, in so far

as it relates to the acquisition of land for purposes other than purposes of the Union, shall extend to, and be in force in, the State of Patiala and East Punjab States Union subject to the modifications specified in the Schedule.

4. Validation of certain acquisitions, awards and agreements.—Notwithstanding any judgment, decree or order of any court,—

(a) all lands acquired before the commencement of this Act by the Government for any public purpose in the exercise or purported exercise of the powers conferred by the Patiala and East Punjab States Union Land Acquisition Act, 2006BK., possession whereof had been taken before such commencement, and

(b) all awards and agreements for the payment of compensation in respect of any such lands as are referred to in clause (a) made or entered into before the commencement of this Act,

shall be deemed to have been acquired, made or entered into in accordance with law, and the provisions of the Land Acquisition Act shall apply thereto as if the acquisition, award or agreement had been made or entered into in accordance with that Act.

5. Repeals and savings.—(1) The Patiala Land Acquisition Act, 1995BK., and the Patiala and East Punjab States Union Land Acquisition Act, 2006BK., are hereby repealed:

Provided that anything done or any action taken, including any order, notification or rules made or issued in the exercise or purported exercise of the powers conferred by or under either of the Acts aforesaid shall, in so far as they are not inconsistent with the provisions of the Land Acquisition Act, be deemed to have been done or taken in the exercise of the powers conferred by or under the Land Acquisition Act as if that Act was in force on the date on which such thing was done or such action was taken.

(2) Notwithstanding anything contained in sub-section (1), where any petition for revision under the Patiala Land Acquisition Act, 1995, is pending for disposal before any authority immediately before the commencement of this Act, such application shall be disposed of by the Financial Commissioner (Revenue), in accordance with the provisions of that Act.

THE SCHEDULE

(See section 3)

MODIFICATIONS SUBJECT TO WHICH THE LAND ACQUISITION ACT EXTENDS TO THE STATE

1. In section 1, sub-sections (2) and (3) shall be omitted.
2. In section 3, clause (ee) shall be omitted.
3. Throughout the Act, for the words "appropriate Government" wherever they occur, the words "State Government" shall be substituted.

4. In sub-section (1) of section 23, for clause 'first' the following clause shall be substituted, namely:—

"first, the market value of the land at the date of the publication of the notification under sub-section (1) of section 4 or where more than three years have elapsed between the date of

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publication of the notification under the said sub-section and the date of taking possession of such land (whether such possession is taken before or after the date of the award determining the compensation), the market value of the land immediately before the date of the award;".

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

Reasons for the enactment

There is no uniform law in the Patiala and East Punjab States Union providing for compulsory acquisition of land for a public purpose. The enactment of a suitable law on the subject is therefore a matter of urgency. The present Act seeks to extend to the Patiala and East Punjab States Union the Land Acquisition Act, 1894, insofar as it relates to acquisition of land for public purposes, other than the purposes of the Union, subject to the modification that, where more than three years have elapsed between the date of the publication of a preliminary notification and the date of taking possession of the land, the market value of the land at the date of the award and not the market value of the land at the date of the publication of the preliminary notification should be taken into consideration for the purpose of determining the compensation.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), has approved the enactment of this measure.

C. S. VENKATACHAR,
*Secy. to the Govt. of India,
Ministry of States.*

The Gazette



of India

EXTRAORDINARY
PART II Section 1
PUBLISHED BY AUTHORITY

No. 31] NEW DELHI, MONDAY, OCTOBER 12, 1953

MINISTRY OF LAW

New Delhi, the 12th October, 1953

The following President's Act enacted on the 9th October, 1953 is published for general information :—

**THE PATIALA AND EAST PUNJAB STATES UNION
EVACUEE INTEREST (SEPARATION) SUPPLEMENT-
ARY ACT, 1953**

No. 6 OF 1953

[9th October, 1953]

**An Act to supplement certain provisions of the Evacuee Interest
(Separation) Act, 1951.**

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Patiala and East Punjab States Union Evacuee Interest (Separation) Supplementary Act, 1953.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall be deemed to have come into force on the 15th day of December, 1952.

2. Validation of certain provisions of Central Act No. LXIV of 1951.—So much of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), as relates to matters with respect to which the State Legislature has, and Parliament has not, the power to make laws for the State of Patiala and East Punjab States Union, shall be as effective and valid in the State as if it had been enacted by the Patiala and East Punjab States Union Legislature.

3. Validation of certain actions taken.—Anything done or any action taken (including any order made or inquiry held or jurisdiction exercised) after the 14th day of December, 1952 and before the commencement of this Act under the provisions of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), in so far as it relates to matters with respect to which the State Legislature has, and Parliament has not, the power to make laws for the State of Patiala and East Punjab States Union, shall be deemed to have been validly done or taken as if section 2 were in force in the State on the day on which such thing was done or action was taken.

RAJENDRA PRASAD,

President

NEW DELHI, MONDAY, OCTOBER 13, 1953

K. Y. BHANDARKAR,

Secy. to the Govt. of India.

Reasons for the enactment

In pursuance of a resolution passed under article 249 of the Constitution the Evacuee Interest (Separation) Act was passed by Parliament in 1951. This law was enacted to make special provisions for the separation of evacuee interests from those of non-evacuees in properties in which both the evacuees and non-evacuees are jointly interested. As some of the provisions of the legislation may be relatable to matters in the State List, Parliament was empowered to enact the legislation by a resolution under article 249 of the Constitution. The effect of this resolution expired on December 14, 1952.

Doubts may arise as to the validity of certain provisions (which are relatable to matters in the State List) with effect from the 15th December, 1952. This Act seeks to remove those doubts and validate all proceedings held after 14th December, 1952.

C. S. VENKATACHAR,

Secy. to the Govt. of India,

Ministry of States.

The Gazette



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EXTRAORDINARY

PART II—Section I

PUBLISHED BY AUTHORITY

DRA PRASAD,

President.

No. 37] NEW DELHI, MONDAY, NOVEMBER 16, 1953

MINISTRY OF LAW

New Delhi, the 16th November 1953.

The following President's Act enacted on the 14th November, 1953 is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION GENERAL CLAUSES ACT, 1953

No. 7 OF 1953

[14th November, 1953].

An Act to provide for the construction of enactments and for shortening the language thereof.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Pepsu General Clauses Act, 1953.

(2) It shall come into force at once.

2. Application of Act.—Unless otherwise expressly provided or the context otherwise requires, the provisions of this Act with respect to the construction of enactments, apply—

(a) to this Act and all other enactments whether passed before or after the commencement of this Act; and

(b) where any such enactment confers upon any authority power to make rules or bye-laws, also to such rules or bye-laws.

3. General definitions.—In this Act, and in all enactments, unless the context otherwise requires,—

(1) "abet", with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code (Act XLV of 1860);

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(2) "act", used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done extend also to illegal omissions;

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;

(4) "Central Act" and "Central Government" shall have the meanings respectively assigned to them in the General Clauses Act, 1897 (X of 1897);

(5) "Chapter" shall mean a Chapter of the enactment in which the word occurs;

(6) "clause" shall mean a sub-division of a section when the sub-division itself is not a sub-section, and shall include a sub-division of a sub-section;

(7) "Collector" shall mean the chief officer in charge of the revenue-administration of a district and shall include a Deputy Commissioner;

(8) "commencement", used with reference to an enactment, shall mean the time at which the enactment comes into force;

(9) "Commissioner" shall mean the chief officer in charge of the revenue-administration of a division;

(10) "Constitution" shall mean the Constitution of India;

(11) "Covenant" shall mean the Covenant, entered into on the 5th day of May, 1948, by the Rulers of the former Indian States of Faridkot, Jind, Kalsia, Kapurthala, Malerkotla, Nabha, Nalagarh and Patiala for the formation of the State of Patiala and East Punjab States Union, as amended by the Supplementary Covenant entered into by the Rulers of the aforesaid States on the 9th day of April, 1949;

(12) "Deputy Commissioner" shall mean the chief officer in charge of the general administration of a district, and shall include a Nazim;

(13) "District Judge" shall mean the Judge of a principal civil court of original jurisdiction, but shall not include the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;

(14) "document" shall include any matter written, expressed, inscribed or described upon any substance by means of letters, figures or marks, or by more than one of those means which is intended to be used, or which may be used, for the purpose of recording that matter;

(15) "enactment" shall mean a Pepsu Act, and shall include—

(a) an Ordinance promulgated under article 238 read with article 213 of the Constitution; and

(b) also any provision contained in any Pepsu Act or Ordinance as aforesaid;

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(16) "father", in the case of any one whose personal law permits adoption, shall include an adoptive father;

(17) "Financial Commissioner" shall mean the Financial Commissioner for the time being for the State of Patiala and East Punjab States Union;

(18) "financial year" shall mean the year commencing on the 1st day of April;

(19) a thing shall be deemed to be done in "good faith", where it is in fact done honestly, whether it is done negligently or not;

(20) "Government" or "the Government" shall include both the Central Government and any State Government;

(21) "High Court" shall mean the High Court for the State of Patiala and East Punjab States Union;

(22) "immovable property" shall include land, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(23) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code (Act XLV of 1860);

(24) "India" shall mean all the territories for the time being comprised in the territory of India;

(25) "local authority" shall mean a municipal committee, small town committee, district board or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal, small town or local fund;

(26) "magistrate" shall include every person exercising all or any of the powers of a magistrate under the Code of Criminal Procedure, 1898 (Act V of 1898);

(27) "month" shall mean a month reckoned according to the British calendar;

(28) "movable property" shall mean property of every description except immovable property;

(29) "notification" shall mean a notification published in the Official Gazette;

(30) "oath" shall include an affirmation and a declaration in the case of persons by law allowed to affirm or declare instead of swearing;

(31) "offence" shall mean any act or omission made punishable by any law for the time being in force;

(32) "Official Gazette" or "Gazette" shall mean the Official Gazette of the State of Patiala and East Punjab States Union;

(33) "Part" shall mean a Part of the enactment in which the word occurs;

(34) "Pepsu" shall mean the Patiala and East Punjab States Union;

(35) "Pepsu Act" shall mean an Act of the Legislature of the State of Patiala and East Punjab States Union and shall include—

(a) any Act or Ordinance made or promulgated by the Ruler of the former Patiala State and made applicable to Pepsu by virtue of section 3 of the Patiala and East Punjab States Union General Provisions (Administration) Ordinance 2005Bk.; and

(b) an Ordinance made and promulgated by the Rajpramukh under Article X of the Covenant;

(36) "person" shall include any company or association or body of individuals, whether incorporated or not;

(37) "prescribed" shall mean prescribed by rules made under an enactment;

(38) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code (Act XLV of 1860);

(39) "registered", used with reference to a document shall mean registered under any law for the time being in force for the registration of documents;

(40) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment;

(41) "Schedule" shall mean a Schedule to the enactment in which the word occurs;

(42) "section" shall mean a section of the enactment in which the word occurs;

(43) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars;

(44) "sign", with its grammatical variations and cognate expressions, used with reference to a person who is unable to write his name, shall include "mark", with its grammatical variations and cognate expressions;

(45) "son", in the case of any one whose personal law permits adoption, shall include an adopted son;

(46) "State Government" shall mean, in relation to anything done or to be done after the commencement of the Constitution, the Rajpramukh;

(47) "sub-section" shall mean a sub-section of the section in which the word occurs;

(48) "swear", with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

(49) "vessel" shall include any ship or boat or any other description of vessel used in navigation;

(50) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property;

(51) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form;

(52) "year" shall mean a year reckoned according to the British calendar.

4. Extent of Acts generally.—Every Act of the Legislature of Pepsu passed after the commencement of this Act shall, unless the contrary is expressly provided therein, apply to the whole of the State of Patiala and East Punjab States Union.

5. Coming into force of enactments.—(1) Where any Pepsu Act passed after the commencement of this Act is not expressed to come into force on a particular day, then it shall come into force on the day on which the assent of the Rajpramukh or the President, as the case may be, is first published in the Official Gazette.

(2) Unless the contrary intention is expressed, an Ordinance promulgated under article 238 read with article 213 of the Constitution shall come into force on the date on which it is promulgated.

(3) Unless the contrary intention is expressed, every Pepsu Act and every such Ordinance shall be construed as coming into force immediately on the expiration of the day preceding its commencement.

6. Gender and number.—In all enactments, unless a different intention appears,—

(a) words importing the masculine gender shall be taken to include females, and

(b) words in the singular shall include the plural and *vice versa*.

7. Commencement and termination of time.—In any enactment, it shall be sufficient, for the purpose of excluding the first of a series of days or any other period of time, to use the word "from", and for the purpose of including the last in a series of days or any other period of time, to use the word "to".

8. Computation of time.—Where, by any enactment, any act or proceeding is directed or allowed to be done or taken in any court or office on a certain day or within a prescribed period, then, if the court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the court or office is open:

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1908 (IX of 1908), applies.

9. Duty to be taken *pro rata* in enactments.—Where, by any enactment any duty of excise, or in the nature thereof, is leviable on any

given quantity, by weight, measure or value of any goods or merchandise, then a like duty is leviable according to the same rate on any greater or less quantity.

10. Measurement of distances.—In the measurement of any distance, for the purposes of any enactment, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

REPEAL OF ENACTMENTS

11. Effect of repeal.—Where this Act or any Pepsu Act or any Ordinance made under article 238 read with article 213 of the Constitution, repeals any enactment, then, unless a different intention appears, the repeal shall not—

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

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

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Ordinance had not been passed.

12. Repeal of law making textual amendment in other laws.—Where any Pepsu Act or Ordinance made under article 238 read with article 213 of the Constitution repeals any enactment by which the text of any Pepsu Act or such Ordinance was amended by the express omission, insertion or substitution of any matter, then unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.

13. Construction of references to repealed enactments.—Where this Act or any Pepsu Act or Ordinance made under article 238 read with article 213 of the Constitution repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

14. Revival of repealed enactments.—In any Pepsu Act or Ordinance made under article 238 read with article 213 of the Constitution, it shall be necessary, for the purpose of reviving either wholly or partially any enactment wholly or partially repealed expressly to state that purpose.

POWERS AND FUNCTIONARIES

15. Powers conferred to be exercisable from time to time.—Where, by an enactment any power is conferred or a duty is imposed, then, unless a different intention appears, that power may be exercised and that duty shall be performed from time to time as occasion requires.

16. Power to appoint to include power to appoint ex-officio.—Where, by any enactment a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided any such appointment may be made either by name or by virtue of office.

17. Power to appoint to include power to suspend, remove or dismiss.—Where, by any enactment a power to make any appointment is conferred, then, unless a different intention appears, the authority having for the time being power to make the appointment shall also have power to suspend, remove or dismiss any person appointed whether by itself or any other authority in exercise of that power.

18. Substitution of functionaries.—In any enactment it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

19. Successors.—In any enactment it shall be sufficient for the purposes of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession to express its relation to the functionaries or corporations.

20. Official chiefs and subordinates.—In any enactment, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

PROVISIONS AS TO NOTIFICATIONS, ORDERS, RULES, ETC., MADE UNDER ENACTMENTS

21. Construction of notifications, orders, etc., issued under enactments.—Where, by any enactment, a power to issue any notification, order, scheme, rule, form, or bye-law is conferred, then expressions used in the notification, order, scheme, rule, form, or bye-law shall, unless a different intention appears, have the same respective meanings as in the enactment conferring the power.

22. Power to make, to include power to add to, amend, vary or rescind notifications, etc.—Where, by any enactment, a power to issue notifications or make orders, rules or bye-laws is conferred, then, that power includes a power, exercisable in the like manner and subject to the like sanctions and conditions (if any), to add to, amend, vary or rescind any notifications, orders, rules or bye-laws so issued or made.

23. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.—Where, by any enactment,

which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the enactment, or with respect to the establishment of any court or office or the appointment of any judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the enactment, then, that power may be exercised at any time after the passing of the enactment, but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the enactment:

Provided that where all the provisions contained in an enactment do not come into force simultaneously, the rules, bye-laws or orders so made or issued shall not take effect till the commencement of the provision or enactment with respect to which they are so made or issued.

24. Provisions applicable to making of rules or bye-laws after previous publication.—Where, by any enactment, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, unless such enactment otherwise provides, the following provisions shall apply, namely:—

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Government concerned prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the Official Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

25. Continuation of orders, etc., issued under enactments repealed and re-enacted.—Where any enactment is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, form or bye-law, made or issued under the repealed enactment, shall, so far as it is not inconsistent with the provisions re-enacted, continue in

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CITATION OF ENACTMENTS

26. Citation of enactments.—(1) In any Pepsu Act or Ordinance made under article 238 read with article 213 of the Constitution, and in any rule, bye-law, instrument or document, made under, or with reference to any such Act or Ordinance, any enactment may be cited by reference to the title or short title (if any) conferred thereon, or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) Any such citation of, or reference to, any enactment shall, unless a different intention appears, be deemed to be citation of, or reference to, such enactment as amended.

(3) In any Pepsu Act or Ordinance made under article 238 read with article 213 of the Constitution, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word "section" or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

MISCELLANEOUS

27. Recovery of fines.—Sections 63 to 70 of the Indian Penal Code (Act XLV of 1860), and the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), in relation to the issue and the execution of warrants for the levy of fines, shall apply to all fines imposed under any enactment, rule or bye-law, unless the enactment, rule or bye-law contains express provision to the contrary.

28. Provision as to offences punishable under two or more enactments.—Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments but shall not be liable to be punished twice for the same offence.

29. Meaning of service by post.—Where any enactment authorises or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

30. References to Central and Punjab Acts to be construed as references to those Acts as in force in Pepsu.—Any reference in any enactment to any Central Act or Punjab Act shall be construed as a reference to that Act as in force in the State of Patiala and East Punjab States Union.

Explanation.—In this section, the expression "Punjab Act" shall have the meaning assigned to it by clause (46) of section 2 of the Punjab General Clauses Act, 1898 (I of 1898).

31. Effect of expiry of Ordinances and temporary Pepsu Acts.—The provisions of section 11 shall apply—

(a) on the expiry or withdrawal of any Ordinance promulgated under article 238 read with article 213 of the Constitution, and

(b) on the expiry of any Pepsu Act, the duration of which is expressed to be for a specified period,

as if such Ordinance or Act had been an enactment and had then been repealed by a Pepsu Act.

32. Repeal and saving.—The Patiala General Clauses Act, 2002 Bk. (XII of 2002 Bk.) is hereby repealed:

Provided that, notwithstanding such repeal, the said Act shall continue to apply to any Act or law made by the President in exercise of the powers of the Legislature of the State conferred upon him by the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953).

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

Reasons for the enactment

The Patiala General Clauses Act, 2002 Bk., originally applied to the Patiala State only but was extended to the whole of the Patiala and East Punjab States Union by virtue of section 3 of the Patiala and East Punjab States Union General Provisions (Administration) Ordinance, 2005 Bk. At the time the Patiala Act was extended to the whole State, it was not suitably modified with the result that the question whether the Patiala Act as extended to the whole State applied to Ordinances made by the Rajpramukh under Article X of the Covenant and to Ordinances promulgated under article 238 read with article 213 of the Constitution became doubtful. The Patiala Act also contains certain archaic and anomalous definitions the meaning of which is not quite clear in the context of the present conditions. It has therefore become necessary to have a new General Clauses Act on the lines of the one in force at the Centre and in Part A States. The object of this Act is to enact such a law.

C. S. VENKATACHAR,
Secy. to the Govt. of India,
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The Gazette of India



EXTRAORDINARY
PART II—Section I
PUBLISHED BY AUTHORITY

No. 38] NEW DELHI, WEDNESDAY, NOVEMBER 18, 1953

MINISTRY OF LAW

New Delhi, the 18th November, 1953

The following President's Act enacted on the 18th November, 1953
is published for general information:—

**THE PATIALA AND EAST PUNJAB STATES UNION
TENANCY AND AGRICULTURAL LANDS ACT, 1953**

No. 8 OF 1953

[18th November, 1953]

An Act to amend and consolidate the law relating to tenancies
of agricultural lands and to provide for certain measures
of land reforms.

In exercise of the powers conferred by section 3 of the Patiala
and East Punjab States Union Legislature (Delegation of Powers)
Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be
called the Patiala and East Punjab States Union Tenancy and Agri-
cultural Lands Act, 1953.

(2) It extends to the whole of the State of Patiala and East
Punjab States Union.

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

2. Definitions.—(1) In this Act, unless the context otherwise
requires,—

(a) 'allottee' means a displaced person or a group of such
persons to whom land is allotted in pursuance of the scheme
contained in the notification of the Department of Rehabilitation

(385)

No. 9R, dated the 23rd July, 1949 or in pursuance of any other scheme for allotment of evacuee land to displaced persons which the State Government may, by notification in the Official Gazette specify for the purposes of this Act, and includes—

(i) the legal representatives of such displaced person; and

(ii) in the case of an allotment to a group of displaced persons, each such person and his legal representatives;

(b) 'banjar land' means land which has remained uncultivated for a continuous period of not less than four years immediately preceding the date on which the question whether such land is banjar or not arises;

(c) 'Commissioner' has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887) and includes any other officer specially empowered by the State Government to perform all or any of the functions assigned to the Commissioner under this Act;

(d) 'evacuee land' means land which is or which is deemed to be evacuee property under the Administration of Evacuee Property Act, 1950 (XXXI of 1950);

(e) 'khana damad' means a person who having married the daughter of a landowner having no male issue lives along with his wife in the house of his father-in-law and who according to the custom is treated by him as his son;

(f) 'landowner' has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887) and includes an allottee;

(g) the expression 'to cultivate personally' with its grammatical variations and cognate expressions means to cultivate on one's own account—

(1) by one's own labour, or

(2) by the labour of such of one's relatives, as may be prescribed, or

(3) by servants on hired labour;

(h) 'prescribed' means prescribed by rules made under this Act;

(i) 'standard acre' is a measure of land convertible with reference to the yield from, and the quality of, the soil, into an ordinary acre according to the prescribed scale;

(j) 'State' means the State of Patiala and East Punjab States Union;

(k) 'tenant' has the meaning assigned to it in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), but does not include a person—

(i) who holds a right of occupancy, or

(ii) who is a relative of the tenant within the meaning of sub-clause (2) of clause (g);

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(1) all other words and expressions used herein and not defined but defined in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), or the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887) shall have the meanings assigned to them in either of those Acts.

(2) References in this Act to the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887) or the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887) shall be construed as references to those Acts as in force in the State.

3. Permissible limit.—(1) 'Permissible limit' for the purposes of this Act means thirty standard acres of land and where such thirty standard acres on being converted into ordinary acres exceed sixty acres, such sixty acres:

Provided that the permissible limit shall not exceed one-half of the holding of a landowner:

Provided further that where the holding of a landowner exceeds ten standard acres, the minimum area of permissible limit shall be ten standard acres and where the holding is ten standard acres or less, the permissible limit shall be an area equal to the holding of the landowner.

(2) For the purposes of computing the permissible limit under sub-section (1)—

(a) where a person holds some land as a landowner and some other land as an allottee both kinds of land shall be included;

(b) land occupied by an occupancy tenant shall not be included in the holding of the landowner but it shall be included in the holding of the occupancy tenant in whom proprietary rights in respect of such land vest under the Patiala and East Punjab States Union Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953;

(c) where a landowner owns land jointly with other landowners his share of such land as ascertained from the record of rights shall alone be included;

(d) where a landowner dies within a period of six months from the commencement of this Act, the permissible limit shall be determined with reference to the land which has devolved upon each of his successors-in-interest, including any land held by such successors-in-interest immediately before the death of the landowner.

(e) any transfer of land made by the landowner after the commencement of this Act shall be disregarded.

(f) any class of land which the State Government may, by notification in the Official Gazette, specify, shall be excluded.

4. Act to override other laws.—Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law or any usage, agreement, settlement, grant, sanad or any decree or order of any court or other authority.

CHAPTER II

RESERVATION OF LAND FOR PERSONAL CULTIVATION

5. Reservation of land for personal cultivation.—(1) Subject to the provisions of this section, every landowner owning land exceeding thirty standard acres shall be entitled to select for personal cultivation from the land held by him in the State as a landowner any parcel or parcels of land not exceeding in aggregate area the permissible limit and reserve such land for personal cultivation by intimating his selection in the prescribed form and manner to the Collector:

Provided that in making such selection, the landowner shall include to the extent of the permissible limit, all land which he held for personal cultivation immediately before the commencement of this Act.

(2) The right conferred by this section on a landowner to reserve land for personal cultivation shall cease if it is not exercised within a period of six months from the commencement of this Act.

6. Land reserved for personal cultivation to be notified.—(1) The Collector shall in respect of every landowner notify in such form and manner as may be prescribed the particulars of all lands reserved for the personal cultivation of the landowner under section 5.

(2) A copy of every notification issued under sub-section (1) shall, as soon as may be, be served upon the landowner concerned in the prescribed manner.

CHAPTER III

GENERAL RIGHTS OF TENANTS

7. Termination of tenancy.—(1) No tenancy shall be terminated except in accordance with the provisions of this Act or except on any of the following grounds, namely:—

(a) that the land comprising the tenancy has been reserved by the landowner for his personal cultivation in accordance with the provisions of Chapter II:

Provided that no tenant shall be ejected under this clause after the expiry of a period of five years from the commencement of this Act.

Explanation.—The said period of five years shall commence—

(a) in the case of a widow, on the termination of the life interest of the widow;

(b) in the case of a minor, on the attainment of majority; and

(c) in the case of a member of the Armed Forces of the Union, on his discharge or retirement from service, as the case may be;

(b) that the tenant has failed to pay rent within a period of six months after it falls due;

(c) that the tenant, not being a widow, a minor or a member of the Armed Forces of the Union has, after the commencement

of this Act, sublet without the consent in writing of the landowner, the land comprising his tenancy or any part thereof;

(d) that the tenant has, without sufficient cause, failed to cultivate personally such land, in the manner and to the extent customary in the locality in which such land is situated;

(e) that the tenant has used such land or any part thereof in a manner which is likely to render the land unfit for the purpose for which it was leased to him;

(f) that the tenant, on demand in writing by the landowner, has refused to execute a kabuliyat agreeing to pay rent in respect of his tenancy in accordance with the provisions of sections 9 and 10.

(2) Notwithstanding anything contained in clause (a) of sub-section (1), a landowner holding thirty standard acres or less of land may, within a period of five years from the commencement of this Act, eject any tenant from such land within the permissible limit if he requires such land for personal cultivation.

Explanation 1.—For the purposes of determining the permissible limit, all lands held by the landowner as such landowner for personal cultivation immediately before the commencement of this Act shall be included.

Explanation 2.—In the case of a widow, minor or a member of the Armed Forces of the Union, the *Explanation* to clause (a) of sub-section (1) shall apply.

8. Restoration of possession of land to tenant if landowner fails to cultivate land personally.—(1) Where a landowner who has taken possession of any land by ejecting any tenant therefrom on the ground that he requires the land for personal cultivation fails to cultivate such land personally within one year from the date on which he took possession thereof or ceases to cultivate such land personally in any year during a period of four years next following, the tenant may make an application to the prescribed authority for restoration of such land to him.

(2) On receipt of an application under sub-section (1), the prescribed authority after giving to the landowner concerned an opportunity of being heard and after holding such enquiry as it may deem fit may restore possession of such land to the tenant.

9. Maximum amount of rent payable.—Notwithstanding any agreement, usage, decree or order of a court or any law for the time being in force, the maximum rent payable by a tenant in respect of the land leased to him shall not exceed one-third of the produce of the land or the value of such produce, as the case may be.

10. Determination of rent.—(1) Subject to the provisions of section 9, the rent payable by a tenant shall be—

(a) where the rent is fixed by an agreement in writing, the rent so agreed upon;

(b) where there is no such agreement, the rent payable for the agricultural year immediately preceding the period in respect of which the rent falls to be determined;

(c) where it is not practicable to ascertain the rent for the previous agricultural year referred to in clause (b), the rent payable according to the usage of the locality;

(d) where the case does not fall under any of the aforesaid clauses, a reasonable rent.

(2) The reasonable rent referred to in clause (d) of sub-section (1) shall be determined by the prescribed authority who in determining such rent shall have regard to the following matters, namely:—

(a) the rental value of any land leased for similar purposes in the locality;

(b) the income from similar lands in the locality;

(c) the prices of foodgrains and other commodities in the locality;

(d) such other matters as may be prescribed.

11. Receipt for rent.—(1) Every landowner shall give or cause to be given a receipt for the rent received by him or on his behalf in such form and manner as may be prescribed.

Explanation.—A receipt shall be deemed to have been given within the meaning of this sub-section, if it is handed over to the prescribed authority within seven days of the receipt of rent by the landowner or by any person on his behalf.

(2) If any landowner makes default in complying with the provisions of sub-section (1), the prescribed authority may, by order in writing, direct him to pay a penalty not exceeding three times the amount of land revenue payable in respect of the land relating to which the default is made.

12. Prohibition against recovery of excessive rent.—Notwithstanding anything in any agreement, usage or law for the time being in force, it shall not be lawful for any landowner—

(a) to recover from a tenant rent in excess of the amount specified in section 9 or section 10, as the case may be, or

(b) to demand from a tenant any cess, rate or tax or service or payment of any description or denomination whatsoever, in addition to the rent lawfully recoverable under this Act.

13. Liability to refund amount unlawfully recovered.—If the prescribed authority, after making such enquiry as he may deem fit, is satisfied that a landowner has recovered any rent, cess rate or tax or received any service from any tenant in contravention of the provisions of section 12, the prescribed authority may direct the landowner—

(a) to pay to the Government as penalty a sum not exceeding ten times the excess amount recovered; and

(b) to refund to the tenant the excess amount recovered from him; or

(c) where the landowner has received any service from any tenant, to pay to the tenant such sum by way of compensation as the prescribed authority may think fit.

14. Bar on eviction from dwelling-house.—(1) If in any *Abadi Deh* or *Gorah Deh* a tenant is in occupation of a dwelling-house built on a site belonging to the landowner, the tenant shall not be ejected from such dwelling-house or the land immediately appurtenant thereto and necessary for his enjoyment unless—

(a) the landowner proves that the dwelling-house was not built at the expense of the tenant; and

(b) such tenant makes default for a period exceeding one year in the payment of rent, if any, which he has been paying for the use and occupation of such house:

Provided that in the case of a tenant under an allottee, this sub-section shall have effect as if for the word 'and' in sub-clause (a) the word 'or' were substituted.

(2) The provisions of this section and the next succeeding section shall not apply to a dwelling-house which is situated on any land used for the purpose of agriculture in respect of which the tenancy has been terminated under the provisions of this Act.

Explanation.—In this section and the next succeeding section, the expression 'landowner' in relation to evacuee land means the Custodian of Evacuee Property within the meaning of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

15. Option to tenant to purchase site of dwelling-house.—(1) A tenant who is in occupation of a dwelling-house built at his own expense on a site belonging to the landowner shall have the right to purchase such site from the landowner at the price agreed upon in writing between him and the landowner or in the absence of any such agreement at such price as may be determined by the prescribed authority.

(2) A tenant who intends to purchase the site of a dwelling-house in pursuance of the provisions of sub-section (1) shall give to the landowner a notice in writing in the prescribed manner of his intention to do so.

(3) Where a landowner has received notice under sub-section (2), he shall within one month of the receipt thereof, communicate in writing to the tenant the price at which he is willing to sell to him the site of the dwelling-house.

(4) Where a landowner fails to communicate to the tenant the price in respect of the site of the dwelling-house under sub-section (3), or where the tenant is not willing to pay the price demanded by the landowner for such site, the tenant may make an application in the prescribed form to the prescribed authority within the prescribed period for determination of the market value of the site.

(5) On receipt of an application under sub-section (4), the prescribed authority shall, after giving the parties an opportunity of being heard, determine, by an order in writing the market value of the site.

(6) An order made under sub-section (5) shall be served upon the landowner and the tenant and if the tenant deposits with the prescribed authority the market value of the site of the dwelling-house as determined under that sub-section within six months from the date of the service of the order upon him, the site shall be deemed to have been transferred to the tenant, and the amount so deposited shall be paid to the landowner.

(7) The prescribed authority shall, on payment of the prescribed fee, issue to the tenant a certificate containing the prescribed particulars in respect of the site of the dwelling-house deemed to have been transferred to the tenant under sub-section (6) and notwithstanding anything contained in the Indian Registration Act, 1908 (XVI of 1908) no such certificate shall require to be registered under that Act.

(8) Where a tenant fails to deposit the market value of the site of the dwelling-house under sub-section (6), he shall be deemed to have relinquished his right to purchase such site.

16. Right of tenant to make improvements on land.—(1) A tenant may at any time apply in writing to the landowner for permission to make improvements at his own expense on the land leased to him.

(2) If, within one month of the receipt of such application, the landowner fails or refuses, without reasonable cause, to grant the required permission to the tenant, the tenant may make an application within the prescribed period to the prescribed authority for the grant of such permission.

(3) Where an application is made to the prescribed authority under sub-section (2), the prescribed authority, after giving the parties an opportunity of being heard, may make such order thereon as he may deem fit.

(4) Where a tenant makes any improvements on the land leased to him, in accordance with an order made by the prescribed authority under sub-section (3), the tenant shall be deemed to have made such improvements with the permission of the landowner.

(5) In this section, the expression 'tenant' includes a sub-tenant.

17. Compensation for improvements.—(1) A tenant who has made any improvements at his own expense on the land leased to him in accordance with the provisions of section 16, shall, if his tenancy is terminated under the provisions of this Act, be entitled to receive compensation for such improvements before he can be ejected from such land.

(2) The compensation payable to a tenant under sub-section (1), shall be determined by the prescribed authority in accordance with the value of such improvements at the date of termination of the tenancy and in determining such compensation, the prescribed authority shall have regard to the following matters, namely:—

(a) the amount by which the value of land has increased by reason of the improvements;

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(b) the condition of the improvements at the date of the determination of the value thereof and the probable duration of their effect;

(c) the labour and capital involved in the making of the improvements; and

(d) the reduction or remission of rent, if any, or other advantage secured by the tenant in consideration of the improvements made by him.

18. Devolution of tenancy on death of tenant.—(1) If a tenant dies during the term of his tenancy, the tenancy shall subject to the provisions of sub-section (2) devolve—

(a) on his lineal male descendants, in the male line of descent, if any;

(b) failing such descendants, on his widow, if any:

Provided that such widow shall cease to enjoy the tenancy rights if she remarries or abandons the land or is ejected therefrom in accordance with the provisions of this Act;

(c) failing such descendants and widow, or in case there is a widow if and when she ceases to enjoy the tenancy rights under the proviso to clause (b), on a khana damad, if any.

(2) No person shall be entitled to succeed to a tenancy under sub-section (1), unless he is willing to cultivate personally the land comprising the tenancy.

19. Rights and privileges of tenants under other laws not affected.—Nothing contained in this Chapter shall be construed to limit or prejudice the rights and privileges of any tenant under any other law for the time being in force or any usage, or arising from any contract, grant, decree or order of a court or otherwise, howsoever.

CHAPTER IV

ACQUISITION OF PROPRIETARY RIGHTS BY TENANTS

20. Definition of 'tenant'.—In this Chapter, the expression 'tenant' means a tenant as defined in clause (k) of sub-section (1) of section 2,—

(a) who is not liable to be ejected under clause (a) of sub-section (1) of section 7; or under sub-section (2) of that section, or

(b) who is not ejected within a period of five years specified in the proviso to clause (a) of sub-section (1) of section 7 or sub-section (2) of that section,

and includes a person who is restored possession of land under section 8.

Explanation.—For the purpose of clause (a), a tenant shall not be liable to be ejected under sub-section (2) of section 7—

(i) if, at any time before the expiry of the period of five years specified in that sub-section, the landowner has taken possession of land for personal cultivation to the extent of the permissible tenant; and

(ii) the land held by the tenant is situated outside the permissible limit.

21. Application of this Chapter to evacuee lands.—The provisions of this Chapter shall apply to evacuee lands with effect from such date as the State Government may, by notification in the Official Gazette, specify.

22. Acquisition of proprietary rights by tenants.—(1) Subject to the other provisions contained in this Act, a tenant shall be entitled to acquire from his landowner in respect of the land comprising his tenancy the right, title and interest of the landowner in such land (hereinafter referred to as the 'proprietary rights') in the manner and subject to the conditions hereinafter provided.

(2) Every tenant intending to acquire proprietary rights shall make an application in writing to the prescribed authority in the prescribed manner, containing the following particulars, namely:—

(a) the area and location of the land in respect of which the application is made;

(b) the name of the landowner from whom proprietary rights are to be acquired;

(c) such other particulars as may be prescribed.

(3) The right conferred upon a tenant to acquire proprietary rights in respect of any land under this section may, if such tenant has sub-let the land, be exercised by the sub-tenant to the exclusion of the tenant.

23. Determination of compensation for acquisition of proprietary rights.—(1) On receipt of an application under section 22, the prescribed authority after satisfying himself that the applicant is entitled to acquire proprietary rights in any land under this Chapter shall determine the compensation payable in respect thereof in accordance with the principles set out in section 26.

(2) On determination of such compensation the prescribed authority shall by order in writing require the applicant to deposit the first instalment of the compensation as prescribed under section 27 in a Government treasury or a sub-treasury or with the prescribed authority and to produce before him a receipt for the same within a period of fifteen days from the date of the service of such order:

Provided that the prescribed authority may, on sufficient cause being shown, extend the period specified in this sub-section, so however that the aggregate period does not exceed one month.

(3) Where the first instalment of compensation has been deposited in accordance with the provisions of sub-section (2), the prescribed authority shall issue to the applicant a certificate in the prescribed form declaring him to be the landowner in respect of the land specified in the certificate.

(4) On and from the date of the issue of a certificate under sub-section (3), the proprietary rights of the landowner in the land specified in the certificate shall be deemed to have been extinguished and

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such proprietary rights shall vest in the applicant free from all encumbrances and as from such date the applicant shall cease to be liable to pay any rent in respect of such land to the landowner:

Provided that—

(a) the amount of compensation payable by the applicant shall be a first charge on such land;

(b) the amount of any encumbrance existing on such land on the date of the issue of the certificate shall be a valid charge on the amount of compensation payable by the applicant under this Act.

(5) Every certificate issued under sub-section (3) shall be conclusive evidence of the acquisition by the applicant of proprietary rights in the land specified therein and notwithstanding anything contained in the Indian Registration Act, 1908 (XVI of 1908), no such certificate shall be required to be registered under that Act.

24. Tenant may abandon his intention to acquire proprietary rights.—(1) Any person who is entitled to acquire proprietary rights in respect of any land under this Chapter may at any time after the amount of the first instalment of compensation is deposited under sub-section (2) of section 23 but before a certificate is issued to him under sub-section (3) of that section make a declaration in writing in the prescribed manner before the prescribed authority that he has abandoned his intention to acquire proprietary rights in such land.

(2) Where any declaration is made under sub-section (1), the amount of the first instalment of compensation deposited by the tenant under sub-section (2) of section 23 shall be refunded to him.

25. Forfeiture of right to acquire proprietary rights.—If any person upon whom the right to acquire proprietary rights is conferred under this Chapter fails to comply with any order made under sub-section (2) of section 23 he shall forfeit his right to acquire such proprietary rights.

26. Principles of compensation for acquisition of proprietary rights.—(1) Where any person has acquired proprietary rights in respect of any land under this Chapter he shall be liable to pay to the landowner from whom such rights have been acquired compensation at the rate of ninety times the land revenue (including rents and cesses) payable for such land or two hundred rupees per acre, whichever is less.

(2) The compensation payable under this section shall be determined by the prescribed authority who shall specify the person or persons to whom the compensation shall be paid.

(3) If there is any dispute as to the person or persons who are entitled to the payment of compensation, the prescribed authority shall decide the dispute and if the prescribed authority finds that more than one person are entitled to compensation he shall apportion the amount thereof among such persons.

27. Compensation payable in instalments.—(1) The compensation payable under section 26 may be paid in such annual instalments not exceeding six as may be prescribed.

(2) Every instalment of compensation shall be deposited in a Government treasury or a sub-treasury or paid to such authority as may be prescribed within fifteen days of the date of its becoming due and a receipt therefor shall be furnished to the prescribed authority.

(3) Where any instalment of compensation is not deposited in a Government treasury or a sub-treasury or paid to the prescribed authority within the period of fifteen days specified in sub-section (2), the prescribed authority shall, of his own motion or on the application of the landowner concerned, take steps within one month from the expiry of the said period of fifteen days for the recovery of such instalment in the manner provided in section 49.

(4) Interest at the rate of $2\frac{1}{2}$ per cent. per annum shall be payable on the amount of any instalment which is not paid within time from the date when the instalment became due.

28. Payment of compensation to landowner.—Subject to the provisions of sub-section (2) of section 24, the prescribed authority shall, as soon as may be, after the amount of any instalment of compensation has been deposited under section 23 or section 27 pay the same to the person entitled to it on his executing a receipt for the same.

29. Acquisition of proprietary rights in shamlat lands.—(1) Where any person has acquired any proprietary rights from a landowner in respect of any land under this Chapter, then, notwithstanding anything to the contrary contained in any law, custom or usage for the time being in force, such person shall be entitled to acquire similar rights in respect of the share of the landowner in the shamlat in proportion to that land.

(2) The provisions of this Chapter shall, so far as may be, apply in relation to the acquisition of proprietary rights in shamlat lands as they apply in relation to the acquisition of such rights in other lands:

Provided that in any case where the shamlat is not liable to the payment of land revenue, the land revenue in respect thereof shall, for the purpose of computing the compensation payable under section 26 be deemed to be assessed at the lowest rate prevalent in the village in respect of *barani* land and the amount of compensation shall be forty-five times the land revenue so assessed or one hundred rupees per acre whichever is less.

30. Proprietary rights to devolve on heir.—If any tenant or sub-tenant dies before exercising his right to acquire proprietary rights in respect of any land under this Chapter such right shall, on his death, devolve upon his lineal male descendants in the male line of descent, if any, and shall be exercisable by them in the like manner and subject to the like conditions as the tenant or the sub-tenant, as the case may be.

31. Bar of transfer of ownership rights.—(1) No land in respect of which proprietary rights have been acquired under this Chapter shall be transferred by sale, mortgage, gift or otherwise during a period of six years from the date of a certificate issued under sub-section (3) of section 23.

(2) Any transfer of land made in contravention of sub-section (1) shall be void and no registering authority shall register any document evidencing such transfer under the Indian Registration Act, 1908 (XVI of 1908).

32. Certain transfers not to affect rights of tenants under this Chapter.—(1) No transfer of land made by a landowner after the commencement of this Act shall affect the right of any person to acquire proprietary rights in such land under this Chapter.

(2) If any question arises whether any transfer of land does or does not affect the right of any person to acquire proprietary rights in such land, the question shall be referred to the prescribed authority for his decision.

CHAPTER V

ACQUISITION AND DISPOSAL OF BANJAR LANDS

33. Acquisition of banjar lands.—(1) If the State Government is of opinion that any banjar land is needed or is likely to be needed for a public purpose, the State Government shall call upon the landowner by notice in writing to show cause within thirty days of the date of service of such notice on him, why such land should not be acquired.

(2) If, after considering the cause, if any, shown by the landowner, the State Government is satisfied that it is necessary or expedient to acquire such land for a public purpose, the State Government may publish in the Official Gazette a notification to the effect that the State Government has decided to acquire the land in pursuance of this section.

(3) When a notification as aforesaid is published in the Official Gazette, the acquired land shall on and from the beginning of the date on which the notification is so published vest absolutely in the State Government free from all encumbrances.

(4) In the case of joint land-owners, the Collector or any other officer authorised by the State Government in this behalf, shall have the power to partition the land according to the shares of the joint landowners and deliver possession of the shares which are not acquired under this section to the landowners entitled thereto.

(5) In this section, 'public purpose' includes—

(i) a purpose connected with the settlement on land of persons who are willing to cultivate such land personally under a scheme made in pursuance of section 38;

(ii) development of co-operative farms; and

(iii) efficient management of land.

34. Possession of acquired lands.—(1) The Collector may, by order in writing direct a landowner whose land is acquired under this Chapter to deliver possession thereof within ten days of the service of the order on him to such officer as may be specified in the order.

(2) If any landowner refuses or fails without reasonable cause to comply with an order made under sub-section (1), the Collector

may take possession of the acquired land and may, for that purpose, use such force as may be necessary.

35. Principles of compensation for acquisition of banjar lands.—

(1) Where any banjar land is acquired under this Chapter, there shall be paid compensation therefor which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say:—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached the Collector shall determine the compensation at the rate of forty-five times the land revenue payable in respect of an equal area of any *barani* land in the village concerned or where there is no such land in the village, in the nearest village, which is assessed to land revenue at the lowest rate, or at the rate of one hundred rupees per acre, whichever is less.

(2) If there is any dispute as to the person or persons who are entitled to such compensation, the Collector shall, after giving the persons interested an opportunity of being heard, decide the dispute, and if the Collector finds that more persons than one are entitled to compensation he shall apportion the amount thereof among such persons.

36. Payment of compensation for acquisition of banjar land.—

The amount of compensation payable under this Chapter shall, subject to any rules made under this Act, be paid by the State Government to the person or persons entitled thereto in such instalments as may be prescribed.

37. Powers of Collector for determining compensation.—For the purpose of determining compensation under this Chapter, the Collector shall have all such powers as are vested in a Collector under the law relating to the acquisition of land for the time being in force in the State.

38. Scheme for settlement of persons on acquired lands.—(1) The State Government may, by notification in the Official Gazette, frame a Scheme for the purpose of settling on any banjar land acquired under this Chapter such persons as are willing to cultivate the land personally.

(2) Any such scheme may provide for all or any of the following matters, namely:—

(a) the method of selecting persons who are to be settled on acquired lands;

(b) the terms and conditions on which such lands are to be transferred for personal cultivation; and

(c) such other matters as may be prescribed.

(3) The State Government may, by notification in the Official Gazette, add to, amend, vary or revoke any Scheme made under this section.

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(4) Where any Scheme is revoked under this section, the State Government shall make an offer to the landowner from whom any land included in the Scheme was acquired to purchase it at a price equivalent to the compensation he received for such land and where any such offer is accepted such land shall be transferred to the landowner at that price.

CHAPTER VI

MISCELLANEOUS

39. Appeals and revision.—(1) Any person aggrieved by any decision or order of the prescribed authority may, within thirty days from the date of the decision or order, prefer an appeal to the Collector in such form and manner as may be prescribed:

Provided that the Collector may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Any person aggrieved by any decision or order of the Collector, not being a decision or order made in an appeal under subsection (1), may, within thirty days from the date of the decision or order, prefer an appeal to the Commissioner in such form and manner as may be prescribed:

Provided that the Commissioner may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) With respect to all matters dealt with under this Act, the Financial Commissioner shall have the same power to call for, examine and revise the proceedings of the prescribed authority or the Collector or the Commissioner as is provided in section 84 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

40. Correction of clerical errors.—Clerical or arithmetical mistakes in any order passed by any officer or authority under this Act or errors arising therein from any accidental slip or omission may at any time be corrected by such officer or authority either of his own motion or on an application received in this behalf from any of the parties.

41. Officers holding enquiries to have powers of civil courts.—Any officer or authority holding an enquiry or hearing an appeal or a revision under this Act shall have the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), relating to—

- (a) proof of facts by affidavits;
- (b) enforcing attendance of any person and his examination on oath;
- (c) production of documents;
- (d) issue of commission;

and every such officer or authority shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

42. Penalty for making false statements.—If, during the course of any proceedings under this Act, any person makes a declaration or a statement or furnishes any information which is false or which he knows or has reason to believe to be false or which he does not believe to be true, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

43. Summary eviction and fine.—(1) Any person who is in wrongful or unauthorised possession of any land—

(a) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act, or

(b) to the use and occupation of which he is not entitled under the provisions of this Act,

may, after summary enquiry, be ejected by the Collector, who may also impose on such person a penalty not exceeding five hundred rupees.

(2) The Collector may direct that the whole or any part of the penalty imposed under sub-section (1) shall be paid to the person who has sustained any loss or damage by the wrongful or unauthorised possession of the land.

44. Certain officers to be public servants.—Every officer acting under or in pursuance of the provisions of this Act or any rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

45. Procedure.—In all enquiries and proceedings under this Act, the Collector and any other officer shall have such powers and follow such procedure as may be prescribed.

46. Court fees.—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870) as adapted and applied to the State, every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed.

47. Bar of jurisdiction.—(1) No civil court shall have jurisdiction to settle, decide or deal with any matter which is under this Act required to be settled, decided or dealt with by the Financial Commissioner, the Commissioner, the Collector or the prescribed authority.

(2) No order of the Financial Commissioner, the Commissioner, the Collector or the prescribed authority made under or in pursuance of this Act shall be called in question in any court.

48. Protection of action taken under this Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under or in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions contained in this Act or any rules made thereunder.

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49. Mode of recovery of compensation and penalty.—The amount of any compensation or other sum payable under this Act and the amount of any penalty imposed under this Act may be recovered as an arrear of land revenue.

50. Delegation.—The State Government may, by notification in the Official Gazette, direct that the powers exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by an officer subordinate to the State Government.

51. Exemption of certain lands.—The provisions of this Act shall not apply to—

- (a) lands owned by or vested in the State Government;
- (b) lands belonging to any religious or charitable institution;
- (c) lands which are granted to any members of the Armed Forces of the Union for gallantry; and
- (d) private lands leased by the Government.

52. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

- (a) the appointment and powers of prescribed authorities and the areas within which they may exercise their jurisdiction;
- (b) the form in which and the period within which any application may be made under this Act;
- (c) the form and manner of holding enquiries under this Act;
- (d) the form and manner in which a receipt for payment of rent may be given;
- (e) the form of any statement to be furnished under this Act and the particulars to be included therein;
- (f) the manner in which land for personal cultivation may be reserved under this Act;
- (g) the instalments in which any compensation may be paid under this Act;
- (h) the manner of service of any order or notice under this Act;
- (i) the form in which any certificate may be issued under this Act;
- (j) the powers of the Collector and other authorities and the procedure to be followed by them in the conduct of enquiries;
- (k) the fees to be paid in respect of any application or other proceeding under this Act;
- (l) any other matter which is to be or may be prescribed under this Act.

53. Repeal and saving.—(1) The Pepsu Tenancy (Temporary Provisions) Act, 2008 Bk. (Pepsu Act XXX of 2008 Bk.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action was taken.

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

REASONS FOR THE ENACTMENT

Relationship between the landlords and tenants in Pepsu are strained resulting in an extremely explosive situation. Legislation to amend and consolidate the existing laws in the State relating to tenancies of agricultural lands and to provide for certain measures of land reform on the lines undertaken by the adjoining State of Punjab is not only necessary but also urgent. Hence the present Bill. The Bill also seeks to give effect to some of the recommendations made by the Pepsu Agrarian Reforms Committee appointed by the Government of India to examine the system of land tenure in the State.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Pepsu Legislature (Delegation of Powers) Act, 1953 (22 of 1953) has approved the enactment of this measure.

C. S. VENKATACHAR,
Secy. to the Govt. of India,
Ministry of States.

II—Sec. 1]

REGISTERED No. D. 221

The Gazette of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 2] NEW DELHI, MONDAY, JANUARY 4, 1954

MINISTRY OF LAW

New Delhi, the 4th January 1954

The following President's Act is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION BETTERMENT CHARGES AND ACREAGE RATES ACT, 1953

No. 1 OF 1954

[4th January, 1954]

An Act to provide for the levy of betterment charges and acreage rates on certain lands in the State of Patiala and East Punjab States Union.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Patiala and East Punjab States Union Betterment Charges and Acreage Rates Act, 1953.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force at once.

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

(a) "acreage rates" means the charges levied under section 6 on lands included in an irrigation scheme;

(b) "betterment charges" means the charges levied under section 4 on lands included in an irrigation scheme;

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(c) "canal" includes—

(i) all parts of a river, stream, lake or natural collection of water or natural drainage-channel to which provisions of Part II of the Northern India Canal and Drainage Act, 1873 (VIII of 1873), apply,

(ii) all canals, channels, reservoirs, wells, tube-wells and lift irrigation arrangements constructed, maintained or controlled by the Government for the supply or storage of water,

(iii) all works, embankments, structures, supply and escape channels connected with such canals, channels, reservoirs, wells, tube-wells or lift irrigation arrangements,

(iv) all water courses, that is to say, all channels which are supplied with water from a canal, but which are maintained at the cost of the Government, and all subsidiary works belonging to any such channel;

(d) "Government" means the Government of the State of Patiala and East Punjab States Union;

(e) "irrigation scheme" means any such scheme as is referred to in section 3;

(f) "landowner" has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (XVII of 1887);

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

(h) the expressions "land", "tenant" and "occupancy tenant" have the meanings respectively assigned to them in the Punjab Tenancy Act, 1887 (XVI of 1887);

(i) the expressions "Canal-officer" and "Divisional Canal-officer" have the meanings respectively assigned to them in the Northern India Canal and Drainage Act, 1873 (VIII of 1873);

(j) all references to the Northern India Canal and Drainage Act, 1873 (VIII of 1873), the Punjab Tenancy Act, 1887 (XVI of 1887) and the Punjab Land Revenue Act, 1887 (XVII of 1887) shall be construed as references to those Acts as in force in the State of Patiala and East Punjab States Union.

3. Irrigation schemes and notification of proposal to levy betterment charges.—Where any scheme has come or comes into operation after the 15th day of August, 1947, for any one or more of the following purposes, namely:—

(i) the irrigation of lands from any existing or projected canal;

(ii) the extension of irrigation of land situated within the approved irrigation boundary of an existing canal;

(iii) the improvement of irrigation supply or capacity factors or water allowances to lands already irrigated;

(iv) the provision for or the improvement of drainage or any reservoir, dam or embankment constructed, maintained or controlled by the Government for the supply or storage of water.

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natural collection to which the Government may proceed to levy betterment charges in respect of the lands which are included or are likely to be included in the irrigation scheme by notifying in the Official Gazette and in such other manner as may be prescribed its intention so to do, and shall specify in such notification such particulars respecting the proposed levy as it may think necessary, including particulars respecting the type and extent of irrigation proposed.

Explanation I.—"Capacity factor" means the ratio of the mean supply of the authorized full supply discharge of a channel, and "mean supply" for a period connotes the sum of the daily supply in cusecs divided by the number of days during that period.

Explanation II.—"Water allowance" means the designed number of cusecs of outlet or distributary capacity per thousand acres of land included in an irrigation scheme.

Explanation III.—"Cusec" is the unit of discharge, and means the rate of flow of one cubic foot of water per second.

4. Procedure for levy of betterment charges.—(1) At any time after the expiry of one month from the date of the notification referred to in section 3, the Government may cause a schedule of betterment charges to be prepared for all lands or class of lands included in an irrigation scheme showing the rates at which the charges shall be leviable on the lands and payable by the landowners and occupancy tenants thereof and the proportions in which the charges shall be so payable.

(2) In preparing a schedule under sub-section (1) for the levy of betterment charges in respect of any irrigation scheme, regard shall be had to the following, namely:—

- (a) the type of irrigation;
- (b) the improvement in irrigation;
- (c) the extent of betterment accruing to the lands.

(3) A draft of the schedule prepared under sub-section (1) shall be published in the Official Gazette, and in such other manner as may be prescribed.

(4) Any landowner or occupancy tenant who may be affected by the proposed betterment charges may, within sixty days from the date of the publication of the schedule in the Official Gazette, present a petition in writing to the Government stating his objections, if any, to the levy of the betterment charges or the rate thereof.

(5) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of betterment charges and cause the same to be published in the Official Gazette, and in such other manner as may be prescribed.

5. Amount of betterment charges.—(1) The amount of the betterment charges leviable in respect of any lands included in an irrigation scheme shall not exceed one-half of the difference between the value of the lands with reference to such date prior to the commencement of any work in connection with irrigation scheme

as the Government may, by notification in the Official Gazette, fix in this behalf and their estimated value with reference to such other date after such commencement as the Government may similarly fix, and such valuations shall be made in the prescribed manner.

(2) Where in an irrigation scheme only lift irrigation arrangements are maintained and operated by the landowners or occupancy tenants, the betterment charges leviable shall not exceed one-half of the charges which would otherwise have been payable for gravity flow irrigation:

Provided that whenever such lift irrigation arrangements are converted into gravity flow irrigation, the landowners or occupancy tenants, as the case may be, shall be liable to pay the full betterment charges in respect of the lands.

6. Levy of acreage rates.—(1) Where in respect of any lands included in an irrigation scheme expenditure has been, or is likely to be, incurred by the Government in the execution of any one or more of the following works or in undertaking any one or more of the following measures, namely:—

(a) rectangulation, sub-rectangulation or *killabandi* (that is to say, sub-division of land into one-acre fields),

(b) level, topographical or soil surveys,

(c) construction of water courses,

(d) construction of village roads and works appertaining thereto,

the Government may, for the purpose of recouping or meeting such expenditure, cause a schedule of acreage rates to be prepared showing the rates at which they shall be leviable on the lands, and the manner in which and the persons by whom they shall be payable.

(2) A draft of the schedule prepared under sub-section (1) shall be published in the Official Gazette and in such other manner as may be prescribed.

(3) Any landowner or occupancy tenant who may be affected by the proposed acreage rates may within sixty days from the date of the publication of the schedule in the Official Gazette, present a petition in writing to the Government stating his objections, if any, to the levy of the acreage rates or the incidence thereof.

(4) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of acreage rates, and cause the same to be published in the Official Gazette and in such other manner as may be prescribed.

7. Finality of schedule of betterment charges and acreage rates.—The betterment charges and the acreage rates leviable under the final schedules as published under sub-section (5) of section 4 and sub-section (4) of section 6 shall be final and no court shall call in question the schedules so published or the levy or rates of such charges or the determination by the Government of the increase in value of lands for the purpose of levying betterment charges.

8. Demand of betterment charges and acreage rates.—(1) When the schedule of betterment charges or acreage rates has been published in the Official Gazette under sub-section (5) of section 4 or sub-section (4) of section 6, the Canal-officer shall prepare a demand statement in respect thereof in such form as may be prescribed containing full particulars of the amount which each landowner or occupancy tenant shall be liable to pay and cause a notice of demand to be served on him.

(2) Any landowner or occupancy tenant may, within such period as may be prescribed from the date of the notice of demand, present a petition to the Divisional Canal-officer or the Deputy Collector objecting to the demand or any part thereof, and the petition shall be disposed of in such manner and orders passed thereon shall be subject to such appeals as may be prescribed.

(3) Any amount due under a notice of demand shall, subject to any orders that may be passed on appeal under sub-section (2), be payable within such time as may be prescribed.

9. Mode of recovery of betterment charges and acreage rates.—

(1) The betterment charges and acreage rates may be paid in one or more instalments as may be prescribed:

Provided that where the betterment charges or acreage rates are allowed to be paid in instalments, interest shall be payable in respect of such instalments at such rates as may be prescribed and such interest shall be recovered in the same manner as the betterment charges or the acreage rates.

(2) Notwithstanding anything contained in this section, the Government may, subject to such conditions as may be prescribed, allow a landowner to relinquish any part of his land in favour of the Government in satisfaction of the betterment charges payable in respect thereof.

10. Postponement of recovery of betterment charges and acreage rates in certain cases.—Where there has been a failure of crops in any area, the Government may, notwithstanding anything to the contrary contained in this Act or the rules made thereunder, postpone for such period as it thinks fit, the recovery of any such charges or rates, whether wholly or in part.

11. Apportionment of betterment charges and acreage rates.—The betterment charges and acreage rates shall be recoverable from the landowner and occupancy tenant concerned in such proportions as may be prescribed:

Provided that in making any such apportionment between the landowner and the occupancy tenant of the same land due regard shall be had to the prevailing practice in respect of the division of produce or capital values between such persons in respect of that land:

Provided further that where there are more landowners than one, they shall be jointly and severally liable for the portion recoverable from the landowner and similarly where there are more

occupancy tenants than one they shall be jointly and severally liable for the portion recoverable from the occupancy tenant.

12. Betterment charges and acreage rates to be a charge on the land.—Any sum lawfully due under this Act by way of betterment charges or acreage rates shall take priority over all other charges payable in respect of the land except land revenue and shall be deemed to that extent to be a charge on the land and shall be recoverable as an arrear of land revenue.

13. Betterment charges and acreage rates not to affect any other charges leviable.—The betterment charges and acreage rates payable under this Act in respect of any land shall not affect any other rates or charges leviable under any other law for the time being in force.

14. Powers of Canal and Revenue officers to summon persons.—

(1) The Divisional Canal-officer, Canal Collector, Deputy Collector or a Revenue Officer of the rank of Deputy Commissioner or Assistant Collector may summon any person whose attendance he considers necessary for the purpose of enabling him to discharge any function imposed on him by or under this Act.

(2) Any person so summoned shall be bound to appear at the time and place mentioned in the summons, in person or, if the summons so allows, by his recognized agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as the summoning officer may require.

15. Penalty for failure to attend.—(1) If a person required to attend at a certain time and place within the limits of the estate in which he ordinarily resides, or in which he holds or cultivates land, fails to comply with the requisition, he shall be liable, at the discretion of the summoning officer, to a penalty which may extend to fifty rupees.

(2) Any person aggrieved by an order passed under subsection (1) imposing a penalty on him may prefer an appeal in such manner, within such time and to such authority, as may be prescribed.

(3) Any penalty imposed on a person under this section may be recovered from him as if it were an arrear of land revenue.

16. Bar to jurisdiction of civil courts.—No civil court shall have jurisdiction in respect of any matter relating to anything done or to be done under this Act.

17. Indemnity from proceedings.—No claim shall lie against the Government for compensation or for the refund of betterment charges or acreage rates on account of loss occasioned by the failure or stoppage water in a canal or by any cause beyond the control of the Government or by any repairs, alterations or additions made to the canal by the Divisional Canal-officer or by any measures taken

[PART II

by him for regulating the proper flow of water therein or for maintaining the established course of irrigation in cases where the Divisional Canal-officer considers such action to be necessary.

18. Indemnity.—No suit, prosecution or other legal proceeding shall lie against any person in respect of anything done or intended to be done in good faith under this Act or the rules made thereunder.

19. Power to make rules.—(1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) the manner in which notices under this Act, or the schedules of betterment charges and acreage rates shall be published;

(b) the manner in which valuation may be made of any lands for the purpose of sub-section (1) of section 5 and for determining their increase in value;

(c) the manner in which rates of betterment charges shall be calculated with reference to any lands or class of lands in an irrigation scheme;

(d) the form in which demand statements may be prepared under sub-section (1) of section 8 and the procedure for preparing the same;

(e) the form in which notices of demand may be prepared under this Act and the manner of their service;

(f) the time within which objections may be preferred from notices of demand under sub-section (2) of section 8, the procedure for the determination of such objections and the authorities to whom, and the manner in which, and the conditions subject to which, appeals may be preferred therefrom;

(g) the time within which betterment charges and acreage rates shall be payable after the notice of demand and the manner in which such charges or rates may be realized;

(h) the conditions subject to which any sum due under this Act may be paid in instalments and the rate of interest for the payment of such sum in instalments;

(i) the conditions subject to which any landowner may be allowed to relinquish any part of his land to the Government in satisfaction of betterment charges due from him;

(j) the manner in which betterment charges and acreage rates may be apportioned between landowners and occupancy tenants;

(k) the manner in which and the conditions subject to which any officer shall exercise his powers under this Act;

(l) any other matter requiring to be prescribed under this Act.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment.

The Bhakra-Nangal Project will irrigate certain areas in Punjab, Pepsu and Rajasthan. The lands benefitted by the increased irrigation facilities will increase in value while the owners of such lands would have hardly made any contribution for obtaining this benefit. Since the Project, which is a joint enterprise of Punjab, Pepsu and Rajasthan, has been financed partly by loans taken from the Centre by the State Governments concerned, it was suggested to the State Governments that they should arrange to levy a betterment fee on land brought under irrigation through non-productive river valley projects and the proceeds of such levy should be earmarked for repayment of the loans taken by the State Governments for financing such schemes. In Pepsu, non-perennial irrigation has already started in certain areas fed by the Bhakra-Nangal Project and having regard to the fact that betterment charges are being levied in Punjab, it is necessary to enact a law in Pepsu for levying these charges in the areas irrigated by the Bhakra-Nangal Project and other irrigation schemes. Hence the present Bill.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953) has approved the enactment of this measure.

C. S. VENKATACHAR,
Secy. to the Government of India,
Ministry of States.

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JAN 1, 1954

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The Gazette of India



EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 7] NEW DELHI, TUESDAY, JANUARY 12, 1954

MINISTRY OF LAW

New Delhi, the 12th January, 1954

The following Act of President is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION LEGISLATIVE ASSEMBLY (PREVENTION OF DISQUALIFICATION) AMENDMENT ACT, 1954

No. 2 OF 1954

[12th January, 1954]

An Act to amend the Patiala and East Punjab States Union
Legislative Assembly Prevention of Disqualification Act, 2008.

In exercise of the powers conferred by section 3 of the Patiala
and East Punjab States Union Legislature (Delegation of Powers)
Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title.—This Act may be called the Patiala and East
Punjab States Union Legislative Assembly (Prevention of Disquali-
fication) Amendment Act, 1954.

2. Substitution of new section for section 2 in Act XXIX of 2008.—
For section 2 of the Patiala and East Punjab States Union Legislative
Assembly (Prevention of Disqualification) Act, 2008, the following
section shall be substituted, namely:—

“2. Prevention of disqualification for membership of Legis-
lative Assembly.—It is hereby declared that the following
offices of profit under Government shall not disqualify, and shall
be deemed never to have disqualified, the holders thereof for
being chosen as, or for being, members of the Legislative
Assembly of the Patiala and East Punjab States Union,—

(a) the offices of Deputy Ministers or Parliamentary
Secretaries;

(b) the offices held by officers in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (XXXI of 1948), and in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (LV of 1948”.

RAJENDRA PRASAD,
President

K. V. K. SUNDARAM,
Secy. to the Govt. of India

Reasons for the enactment

When a member of the State Legislative Assembly holds any office in the Territorial Army or the National Cadet Corps, it may amount to holding an office of profit under Government for the purposes of article 191 of the Constitution, thus disqualifying him from the membership of the State Legislature. It is felt that in the larger interests of the country, it is undesirable to impose such a restriction on a person who holds an office in the Territorial Army or the National Cadet Corps. This Bill seeks to remove this disqualification. Other States are also undertaking similar legislation.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953) has approved the enactment of this measure.

C. S. VENKATACHAR,
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Ministry of States.

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EXTRAORDINARY

PART II—Section 1

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No. 8] NEW DELHI, SATURDAY, JANUARY 16, 1954

MINISTRY OF LAW

New Delhi, the 16th January 1954

The following Act of President is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION TOWNSHIPS DEVELOPMENT BOARD ACT, 1954

No. 3 OF 1954

[16th January, 1954]

ATACHAR,

Govt. of India,
Ministry of States

An Act to provide for the establishment of a Development Board for the purposes of constructing and developing townships at suitable places in the State and settling therein displaced persons and for other matters connected therewith.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union State Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Patiala and East Punjab States Union Townships Development Board Act, 1954.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force at once.

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2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) "Board" means the Patiala and East Punjab States Union Townships Development Board established under section 3 of this Act;

(b) "Chairman" means the Chairman of the Board;

(c) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, including any State which has acceded to Pakistan, has been displaced from, or has left his place of residence in such area and who has subsequently been residing in any part of India;

(d) "member" means a member of the Board and includes the Chairman;

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

(f) "township" means any town to be constructed and developed by the Board in any part of the State for the settlement of displaced persons therein.

(2) Words and expressions used and not defined in this Act, but defined in the Punjab Municipal Act, 1911 (Pun. Act III of 1911), as in force in the State of Patiala and East Punjab States Union, shall have the same meanings as are respectively assigned to them in the said Act.

CHAPTER II

ESTABLISHMENT AND INCORPORATION OF THE BOARD

3. Establishment and incorporation of the Board.—(1) The State Government may, by notification in the Official Gazette, establish a Board to be called the Patiala and East Punjab States Union Townships Development Board, for the purposes of constructing and developing townships at such places in the State as it deems fit, settling therein displaced persons, exercising such other powers and discharging such other functions as are conferred on, or may be assigned to, the Board by or under this Act.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act and the rules made thereunder, to acquire, own or transfer property, both movable and immovable, and may by the said name sue and be sued.

4. Constitution of the Board.—(1) The Board shall consist of seven persons to be appointed as follows, namely:—

(a) a Chairman to be appointed by the State Government after consultation with the Central Government;

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(b) two persons to be appointed by the State Government; and

(c) four persons to be appointed by the State Government, after consultation with the Central Government, of whom two shall be displaced persons settled in any township or townships.

(2) The names of members appointed under sub-section (1) shall be published in the Official Gazette and every such appointment shall take effect from the date on which it is so published.

5. Terms and conditions of office of members.—(1) The terms of office of the Chairman and other members shall be such as may be prescribed.

(2) The Chairman or any other member may resign his office by writing under his hand addressed to the State Government but his resignation shall take effect from the date on which it is accepted and notified in the Official Gazette.

(3) A member shall hold office during the pleasure of the State Government:

Provided that neither the Chairman nor any member appointed by the State Government after consultation with the Central Government shall be removed from office except after consultation with that Government.

(4) A casual vacancy caused by resignation, death or removal of a member or for any other reason shall be filled by fresh appointment in accordance with the provisions of section 4.

6. Committees of the Board.—(1) The Board may, from time to time, with a view to give effect to the purposes of this Act appoint one or more Committees consisting of such persons as it thinks fit.

(2) The Board may—

(a) refer to such Committee for inquiry and report any matter relating to any of the purposes of this Act;

(b) delegate to such Committee, by a specific resolution and subject to any rules made in this behalf, any of the powers or duties of the Board relating to the subject-matter for which such Committee has been appointed.

(3) The Board may, at any time, for reasons to be recorded, dissolve or alter the constitution of any such Committee.

(4) Every Committee shall carry out any instruction given to it by the Board, and every final decision of such Committee shall, subject to any rule to the contrary, be laid before the Board for confirmation.

7. Vacancies amongst members or defects in the constitution not to invalidate acts or proceedings of the Board or Committee.—No act or proceeding of the Board or of any of its Committees shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

8. Disqualifications for appointment as members.—(1) No person who, directly or indirectly, by himself or by any partner, has any share or interest, in any contract with, by or on behalf of the Board, or in any business, industry or concern, connected with the construction and development of a township under this Act except as a share-holder (other than a director or managing agent) in an incorporated company, or holds any office of profit under the Board, shall become or continue to be a member of the Board:

Provided that no such member shall be deemed to have any share or interest in any such contract by reason only of his being—

(a) a share-holder in, or a member of, any incorporated or registered company with which any such contract has been entered into by the Board; or

(b) a person to whom the Board has sold, leased, let out on hire or allotted any property.

(2) Subject to the proviso to sub-section (3) of section 5, the State Government may, by notification in the Official Gazette, remove from office any member of the Board who, in its opinion, is or becomes, subject to any of the disqualifications hereinbefore mentioned.

9. Meetings of the Board.—(1) The Board shall meet at such times and places, and shall, subject to the provisions of this section, observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed:

Provided that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two members, call a special meeting.

(2) The quorum necessary for the transaction of business at a meeting of the Board shall be three members:

Provided that where the business to be transacted at any such meeting involves the preparation of any scheme under Chapter III, the quorum shall be four.

(3) The Chairman or in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Board.

(4) All questions at any meeting of the Board shall be decided by a majority of the votes of the members present and voting, and in the case of an equality of votes, the Chairman or in his absence, the person presiding, shall have and exercise a second or casting vote.

(5) Minutes of the proceedings of each meeting (together with the names of the members present) shall be recorded in a book to be provided for the purpose, and shall be signed by the person presiding at the next ensuing meeting, and the minutes shall be circulated to each member and shall, at all reasonable times, be open to inspection by any member during office hours free of charge.

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[PART II]

10. Power of Board to associate other persons.—The Board may associate with itself, in such manner and for such purposes as may be prescribed, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act or rules made thereunder; and such person shall have a right to take part in the discussions of the Board relevant to the purpose, but shall not have a right to vote.

11. Officers and servants of the Board.—Subject to the provisions of this Act and any rules made thereunder, the Board may appoint such officers and servants as it considers necessary for the efficient performance of its functions on such terms and conditions of service as it may consider proper.

12. Administrator of the Board.—(1) There shall be an Administrator of the Board who shall be appointed by the State Government after consultation with the Central Government on such terms and conditions as may be prescribed.

(2) The Administrator shall be the *ex-officio* Secretary to the Board and shall have the right to speak at, and otherwise take part in, any meeting, but shall not have the right to vote.

(3) The Administrator shall be the principal executive officer of the Board and all other officers and servants of the Board shall be subordinate to him.

CHAPTER III

FUNCTIONS AND POWERS OF THE BOARD

13. Extent of jurisdiction of the Board.—(1) The jurisdiction of the Board shall extend to every township constructed and developed by the Board under this Act and the State Government may, by notification in the Official Gazette, specify the territorial limits of every such township and the area so specified shall be called the area of operation of the Board.

(2) The State Government may, from time to time, by a like notification, extend or vary the limits of such area of operation of the Board.

(3) The Board shall carry out all or any of its functions and exercise all or any of its powers within the area of its operation.

14. Preparation of a township scheme.—(1) The Board shall, as soon as may be after the area of its operation has been specified in relation to a township under sub-section (1) of section 13, prepare a scheme in the prescribed manner for the construction and development of the township for the purpose of rehabilitating displaced persons and take all such measures as may appear to it to be necessary for carrying out such rehabilitation.

(2) A scheme to be prepared by the Board under sub-section (1) shall, among other things, provide for —

(a) the laying out of the locality to be developed;

(b) the purposes for which particular portions of such locality are to be utilized;

(c) the laying out of streets and buildings;

(d) roads, drainage, sewerage and water-supply, lighting of streets and public health, sanitation and social welfare;

(e) construction of residential or other buildings;

(f) such other matters as may appear necessary to the Board for carrying out the purposes of this Act.

(3) The Board may at any time alter or vary a scheme prepared by it under sub-section (2).

(4) Any scheme for the construction and development of a township prepared by the Board under sub-section (2) or any alteration in or modification of, such scheme under sub-section (3) shall, if so required by the State Government, be submitted by the Board to the State Government for approval.

15. General powers of the Board.—(1) Subject to the provisions of this Act and the rules made thereunder the Board shall have power to do anything, consistent therewith, which may in its opinion be necessary or expedient for the purpose of carrying out its functions under this Act.

(2) Without prejudice to the generality of the foregoing provision, the Board shall have power to—

(a) to acquire and hold such property, both movable and immovable as the Board may deem necessary and to sell, lease or otherwise transfer any such property;

(b) to construct residential or other buildings;

(c) subject to such rules as may be made in this behalf by the State Government after consultation with the Central Government, to advance to a displaced person, or to any other person a loan for industrial or business purposes or for constructing residential or other buildings;

(d) to sell, lease or let out on hire any building or site belonging to the Board to any person on such terms as may be prescribed;

(e) to promote or cause to be promoted any trade, business or industry for the development of the township;

(f) to make provision for drains, sewers, water-supply and the lighting of streets;

(g) to undertake measures to promote public health, sanitation, education and social welfare and to promote or operate schemes of water-supply, drainage and irrigation;

(h) to perform such other functions as may be prescribed.

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16. Amount due to the Board to be first charge.—Notwithstanding anything contained in any law for the time being in force, where a loan has been advanced to a displaced person under clause (c) of sub-section (2) of section 15, or where a building or site has been sold or leased or let out on hire under clause (d) of that sub-section, any person, the amount due to the Board on account of the loan, sale, lease or hire together with any interest thereon, shall be a first charge on the building, machinery, stock and other assets belonging to such person.

17. Powers of the Board to apply certain provisions of the Punjab Municipal Act to townships.—The State Government may, by notification in the Official Gazette, apply to any township or a part thereof, with such adaptations and modifications not affecting the substance as may be specified in the notification, all or any of the provisions of sections 61 to 79, 82 to 92, 96 to 110, 113 to 121, 121A, 122, 125 to 168, 170 to 170F, 172 to 185, 188 to 197, 199, 201 to 207, 209, to 222, 224 to 228 and 230 of the Punjab Municipal Act, 1911 (Act III of 1911), as for the time being in force in the State of Patiala and East Punjab States Union in so far as such provisions are not inconsistent with the provisions of this Act.

18. Power to call for repayment before agreed period.—Notwithstanding any agreement to the contrary, the Board may, by notice, require any person to whom a loan has been advanced under this Act to repay forthwith in full with interest thereon any such loan—

(a) if it appears to the Board that false or incorrect information in any material particular has been given by the person for obtaining the loan; or

(b) if the person has failed to comply with any terms of the contract with the Board in respect of the loan; or

(c) if in the opinion of the Board there is a reasonable apprehension that the person is unable to pay his debt or that insolvency proceedings or proceedings for liquidation are to be started against him; or

(d) if it is necessary in the opinion of the Board for any other reason to protect the interests of the Board.

19. Mode of recovery of loan.—If the amount of any loan or any instalment thereof or any interest thereon which has become due to the Board in accordance with the terms of the contract or under the provisions of this Act, has not been repaid, then,—

(a) without prejudice to any other remedy provided by law, such loan, instalment or interest may be recovered as arrears of land revenue, or

(b) where such loan was taken for the purposes of trade, business or industry, the Board may, subject to such rules as may be made in this behalf by the State Government after consultation with the Central Government, take charge of the trade, business or industry of the person on such terms and conditions as may be agreed upon.

20. Power of inspection.—(1) The Administrator or any other officer empowered by the Board in writing in this behalf may, by order, require any person to whom a loan has been advanced or to whom a building or site has been leased or let out on hire to furnish such information or to produce such books of accounts and other documents for inspection at such time and place as may be specified in the order and such person shall comply with such order.

(2) The Administrator or the other officer so empowered may inspect such books of accounts or documents produced and take extracts therefrom.

(3) The Administrator or such other officer making the inspection or any person working under his orders, shall not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of such person.

(4) If any person contravenes the provisions of sub-section (1) or sub-section (3), he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

21. Recovery of arrears of taxes and other sums as arrears of land revenue after notice.—(1) If any person fails to pay on the date on which payment is due, any tax, or any instalment of any tax, or any fee or any other sum (not being a loan) due to the Board under this Act, or due to the Board as rent for any movable or immovable property under the control of the Board, the Board shall ordinarily within fifteen days after such date, cause a notice of demand to be served on such person or delivered at or affixed to his place of residence, or addressed by registered post to such place of residence or any other place where he may be known to reside and if no payment is made until the expiry of three weeks from the date of the issue of such notice, the amount of the arrear claim may if certified by the Administrator, be recovered as arrears of land revenue.

(2) Any postal charges incurred or any fee leviable for the notice of demand under sub-section (1) may be added to the arrear claim and recovered as such.

CHAPTER IV

PROPERTY, FINANCE, ACCOUNTS AND AUDIT

22. Vesting of property in the Board.—All property movable and immovable, and all assets and funds owned or acquired by the State Government for the purposes of construction and development of any township at any time before the establishment of the Board shall, on such establishment and subject to such conditions as may be prescribed, vest in the Board.

23. Expenditure before the establishment of the Board.—All expenditure incurred by the State Government at any time before the establishment of the Board for any of the purposes under this Act shall be deemed to be the expenditure of the Board.

24. Fund of the Board.—(1) The Board shall have its own fund and all grants and advances made to it from time to time by the Central Government or the State Government and all receipts of the Board shall be credited thereto and all payments by the Board shall be made therefrom.

(2) Save as may be prescribed, all moneys belonging to that fund shall be deposited in such scheduled bank or invested in such securities as may be approved by the State Government.

25. Power of the Board to spend.—Subject to such limitations and restrictions on the power of the Board as may be prescribed, the Board shall have power without reference to the State Government to spend such sums as it thinks fit for the purposes of this Act and the rules made thereunder, and such sums shall be deemed to be the expenditure payable out of the fund of the Board:

Provided that 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 sanctioned by the State Government.

26. Repayment of loans and interest by Board.—(1) All loans advanced to the Board by the Central Government or the State Government together with the interest accruing thereon at such rate as may, from time to time, be fixed by the Central Government or the State Government, as the case may be, shall be a first charge on the fund of the Board and the Board shall repay such loans with the interest thereon in such manner and in such number of instalments as may be determined by the Central Government or the State Government, as the case may be, and every such repayment shall be deemed to be a part of the expenditure of the Board.

(2) For the purposes of any loan granted to it by the State Government, the Board shall be deemed to be a local authority within the meaning of the Local Authorities Loans Act, 1914 (IX of 1914).

27. Budget.—(1) The Board shall prepare, in such form and at such time as may be prescribed, a budget in respect of every financial year showing its estimated receipts and expenditure during the financial year and submit it to the State Government who may after consultation with the Central Government sanction the budget with such alterations and modifications, if any, as the State Government may deem fit.

(2) A copy of the budget of the Board as so sanctioned shall be forwarded by the State Government to the Central Government.

28. Annual report.—The Board shall, as soon as possible after the close of a financial year, prepare, in such form and before such date as may be prescribed, an annual report (including a statement of its assets and liabilities at the close of that financial year) giving a true and faithful account of its activities during the financial year, and copies thereof shall be submitted by the Board to the State Government and the Central Government.

29. Accounts and Audit.—(1) The Board shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed.

(2) The accounts of the Board shall be audited by such authority (hereinafter referred to in this section as the "auditor"), at such times and in such manner as may be prescribed.

(3) The auditor shall be furnished by the Board with a copy of the annual report (including the statement of its assets and liabilities) for the financial year in respect of which the accounts are to be audited and it shall be the duty of the auditor to scrutinise the statement together with the accounts and vouchers relating thereto and for this purpose, he shall at all reasonable times have access to the relevant books, registers, accounts and other documents of the Board and shall also have power to examine any officer or servant of the Board in relation to such accounts.

(4) The auditor shall prepare a report on the aforesaid report and accounts (including the statement of assets and liabilities), audited by him and forward copies thereof to the State Government and the Central Government together with a statement whether in the opinion of the auditor, the report and accounts are complete and true in all material respects and exhibit a true and correct view of the state of affairs of the Board, and whether any explanation or information from the Board was called for and whether it has been given and whether it is satisfactory.

CHAPTER V

MISCELLANEOUS

30. Directions by the State Government.—The State Government may, after consultation with the Central Government, give to the Board general instructions to be followed by the Board and such instructions may include a direction to the Board regarding the exercise of its powers and performance of its duties under this Act in such manner as may be specified in the direction and such direction shall be binding on the Board.

31. Power to call for return, statement, information, etc.—(1) The Board shall furnish to the State Government at such time and in such form and manner as may be prescribed or as the State Government may direct, such returns and statements and such particulars in regard to any proposed or existing scheme as the State Government may, from time to time, require.

(2) The State Government may at any time by order in writing addressed to the Administrator require the Board to furnish it with such information, statement, report or documents in regard to any matter relating to the functions or acts of the Board or any of its members, officers or servants and the Administrator shall without delay comply with such order accordingly.

32. Power to prohibit execution of resolution, or order of the Board.—The State Government may, after consultation with the Central Government, by order in writing, prohibit the execution or

Further execution of a resolution or order passed or made under this Act by the Board, if in the opinion of the State Government such resolution or order is of such nature as to cause or tend to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed, and may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution or order:

Provided that if any such act is in the opinion of the State Government of such nature as to cause or tend to cause a danger to human life, health or safety or a riot or affray or is prejudicial to the public interest, the State Government may, without any such consultation with the Central Government by order in writing, prohibit the doing or continuance by any person of any such act.

33. Emergency Powers of State Government.—(1) If, in the opinion of the State Government an emergency exists, it may direct that any work or act which the Board is empowered under this Act to execute or do, and the immediate execution or doing of which is, in its opinion, necessary for the safety or protection of the public shall forthwith be executed or done and that the expense of executing the work or of doing the act shall be paid out of the fund of the Board.

(2) If the expense ordered to be paid under sub-section (1) is not forthwith paid, the State Government may make an order directing the person having the custody of the balance of the fund of the Board to pay the expense, or so much thereof as may from time to time be possible, from that balance in priority to all other charges against the same.

34. Representation by the Board.—When the State Government has made an order under section 32 or 33, the Board may, within three months of the date of the receipt of such order, make such representation to the State Government as it thinks fit:

Provided that—

(a) where a prohibitory order is passed under section 32 by the State Government after consultation with the Central Government, if no such representation is received within the period specified, or if on consideration of a representation from the Board the State Government, after consultation with the Central Government, is of opinion, that the order of prohibition shall be confirmed, modified or rescinded, the State Government shall pass such order accordingly and the order so passed shall be final;

(b) where a prohibitory order is passed under the proviso to section 32, if no representation is received within the specified period or if, on consideration of a representation, the State Government is of the opinion that the order of prohibition shall be confirmed, modified or rescinded, the State Government shall pass such order accordingly and the order so passed shall be final.

35. Power of Government to supersede Board.—(1) If, in the opinion of the State Government, the Board becomes incompetent to perform, or has persistently made default in the performance of the duties imposed on it by or under this Act, or exceeds or abuses its powers, the State Government may, after consultation with the Central Government, by notification in the Official Gazette, supersede the Board for such period as may be specified in the notification.

Provided that before issuing a notification under this sub-section, the State Government shall give a reasonable time to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) When the Board is superseded under sub-section (1), the following consequences shall ensue, namely:—

(a) all the members of the Board shall, as from the date of the supersession, vacate their offices as such members;

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Board shall, during the period of supersession, be exercised and performed by such person or persons as the State Government after consultation with the Central Government may decide;

(c) all property vested in the Board shall, during the period of supersession, vest in the State Government.

(3) On the expiration of the period of supersession specified in the notification under sub-section (1), the State Government may, after consultation with the Central Government—

(a) extend the period of supersession for such further term as it may consider necessary; or

(b) constitute the Board in the manner provided in section 4.

36. Delegation of power.—The Board may, with the previous approval of the State Government, by general or special order in writing, delegate to the Chairman or any other member, officer or servant of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and duties under this Act as it may deem necessary for the efficient running of the day-to-day administration of the Board.

37. Authentication of orders and other instruments of the Board.—All orders and decisions of the Board shall be authenticated by the signature of the Chairman or any other member empowered by the Board in this behalf, and all contracts and instruments entered into or made by the Board shall be executed by the Administrator or any other officer of the Board empowered by the Board in this behalf.

38. Dispute.—If any dispute, for the resolution of which this Act does not otherwise provide, arises between the Board and any other

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local authority, the matter shall be referred to the State Government and the decision of the State Government thereon shall be final:

Provided that where such dispute exists between the Board and a Cantonment Board, the decision of the State Government shall be subject to the approval of the Central Government.

39. Power of entry.—Whenever it is necessary for the Board to carry out any of its works or to make any survey or examination or investigation, preliminary or incidental to the exercise of powers or the performance of duties by the Board under this Act, any officer or servant of the Board, generally or specially empowered by it, may enter upon any land or premises between sunrise and sunset after giving reasonable notice of the intention to make such entry to the owner or occupier of such land or premises, and at any other time with the consent in writing of the owner or occupier of such land or premises, for the purpose of the carrying out of such works or the making of such survey, examination or investigation.

40. Compulsory acquisition of land for the Board.—Any land required by the Board for carrying out any of the purposes of this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the Board as if the provisions of Part VII of the Land Acquisition Act, 1894 (I of 1894) were applicable to it and the Board were a company within the meaning of clause (e) of section 3 of the said Act.

41. Members, officers and servants of the Board to be public servants.—All members of the Board, and all officers and servants of the Board whether appointed by the State Government or the Board, when acting or purporting to act in pursuance of any of the provisions of this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

42. Procedure for prosecution.—Unless otherwise expressly provided, no Court shall take cognizance of any offence under this Act or under any rules made thereunder except on the complaint of the Board or a person empowered by the Board in this behalf.

43. Bar of legal proceedings.—No suit or other legal proceeding shall lie against any officer or servant of the Board in respect of anything done or purported to have been done in good faith under the provisions of this Act.

44. Dissolution of Board and transfer of its assets and liabilities to any local authority.—(1) When all the townships under this Act have been constructed and developed or have been so far constructed and developed as to render the continued existence of the Board, in the opinion of the State Government, unnecessary, the State Government may after consultation with the Central Government, by notification in the Official Gazette, declare that the Board shall be dissolved on such date as may be specified in the notification, and the Board shall be deemed to be dissolved accordingly.

(2) On and from the said date—

(a) all properties and funds placed at the disposal of the Board, all properties situated within the area of operation which immediately before the said date were held by the Board and all dues realisable by the Board, shall vest in, and be realisable by, such local authority or local authorities as may be constituted by the State Government under any law for the time being in force and specified by a notification or notifications issued in this behalf by the State Government;

(b) all liabilities which, immediately before the said date, were enforceable against the Board shall be enforceable against the said local authorities concerned;

(c) for the purpose of completing the execution of any work undertaken but not fully executed by the Board, and of realising properties, funds and dues referred to in clause (a), the functions of the Board under this Act shall be discharged by the said local authorities concerned; and

(d) the said local authorities concerned shall keep separate accounts of all moneys respectively received and expended by them under this Act, until all loans raised thereunder have been repaid and until all other liabilities referred to in clause (c) have been duly met.

45. Power to make rules.—(1) The State Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

(a) the term of office of members, the manner of filling casual vacancies and the allowances or fees to be paid to any member or associate member of the Board;

(b) the terms and conditions of service of officers and servants of the Board under section 11;

(c) the terms and conditions of service of the Administrator under section 12;

(d) the functions and duties of the Administrator;

(e) the manner in which the accounts of the Board shall be maintained and the time at which the accounts shall be audited;

(f) the terms on which loans shall be advanced to persons;

(g) the terms on which a building or site may be sold, leased or let out on hire to any person;

(h) the manner in which the fund and other moneys of the Board shall be invested;

(i) the form in which and the time at which the budget and annual report (including the statement of assets and liabilities) of the Board shall be prepared;

(j) the services of notices and orders under this Act;

(k) any other matter which has to be, or may be prescribed, under this Act.

(3) All rules made under this section shall be published in the Official Gazette.

(4) Any rule made by the Board under this Act may provide that a contravention thereof shall be punishable with fine which may extend to five hundred rupees.

46. **Powers to make by-laws.**—The Board may, after previous publication and with the previous approval of the State Government, make by-laws for determining the procedure for conducting the business of the Board and for such other purposes as the State Government may, from time to time, by general or special order, direct.

47. **Repeal and saving.**—The Rajpura Development Ordinance, 2006 B.K. (V of 2006 B.K.) is repealed:

Provided that all things done and all action taken purporting to have been done or taken by the body known as the Rajpura Development Board in pursuance of the provisions of the said Ordinance under the belief or purported belief that the said Ordinance was in force and that the said body had been duly constituted thereunder for the purposes of the construction and development of the township at any time before the establishment of the Board under this Act shall, notwithstanding any defect in, or invalidity of, the constitution of the said body, be deemed to be things validly done and action validly taken by the Board established under this Act as if this Act were in force and the Board were in existence at the time when such thing was done or such action was taken.

RAJENDRA PRASAD,

President.

K. V. K. SUNDARAM,

Secy. to the Govt. of India.

Reasons for the enactment.

It has been found expedient to repeal the Rajpura Development Ordinance, 2006 B.K. and replace it by a comprehensive measure by the inclusion of certain additional provisions, and to validate the acts done or purported to have been done under the said Ordinance. Hence the present Bill. Under the Bill, the scope of the Development Board has been enlarged to cover the entire State thus enabling the State Government to establish more townships for the rehabilitation.

of displaced persons. The number of members of the Board has been increased from five to seven. The Bill also provides for the amounts due to the Board being recovered as arrears of land revenue and for the exercise of control by the State Government over the activities of the Board.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953) has approved the enactment of this measure

C. S. VENKATACHAR,

Secy. to the Govt. of India,

Ministry of States.

The Gazette of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 10] NEW DELHI, WEDNESDAY, JANUARY 20, 1954

MINISTRY OF LAW

New Delhi, the 20th January, 1954

The following Act of the President is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION CHAUKIDARI ACT, 1954

No. 4 OF 1954

[20th January, 1954]

An Act to provide for the appointment of chaukidars, to define the powers and duties of chaukidars and village headmen, and for matters connected therewith.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Patiala and East Punjab States Union Chaukidari Act, 1954.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force at once.

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

(a) 'chaukidar' means a person appointed to perform the functions assigned to a chaukidar by or under this Act, and includes a person appointed to be a chaukidar under the Dastur-ul-Amal, Chaukidaran Police, Riasat Patiala, 1902, who is holding office as such immediately before the commencement of this Act;

(b) 'cognizable offence' has the same meaning as in clause (f) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898);

(c) 'Deputy Commissioner' includes any officer lawfully exercising the powers of a Deputy Commissioner or any Assistant Commissioner specially empowered by the Deputy Commissioner in this behalf;

(d) 'house' includes any shop or warehouse or ground used for purposes of trade or business;

(e) 'village' means any village or town which has a separate name in the revenue records, is defined by boundary marks, and is not a municipality or a place in which the police service of the village or town is performed by the police enrolled under the Patiala Police Act, 1985 Bk. (II of 1985 Bk.);

(f) 'village headman' means a person appointed to perform the functions of a village officer under the Punjab Land Revenue Act, 1887 (XVII of 1887), as in force in the Patiala and East Punjab States Union, and includes any person for the time being performing the functions of a village headman.

3. Appointment and remuneration of chaukidars.—The number of chaukidars to be appointed for any village, the grades of such chaukidars and the salaries to be paid to them shall be such as may be determined by the Deputy Commissioner.

4. Powers and duties of chaukidar and village headman.—Every chaukidar appointed under this Act and every village headman shall perform the following duties, namely:—

(a) he shall, to the best of his ability, prevent and may interpose for the purpose of preventing any injury attempted to be committed in his view or presence to any property, immovable or movable, belonging to the Government, railway, local authority or a *panchayat*, or the removal of any public land mark or prevent obstructions or nuisances on roads and streets;

(b) he shall arrest without any order from a magistrate and without a warrant—

(i) all proclaimed offenders within the meaning of the Code of Criminal Procedure, 1898 (Act V of 1898);

(ii) any person who in his view or presence commits a cognizable offence or who has been concerned in any such offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned;

(iii) any person against whom a hue and cry has been raised of his having been concerned in any such offence, whether such offence has been or is being committed within his village or outside it;

(iv) any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house breaking or anything which

may reasonably be suspected to be stolen property and against whom a reasonable suspicion exists of his having committed an offence with reference to such things;

(v) any person who obstructs a police officer in the discharge of his duty, or a chaukidar or village headman in the discharge of his duties under this Act or rules made thereunder;

(vi) any person who has escaped or attempts to escape from lawful custody;

(vii) any person reasonably suspected of being a deserter or of being illegally absent from the armed forces of the Union;

(viii) any person who has been concerned in or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in any act committed at any place out of India which if committed in India would have been punishable as an offence, and for which he is under any law relating to extradition or otherwise liable to be apprehended or detained in custody in India;

(ix) any released convict committing a breach of any rule made under sub-section (3) of section 565 of the Code of Criminal Procedure, 1898 (Act V of 1898);

(x) any person for whose arrest a requisition has been received from a police officer:

Provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made or it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition;

(xi) any person designing to commit any cognizable offence of which the chaukidar or village headman has knowledge, if the commission of the offence cannot otherwise be prevented;

(c) he shall give immediate information to the officer-in-charge of the police station within the limits of which the village is situate of every unnatural, suspicious or sudden death which may occur, and of any cognizable offence which may be committed within his village and he shall further keep the police informed of all disputes which are likely to lead to a riot or serious affray;

(d) he shall report to the officer-in-charge of such police station and also to such other officer, if any, as the Deputy Commissioner may from time to time determine, the births and deaths, if any, which have occurred within his village at such intervals and in such form as may be prescribed;

(e) he shall assist private persons in making such arrests as they may lawfully make, and shall report such arrests without delay to the officer-in-charge of such police station;

(f) he shall supply any local information which the Deputy Commissioner or any officer of police may require.

(2) If a person whom it is proposed to arrest under sub-section (1) resists an endeavour to arrest him, or attempts to evade the arrest, every chaukidar or village headman may use all means necessary to effect the arrest.

(3) No person arrested by a chaukidar or village headman shall be subjected to more restraint than is necessary to prevent his escape.

(4) Every person arrested by a chaukidar or village headman under this section shall forthwith be produced before the officer-in-charge of the police station within the limits of which his village is situate:

Provided that if the arrest is made at night, such person shall be taken to the officer-in-charge immediately on the following morning:

Provided further that the person arrested shall not be detained in custody without being informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate.

5. Penalty.—Any person who wilfully obstructs any chaukidar or village headman in the exercise of the powers or performance of the duties conferred or imposed on him by this Act or the rules made thereunder, shall be punishable with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

6. Penalty for misconduct of chaukidar or village headman.—Every chaukidar or village headman who may be found guilty of any wilful misconduct in his office or of neglect of duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code (Act XLV of 1860), or of placing any unnecessary restraint on, or offering any unnecessary violence to, any person arrested or detained in his custody, or of violating any of the provisions of this Act or the rules made thereunder, shall be punishable with imprisonment of either description which may extend to three months, or with fine which may extend to three hundred rupees, or with both.

7. Obligation to assist chaukidars or headmen.—Every person is bound to render to a chaukidar or a village headman discharging the duties imposed on him by or under this Act, all the assistance which he is bound to render to a police officer under section 42 of the Code of Criminal Procedure, 1898 (Act V of 1898) and any person who refuses or neglects to comply with any requisition for such assistance shall be punishable with simple imprisonment which may extend to three months, or with fine which may extend to three hundred rupees, or with both.

8. Prosecution under other laws not barred.—Nothing contained in sections 5, 6 and 7 shall be construed to prevent any person from being prosecuted under any other law for the time being in force in respect of any offence made punishable by this Act and from being

liable under any such law to any other or higher punishment than is provided for such offence by this Act:

Provided that no person shall be prosecuted and punished for the same offence more than once.

9. Chaukidars and village headmen to be public servants.—All chaukidars and village headmen shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

10. Deputy Commissioner to determine annually the total amount required for maintaining chaukidars.—(1) The Deputy Commissioner shall determine annually the total amount required in any village during any year to meet the pay and equipment of the chaukidars and any other expenditure in connection therewith which may seem to him to be necessary.

(2) For the purposes of raising the amount determined under sub-section (1), all owners or occupiers of houses in any village shall be liable to assessment at such rate on the annual value of such houses as the State Government may, on the recommendation of the Deputy Commissioner, fix in this behalf, and the amount so fixed may be paid either in cash or in kind as may be determined by rules made in this behalf.

Explanation.—For the purposes of this sub-section, the expression "annual value of a house" means the gross annual rental at which the house may reasonably be expected to let, and where such appraisalment of the rental is not practicable in any case, the annual value of the house shall be deemed to be an amount which is equivalent to an amount not exceeding five *per centum* of the estimated or actual cost of erection of such house as the State Government may fix in this behalf.

(3) Where any assessment levied under this section is payable, whether wholly or partly, in kind or where the Deputy Commissioner so thinks fit, the whole or any portion of the tax so leviable may be collected in such manner as the majority of the village headmen may, with the approval of the Deputy Commissioner, determine either on the basis of the number of ploughs in the possession of any assessee or on any other basis.

(4) Where any such assessment is payable, whether wholly or partly in cash, the amount so leviable or any portion thereof may, if a majority of the village headmen with the approval of the Deputy Commissioner so decide, be raised by means of a *chungi*, or be paid out of any *kamiana*, *chungi*, *dhurrut*, or any other tax levied and collected in the village immediately before the commencement of this Act and, for the purposes of this sub-section, it is hereby declared that where the majority of the village headmen with the approval of the Deputy Commissioner have so decided, any such *chungi*, *kamiana*, *dhurrut* or other tax shall, notwithstanding the repeal of any law under which they were being levied immediately before the commencement of this Act, continue to be levied in the same manner and subject to the same conditions as they were being levied immediately before the commencement of this Act.

11. Preparation of assessment list.—(1) The Deputy Commissioner shall cause to be prepared for every village a schedule of assessment specifying therein, among other things, the persons liable to be assessed, the amount to be payable by every such person and the method of payment by every such person, that is, whether payable in cash or in kind or partly in cash and partly in kind.

(2) Any person may, at any time, apply to the Deputy Commissioner for a revision of the assessment of levy payable by him and if the Deputy Commissioner is satisfied that there exists good and sufficient cause for such revision, he shall cause the entry in the schedule relating to such person amended accordingly.

12. Revision and appeal.—(1) All proceedings of the Deputy Commissioner under this Act in regard to the appointment, suspension and dismissal of chaukidars, the salaries payable to them and the preparation of a schedule of assessment shall be subject to the superintendence and control of, and revision by, the Commissioner to whom the Deputy Commissioner is subordinate.

(2) An appeal shall lie from any order passed by the Deputy Commissioner under this Act—

(i) if such order is passed by any officer other than the Deputy Commissioner of a district by the Deputy Commissioner of the district or to any officer specially empowered by the Deputy Commissioner to hear such appeals;

(ii) if such order is passed by the Deputy Commissioner of a district, by the prescribed authority;

and the decision of the Deputy Commissioner of the district or of any officer so empowered or of the prescribed authority on any such appeal shall, subject to the power of revision of the Commissioner under sub-section (1), be final.

13. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, the State Government may make rules for all or any of the following matters, namely:—

(a) the definition of the limits of a chaukidar's beat;

(b) the determination of the several grades of chaukidars and the number of each grade to be appointed to each beat;

(c) the appointment, suspension, dismissal and resignation of chaukidars of each grade;

(d) the equipment and discipline of, and the control and the supervision over, such chaukidars;

(e) the conferring upon chaukidars and the exercise by them of any powers and the enjoyment by them of any protection or privilege, which may be exercised and enjoyed by a police officer under any law for the time being in force;

(f) the performance by chaukidars of such duties relating to police, sanitation or statistics, or for the benefit of the village communities or local authorities or *panchayats* within their respective beats as the State Government may think fit;

(g) the exercise of authority over, and rendering of aid to, such chaukidars by village headmen or members of local authority or *panchayats*;

(h) the performance by the village headmen comprised in the beat of any chaukidar, of any of the duties of a chaukidar in aid of or substitution for, such chaukidar;

(i) the exercise by village headmen for the purposes referred to in clauses (g) and (h), or by members of local authorities or *panchayats* for the purposes referred to in clause (g) of any of the powers, and the enjoyment by such village headmen or members of any privilege or protection, of a chaukidar;

(j) the determination of the rate at which, and the mode in which, chaukidars shall be paid, and the mode in which their salaries, the expenses of their equipment, and other charges connected with the village-chaukidari system shall be provided for;

(k) the collection with or without the aid of the village headmen, and by any process available for the realization of land revenue, or any tax or levy imposed under this Act and the application of, and the mode of accounting, for the same;

(l) the authority to hear any appeal against orders of the Deputy Commissioner under clause (ii) of sub-section (2) of section 12;

(m) generally for the efficient working of the system of village chaukidars:

Provided that the rules to be made under clause (c) regarding the appointment of chaukidars shall include a provision that a chaukidar to be appointed within a beat of a village headman shall be appointed on the recommendation of that village-headman to be exercised in such manner and subject to such limitations as may be provided in such rules.

14. Repeal.—The Dastur-ul-Amal, Chaukidaran Police, Riasat Patiala, 1902, is hereby repealed.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

The terms and conditions of service of village chaukidars are not uniform throughout Patiala and East Punjab States Union and the agency is at present under the control of the Police. This has resulted in certain administrative difficulties. It is, therefore, necessary

to place the institution of village chaukidars on a proper basis and make them responsible to the Deputy Commissioners, as in the adjoining State of Punjab. Hence the present Bill.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953) has approved the enactment of this Bill.

C. S. VENKATACHAR,
Secy. to the Govt. of India,
Ministry of States.

The Gazette of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 11] NEW DELHI, SATURDAY, JANUARY 23, 1954

MINISTRY OF LAW

New Delhi, the 23rd January, 1954

THE PATIALA AND EAST PUNJAB STATES UNION LIVE-STOCK IMPROVEMENT ACT, 1954

No. 5 OF 1954

[23rd January, 1954]

An Act to provide for the improvement of Live-stock.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Patiala and East Punjab States Union Live-stock Improvement Act, 1954.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) Sections 1 and 2 shall come into force at once and the remaining provisions shall come into force in such areas and on such dates as the State Government may, by notification in the Official Gazette, specify; and the Nagar Sabha of any area or the Live-stock Expert or any other person interested may, by a written application, move the State Government to take action under this sub-section.

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

(a) "cow" includes a heifer;

(b) "licence" means a licence granted under section 5;

(65)

(c) "Live-stock Expert" means the officer appointed by the State Government under section 3 to be the Live-stock Expert for the State of Patiala and East Punjab States Union;

(d) "Live-stock Officer" means an officer appointed as such under section 3 and includes the Live-stock Expert;

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

(f) "a person is said to keep a bull", if such person owns the bull or has the bull in his possession or custody.

3. Appointment of Live-stock Expert and Live-stock Officer.—The State Government may, by notification in the Official Gazette, appoint a person to be the Live-stock Expert for the State of Patiala and East Punjab States Union and may also appoint any officer of the civil veterinary department to be a Live-stock Officer and assign to such officer such powers and duties under this Act as may be specified in such notification.

4. Prohibition of keeping bull for breeding purposes.—No person shall keep for breeding purposes a bull which has attained the prescribed age except under and in accordance with the terms and conditions of a licence granted under section 5.

5. Grant of licence.—A licence for keeping a bull shall be granted by the Live-stock Officer in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed:

Provided that no fee shall be charged for the grant of such licence.

6. Refusal to grant or revocation of licence.—(1) Subject to the rules made under this Act, the Live-stock Officer may refuse to grant a licence for keeping a bull or revoke any such licence, if in his opinion the bull appears to be—

(a) of defective or inferior conformation and likely to beget defective or inferior progeny;

(b) permanently affected with any contagious or infectious disease; or

(c) permanently affected with any other disease rendering the bull unsuitable for breeding purposes.

(2) The Live-stock Officer may also revoke a licence, if in his opinion any breach of any of the terms or conditions of the licence has been committed.

(3) No person shall be entitled to any compensation on the revocation of a licence under sub-section (1) or sub-section (2).

(4) If a licence is revoked under sub-section (1) or sub-section (2) the Live-stock Officer shall give notice of such revocation to the owner or the person stated therein to be the owner of the bull stating therein the grounds of revocation.

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(5) If the notice is duly given in accordance with the last foregoing sub-section to a person, who is not the owner of, but has in his possession or custody, the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner accordingly, and if he fails to do so, he shall indemnify the owner against any loss the owner may suffer by reason of the failure.

7. Grant of duplicate licence.—If the Live-stock Officer is satisfied that a licence granted under section 5 has been lost or destroyed, he may, subject to such conditions as may be prescribed, issue to the holder of the licence a duplicate thereof, and thereupon all the provisions of this Act with respect to the licence shall apply to the duplicate as if it were the original licence.

8. Duration of licence.—A licence granted in respect of a bull shall remain in force until—

- (a) the period specified therein expires, or
- (b) it is revoked, or
- (c) the bull dies or is castrated in the prescribed manner.

9. Inspection of bulls.—Any person who keeps a bull shall at any reasonable time, either at the place where the bull is for the time being or at such other place as the Live-stock Officer may, from time to time, direct submit the bull for inspection by the Live-stock Officer when required by such officer to do so and render all reasonable assistance to that officer for the purposes of inspection.

10. Power to order castration of bulls.—(1) The Live-stock Officer may, by notice served in the prescribed manner on the owner or other person keeping the bull, require that any bull, which has attained the prescribed age at the date when the notice is served and in respect of which no licence is for the time being in force under this Act, shall be castrated in the prescribed manner within one month after the notice takes effect.

(2) Such castration shall, if the owner or other person who keeps the bull requires, be performed or caused to be performed by the Live-stock Officer free of charge.

(3) If a notice under this section is duly served on a person who is not the owner of but has in his possession or custody the bull it shall be the duty of such person forthwith to take all reasonable steps to inform the owner accordingly, and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may suffer by reason of the failure.

11. Duty to produce licence.—It shall be the duty of every person who for the time being keeps a bull in respect of which a licence is in force to produce the licence—

- (a) within a reasonable time on demand made by the Live-stock Officer or any officer of the veterinary department authorised by general or special order by the State Government in this behalf in any place where the bull is for the time being;

(b) before a cow is served by a bull on demand made by the person in-charge of the cow.

12. Penalty for keeping a bull in contravention of this Act or rules.—Whoever, in contravention of this Act or of any rule or order made under this Act or of any of the terms, conditions or restrictions of a licence keeps a bull shall, on conviction, be punishable with fine which may extend to twenty-five rupees, and in the case of a continuing contravention, with a fine which may extend to two rupees for every day after the date of first conviction during which the contravention is continued.

13. Penalty for neglect or failure to comply with notice under section 6 or 10.—Whoever neglects or fails to comply with a notice served in accordance with section 6 or section 10 shall, on conviction, be punishable with fine which may extend to twenty-five rupees.

14. Penalty for neglect or failure to comply with requisition under section 9 or 11.—Whoever neglects or fails to submit a bull for inspection when required by the Live-stock Officer for inspection under section 9 or whoever fails to produce a licence when required to do so in accordance with the provisions of section 11 shall, on conviction, be punishable with fine which may extend to twenty-five rupees.

15. Power of Live-stock Officer to castrate.—Whenever an offence under section 14 has been committed, or whenever any bull has not been castrated in compliance with the notice served under section 10, it shall be competent for the Live-stock Officer—

(1) to castrate or cause to be castrated in the prescribed manner and free of charge the bull in respect of which such offence was committed or such notice was served, as the case may be;

(2) to seize any bull, if the person, in whose ownership, possession or custody, the bull for the time being is, is not known or cannot be ascertained after an inquiry in the prescribed manner, and on such seizure, if he is of opinion that such bull has attained the prescribed age or is suffering from any of the defects or diseases specified in section 6 to direct that the said bull be—

(a) castrated in the prescribed manner, and

(b) sold by public auction or sent to a Pinjrapol:

Provided that if the owner of the said bull appears within fifteen days of such seizure and proves to the satisfaction of the Live-stock Officer that the said bull is of his ownership; the said bull—

(i) if not sold by public auction, or

(ii) if sent to a Pinjrapol,

shall be delivered to such owner on payment of the expenses incurred for the maintenance of the said bull and determined in the prescribed manner, or

(iii) if sold by public auction, the proceeds of such sale shall be paid to such owner after deducting therefrom the expenses incurred for the maintenance and sale of the said bull and determined in the prescribed manner.

16. Power of Live-stock Officer to inspect or mark a bull or to enter premises.—For the purposes of this Act, the Live-stock Officer shall have power at all reasonable times—

(a) to inspect any bull,

(b) to mark any bull with the prescribed mark in the prescribed manner,

(c) to enter any premises or other place in the prescribed manner where he has reason to believe that a bull is kept.

17. Officers bound to assist Live-stock Officer.—Every village officer or officer of the departments of Revenue, Agriculture and Veterinary shall be bound—

(a) to give immediate information to the Live-stock Officer of the commission of any offence, or the intention or preparation to commit any offence punishable under this Act which may come to their knowledge;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about to be committed; and

(c) to assist the Live-stock Officer in carrying out the provisions of this Act.

18. Cognizance of offence under this Act.—No court shall take cognizance of any offence under this Act, except on a complaint made by the Live-stock Officer or any person authorised by such officer in that behalf.

19. Live-stock Officer to be public servant.—The Live-stock Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

20. Protection of persons acting in good faith and limitations of suits and prosecutions.—(1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or rules made thereunder.

(2) No suit shall be instituted against Government and no prosecution or suit shall lie against any Live-stock Officer in respect of anything done or alleged to have been done, in pursuance of this Act, unless the suit or prosecution has been instituted within four months from the date of the act complained of.

21. Revision.—(1) The State Government may call for and examine the record of any order or proceedings of the Live-stock Officer for the purpose of satisfying itself as to the legality and propriety thereof.

(2) If in any case it appears to the State Government that any order or proceedings so called for should be modified, annulled or reversed, they may pass such order as they may deem fit.

22. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

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

(a) the age of a bull after which it shall not be kept without a licence for breeding purposes,

(b) the form of the manner in which, the terms, conditions and the restrictions subject to which, a licence shall be granted, transferred or renewed,

(c) the conditions subject to which a licence may be revoked,

(d) the manner in which notices shall be served,

(e) the conditions subject to which a duplicate licence may be granted,

(f) the manner in which a bull shall be castrated, and the manner in which inquiry regarding the ownership of a bull shall be made, and the expenses for the maintenance and sale of a bull shall be determined,

(g) the manner and form in which a bull shall be marked and the manner in which the Live-stock Officer shall enter any premises or other place.

(3) Rules made under this section shall be subject to the condition of previous publication.

23. Power of Government to apply the provisions of this Act to buffalo-bulls.—The State Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act which have been extended to any village shall apply to buffalo-bulls in such village from the date specified in such notification, and thereupon references to bulls and cows in this Act so applied shall be construed as references to buffalo-bulls and buffalo-cows respectively and this Act shall apply accordingly.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

REASONS FOR THE ENACTMENT

There is at present no law in force in Patiala and East Punjab States Union, as in other States, providing for the licensing of bulls kept for breeding purposes or for the compulsory castration of bulls

which are likely to beget inferior or defective progeny or which are permanently affected by infectious or contagious diseases. Such a law is essential in the interests of improving the live-stock in the State. Hence the present Bill.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953) has approved the enactment of this measure.

C. S. VENKATACHAR,

Secy. to the Govt. of India,

Ministry of States.

(No. VI of 1954)

THE PATIALA AND EAST PUNJAB STATES UNION
RULES OF EXECUTIVE BUSINESS (VALIDATION)

Act ~~BILL~~, 1954

AW

~~Act~~ [4th March, 1954]

to remove doubts as to the validity of the Rules of Executive Business of the Government of Patiala and East Punjab States Union and to validate action taken thereunder.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title.—This Act may be called the Patiala and East Punjab States Union Rules of Executive Business (Validation) Act, 1954.

2. Definitions.—In this Act,—

(a) 'Proclamation' means the Proclamation issued on the fourth day of March, 1953 by the President under clause (1) of article 356 of the Constitution;

(b) 'Order' means the Order made on the fourth day of March, 1953, by the President in pursuance of sub-clause (i) of clause (c) of the Proclamation.

3. Validation.—Notwithstanding anything contained in the Order and notwithstanding any defect in the making of the Rules of Executive Business of the Government of Patiala and East Punjab States Union dated the twenty-sixth day of September, 1953, and of the amendment thereto dated the twenty-sixth day of November, 1953—

(a) the said Rules and amendment shall be as valid and effectual for all purposes as if they had been duly made on the fifth day of March, 1953, and the twenty-sixth day of November, 1953, respectively, by the President in exercise of the powers assumed to himself by the Proclamation and of all other powers enabling him in that behalf; and

(b) any thing done or any action taken (including any Order made or instrument executed) in accordance with the said Rules or amendment shall not be called in question in any proceeding before any court or other authority merely on the ground that the said Rules or amendment had not been validly made or were or was not in force on the date on which such thing was done or such action was taken.

RAJENDRA PRASAD,

President.

K. V. K. SUNDARAM,

Secy. to the Govt. of India.

Reasons for the enactment

The President's Proclamation of the 4th March 1953 assuming to himself the administration of the Patiala and East Punjab States Union also suspended the operation of Article 166(3) of the Constitution. Consequently the 'Rules' in force in the State prior to 4th March 1953 for the conduct of the executive business of the State also ceased to operate. The Adviser to His Highness the Rajpramukh framed new Rules of Business in the name of the President and these were issued on the 26th September 1953 duly authenticated by the Chief Secretary to the Patiala and East Punjab States Union Government. Certain doubts have been expressed regarding the validity of these rules and it is essential to clear these doubts. The present Bill validates the Rules of Business and gives them retrospective effect.

2. The Parliamentary Committee constituted under the Patiala and East Punjab States Union (Delegation of Powers) Act, 1953, has approved the enactment of this measure.

C. S. VENKATACHAR,
Secy. Ministry of States.

The Gazette of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 55] NEW DELHI, THURSDAY, DECEMBER 9, 1954

MINISTRY OF LAW

New Delhi, the 9th December, 1954

The following President's Acts enacted on the 9th December, 1954 are published for general information:—

THE INDIAN BAR COUNCILS (ANDHRA AMENDMENT) ACT, 1954

No. 7 OF 1954

Enacted by the President in the Fifth Year of the Republic of India.

[9th December, 1954]

An Act further to amend the Indian Bar Councils Act, 1926, in its application to the State of Andhra.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Indian Bar Councils (Andhra Amendment) Act, 1954.

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

(3) It shall come into force on the 9th day of December, 1954.

2. Amendment of section 4, Act XXXVIII of 1926.—In section 4 of the Indian Bar Councils Act, 1926 (hereinafter referred to as the principal Act),—

(a) to sub-section (2), the following *Explanation* shall be added, namely:—

“Explanation.—For the purpose of election to the Bar Council for the High Court of Andhra the period of ten

years aforesaid shall be computed after taking into account the period for which the person concerned was entitled as of right to practise in the High Court at Madras before the 5th day of July, 1954";

(b) in the proviso to sub-section (4), after the words "Advocates-General of", the word "Andhra" shall be inserted, and after the word "constituted", the words "for the High Court of Andhra and" shall be inserted.

3. Insertion of new section 5A in Act XXXVIII of 1926.—After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. *Ad hoc Bar Council for Andhra High Court.*—Notwithstanding anything contained in this Act, the Chief Justice of the High Court of Andhra shall nominate the members of the first Bar Council under this Act for the High Court of Andhra, and the members so nominated shall remain in office for a period of six months."

4. Repeal of Andhra Ordinance I of 1954.—(1) The Indian Bar Councils (Andhra Amendment) Ordinance, 1954 (Andhra Ordinance I of 1954), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

RAJENDRA PRASAD,

President.

Reasons for the enactment

Consequent on the establishment of a separate High Court for the State of Andhra, it became necessary to constitute a Bar Council for it as required by section 3(1) of the Indian Bar Councils Act, 1926 (XXXVIII of 1926). But as there were difficulties in having a Bar Council consisting of members elected by the advocates of the High Court and as the absence of a Bar Council even for some time would be a bar to the enrolment of advocates, it was considered that an *ad hoc* Bar Council might be constituted for a period of six months so that a Bar Council might be constituted thereafter in the manner provided in the Act.

Section 4(2) of the Act requires not less than five of the elected members of the Bar Council to be persons who have for not less than ten years been entitled as of right to practise in the High Court for which the Bar Council has been constituted. As the High Court of Andhra was constituted only on the 5th July, 1954, no member of the Bar practising in that High Court would be eligible for being elected as a member of the Andhra Bar Council unless provision is made for taking into account his standing as an advocate in the High Court at Madras also.

In order to provide for the above, the Act was amended by the Indian Bar Councils (Andhra Amendment) Ordinance, 1954 (Andhra Ordinance I of 1954). The present enactment replaces that Ordinance and also amends the proviso to section 4(4) so as to enable the Advocate-General, Andhra, to be the *ex-officio* Chairman of the Bar Council, as in Madras.

A. V. PAI,

*Secy. to the Govt. of India,
Ministry of Home Affairs.*

**SRI VENKATESWARA UNIVERSITY
(AMENDMENT) ACT, 1954**

No. 8 OF 1954

Enacted by the President in the Fifth Year of the Republic of India.

[9th December, 1954]

An Act to Amend Sri Venkateswara University Act, 1954.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

1. Short title and commencement.—(1) This Act may be called Sri Venkateswara University (Amendment) Act, 1954.

(2) It shall come into force on the 9th day of December, 1954.

2. Amendment of section 10, Andhra Act XIV of 1954.—In sub-section (1) of section 10 of Sri Venkateswara University Act, 1954 (Andhra Act XIV of 1954), for the words "The Chief Justice", the words "The Chief Justice of the High Court of Andhra" shall be substituted, and shall be deemed always to have been substituted.

3. Repeal of Andhra Ordinance II of 1954.—Sri Venkateswara University (Amendment) Ordinance, 1954 (Andhra Ordinance II of 1954), is hereby repealed.

RAJENDRA PRASAD,

President.

Reasons for the enactment

Sub-section (1) of section 10 of Sri Venkateswara University Act, 1954 (Andhra Act XIV of 1954), provides that the Chief Justice shall be the Chancellor. As the intention was to refer to the Chief Justice of Andhra, this was made explicit by Sri Venkateswara University (Amendment) Ordinance, 1954 (Andhra Ordinance II of 1954). The present enactment replaces this Ordinance.

A. V. PAI,

*Secy. to the Govt. of India,
Ministry of Home Affairs.*

THE MADRAS TENANTS AND RYOTS PROTECTION
(ANDHRA AMENDMENT) ACT, 1954

No. 9 OF 1954

Enacted by the President in the Fifth Year of the Republic of
India.

[9th December, 1954]

An Act further to amend the Madras Tenants and Ryots Protec-
tion Act, 1949.

In exercise of the powers conferred by section 3 of the Andhra
State Legislature (Delegation of Powers) Act, 1954 (45 of 1954),
the President is pleased to enact as follows:—

1. Short title and commencement.—(1) This Act may be called
the Madras Tenants and Ryots Protection (Andhra Amendment)
Act, 1954.

(2) It shall come into force on the 9th day of December, 1954.

2. Amendment of section 1, Madras Act XXIV of 1949.—In sub-
section (3) of section 1 of the Madras Tenants and Ryots Protection
Act, 1949 (Madras Act XXIV of 1949), as in force immediately before
the commencement of the Madras Tenants and Ryots Protection
(Andhra Amendment) Ordinance, 1954 (Andhra Ordinance VII of
1954), for the figures, letters and word, "7th October 1954", the
figures, letters and word, "7th October 1956" shall be substituted.

3. Repeal of Andhra Ordinance VII of 1954.—(1) The Madras
Tenants and Ryots Protection (Andhra Amendment) Ordinance,
1954 (Andhra Ordinance VII of 1954), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action
taken in the exercise of any power conferred by or under the said
Ordinance shall be deemed to have been done or taken in the
exercise of the powers conferred by or under this Act, as if this
Act were in force on the day on which such thing was done or
action was taken.

RAJENDRA PRASAD,

President.

Reasons for the enactment

Section 1(3) of the Madras Tenants and Ryots Protection Act,
1949 (Madras Act XXIV of 1949), as amended by Madras Act XIV of
1953, provided that the Act was to remain in force up to and
inclusive of the 7th October, 1954. There are still many estates
which have not yet been taken over under the Madras Estates
(Abolition and Conversion into Ryotwari) Act, 1948, and the Gov-
ernment of Andhra therefore decided that the life of the Madras
Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949),
should be continued for a further period of two years beyond the

7th October, 1954. To achieve this object, Andhra Ordinance VII of 1954 was promulgated. The present enactment replaces this Ordinance and extends the life of the Act up to the 7th October, 1956.

A. V. PAI,

Secy. to the Govt. of India,
Ministry of Home Affairs.

THE SOCIETIES REGISTRATION (ANDHRA AMENDMENT) ACT, 1954

No. 10 OF 1954

Enacted by the President in the Fifth Year of the Republic of India.

[9th December 1954]

An Act further to amend the Societies Registration Act, 1860, in its application to the State of Andhra.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Societies Registration (Andhra Amendment) Act, 1954.

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

(3) It shall be deemed to have come into force on the 1st day of October, 1954.

2. Amendment of Act XXI of 1860.—In the Societies Registration Act, 1860 (hereinafter referred to as the principal Act),—

(i) in section 1, for the words “the Registrar of Joint-stock Companies”, the words and brackets “the Inspector-General of Registration (hereinafter referred to as the Inspector-General)” shall be substituted;

(ii) to the same section, the following *Explanation* shall be added, namely:—

“*Explanation.*—“Inspector-General of Registration” means the Inspector-General of Registration appointed by the State Government under section 3 of the Indian Registration Act, 1908 (XVI of 1908), and includes any officer subordinate to the Inspector-General, not below the rank of District Registrar, to whom the State Government may delegate the functions of the Inspector-General under this Act.”.

3. Substitution of “Inspector-General” for “register”, etc.—In the principal Act, for the words “the registrar” in sections 3 and 19, and for the words “the Registrar of Joint-stock Companies” in sections 4 and 18, wherever they occur, the words “the Inspector-General” shall be substituted.

4. **Saving.**—Any document filed with, or certificate issued by, the Registrar of Joint-stock Companies under the principal Act before the commencement of this Act shall, after such commencement, be as effectual for all purposes as if it had been filed with, or issued by, the Inspector-General of Registration under the principal Act as amended by this Act.

5. **Repeal of Andhra Ordinance V of 1954.**—The Societies Registration (Andhra Amendment) Ordinance, 1954 (Andhra Ordinance V of 1954), is hereby repealed.

RAJENDRA PRASAD,
President.

Reasons for the enactment

The Societies Registration Act, 1860 (XXI of 1860), entrusts the administration of the Act to the Registrar of Joint-stock Companies. In Andhra, the Inspector-General of Registration, an officer of the State Government, was also *ex officio* the Registrar of Joint-stock Companies. On the centralisation of the administration of the Indian Companies Act, 1913 (VII of 1913), with effect from the 1st October, 1954, the Registrar of Joint-stock Companies has come under the administrative control of the Central Government. The Government of Andhra considered it necessary to continue to entrust the administration of the Societies Registration Act to a State Government officer and the Act was therefore amended by Andhra Ordinance V of 1954 so as to provide for the administration of the Act by the Inspector-General of Registration instead of by the Registrar of Joint-stock Companies. The present enactment replaces that Ordinance.

A. V. PAI,
*Secy. to the Govt. of India,
Ministry of Home Affairs.*

THE MADRAS MOTOR VEHICLES (TAXATION OF
PASSENGERS AND GOODS) ANDHRA
AMENDMENT ACT, 1954

No. II OF 1954

Enacted by the President in the Fifth Year of the Republic of
India.

[9th December 1954]

An Act to amend the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Madras Motor Vehicles (Taxation of Passengers and Goods) Andhra Amendment Act, 1954.

(2) It shall be deemed to have come into force on the 18th day of September, 1953.

2. Amendment of section 3, Madras Act XVI of 1952.—In section 3 of the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952 (Madras Act XVI of 1952),—

(i) the first proviso shall be omitted;

(ii) in the second proviso, the word "further" shall be omitted.

3. Repeal of Andhra Ordinance III of 1954.—The Madras Motor Vehicles (Taxation of Passengers and Goods) Andhra Amendment Ordinance, 1954 (Andhra Ordinance III of 1954), is hereby repealed.

RAJENDRA PRASAD,

President.

Reasons for the enactment

The first proviso to section 3 of the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952 (Madras Act XVI of 1952), prohibits an operator from charging a fare which, inclusive of the tax leviable under the Act, will exceed the maximum fare prescribed by the Government under the Motor Vehicles Act, 1939. The Madras High Court has held in a recent judgment that this proviso is unconstitutional and invalid. Andhra Ordinance III of 1954 therefore omitted the proviso with effect from the date of the decision of the High Court, viz., the 18th September, 1953, and the present enactment seeks to replace the said Ordinance.

A. V. PAI,

Secy. to the Govt. of India,

Ministry of Home Affairs.

THE ANDHRA PRESERVATION OF PRIVATE FORESTS ACT, 1954 No. 12 OF 1954

Enacted by the President in the Fifth Year of the Republic of India:

[9th December 1954]

An Act to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

1. Short title, application, commencement and duration.—(1) This Act may be called the Andhra Preservation of Private Forests Act, 1954.

(2) It applies—

(i) to forests situated in estates as defined in the Madras Estates Land Act, 1908 (Madras Act I of 1908), in the State of Andhra;

(ii) to private forests situated in other areas in the State of Andhra and having a contiguous area exceeding 100 acres which may be declared by the State Government to be forests for the purposes of this Act by notification in the Andhra Gazette,

but does not apply to reserved forests constituted under the Madras Forests Act, 1882 (Madras Act IV of 1882), and lands at the disposal of the Government as defined in that Act.

(3) It shall be deemed to have come into force on the 2nd day of December, 1954 and shall remain in force upto and inclusive of the 2nd day of December, 1956.

(4) Upon the expiry of this Act, the provisions of section 8 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply as if this Act had then been repealed by an Andhra Act.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) 'forest' includes waste or communal land containing trees and shrubs, pasture land and any other class of land declared by the State Government to be a forest by notification in the Andhra Gazette.

Explanation.—For the purposes of this clause, 'communal land' means any land of the description mentioned in sub-clause (a) or sub-clause (b) of clause (16) of section 3 of the Madras Estates Land Act, 1908 (Madras Act I of 1908);

(b) 'owner' in relation to a forest includes a mortgagee, lessee or other person having right to possession and enjoyment of the forest;

(c) 'person' includes a Hindu undivided family, a Marumakkattayam tarwad or tavazhi and an Aliyasantana family or branch.

(2) Any reference to a Madras Act in this Act, shall be construed as a reference to that Act as in force in the State of Andhra.

3. Preservation of private forests.—(1) (a) No owner of any forest shall, without the previous sanction of the District Collector, sell, mortgage, lease or otherwise alienate the whole or any portion of the forest.

Explanation.—Nothing in this sub-section shall be construed as preventing the owner from selling or otherwise dealing with the right to gather and remove forest produce other than trees and timber in the usual or customary manner, for a period not exceeding two years.

(b) Any alienation made on or after the 16th day of August, 1946 in contravention of clause (a) shall be null and void.

(2) No owner of any forest and no person claiming under him, whether by virtue of a contract, licence or any other transaction entered into before or after the commencement of this Act, or any other person shall, without the previous permission of the District Collector, cut trees or do any act likely to denude the forest or diminish its utility as a forest:

Provided that nothing contained in this sub-section shall apply to the removal of dead or fallen trees or to any act done for the usual or customary domestic purposes or for making agricultural implements.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the State Government may exempt any forest or class of forests or class of trees therein from all or any of the provisions of this section.

4. Appeals.—Any person aggrieved by an order under clause (a) of sub-section (1) of section 3 or under sub-section (2) of that section in regard to the sanction or permission referred to in that clause or sub-section may, within two months of the receipt of such order, prefer an appeal in writing to the State Government. The State Government shall pass such orders on the appeal as they may think fit

5. Stay of certain civil and criminal proceedings.—(1) All suits, proceedings in execution of decrees or orders and other proceedings including proceedings by way of appeal or revision, in which a claim to customary or prescriptive rights in a forest is involved and all criminal proceedings in respect of offences which are of the nature described in Chapter XVII of the Indian Penal Code (Act XLV of 1860), and arise out of any act done in exercise or assertion of such customary or prescriptive rights, and which stood stayed up to the 2nd day of December, 1954 or which may be instituted after the said date, shall continue to stand stayed, or shall stand stayed, as the case may be, and shall not be proceeded with until after the expiration of this Act.

(2) Notwithstanding anything contained in sub-section (1), the State Government may direct that any suit or proceeding or class or classes thereof stayed under sub-section (1) shall be proceeded with from the stage which had been reached when the suit or proceeding was stayed.

6. Power to prohibit or regulate certain acts.—If, in the opinion of the State Government, it is necessary for the preservation of a forest or forests, they may, by notification in the Andhra Gazette,—

- (i) prohibit or regulate the doing of any act likely to be detrimental to the preservation of such forest or forests;
- (ii) regulate the exercise of customary or prescriptive rights in such forest or forests.

7. Penalties.—(1) Whoever contravenes the provisions of sub-section (1) or sub-section (2) of section 3 or any of the terms of a notification under section 6 shall be punishable with imprisonment which may extend to two years, or with fine which may extend to five thousand rupees, or with both.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any magistrate of the first class, specially empowered by the State Government in this behalf, to impose a sentence of fine exceeding one thousand rupees.

8. Institution of prosecutions.—No prosecution shall be instituted against any person without the sanction of the District Collector.

9. Bar of suits.—No order of the State Government or the District Collector under this Act and no notification issued by the State Government under section 6 shall be liable to be questioned in any court.

10. Power to make rules.—(1) The State Government may, by notification in the Andhra Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the classes or kinds of trees which may be permitted to be cut and the girth of such trees;

(b) the terms and conditions subject to which permissions may be granted;

(c) the procedure to be followed by the District Collector before granting permissions.

11. Continuance of suits and proceedings after the expiration of the Act.—All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed.

12. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

13. Savings.—(1) Any rule, order, notification, decision, direction, action, proceeding, thing, liability, penalty or punishment made, issued, given, taken, done, incurred or awarded, or deemed to have been made, issued, given, taken, done, incurred or awarded, as the case may be—

(a) under any of the provisions of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), as in force in the State of Andhra immediately before its expiry on the 2nd day of December, 1954, or

(b) on or after the 3rd day of December, 1954, under any of the provisions of the said Act on the footing that the said Act was in force at the relevant time,

shall be deemed to have been made, issued, given, taken, done, incurred or awarded under the corresponding provision of this Act.

(2) Nothing contained in this Act shall render any person liable to any punishment or penalty whatsoever by reason of anything done or omitted to be done by him contrary to the provisions of this Act between the 2nd day of December, 1954 and the date of publication of this Act in the Andhra Gazette.

14. Indemnity for acts, etc., done after expiry of Madras Acts XVIII of 1946 and XXVII of 1949.—(1) No suit, prosecution or other legal proceeding shall lie in any court against any officer or servant of the State Government or any person acting under his direction or aiding or assisting him—

(a) for, or on account of, or in respect of, any sentence passed, or any act ordered or done by him, in the exercise of any jurisdiction or power purporting to have been conferred on him by the Madras Preservation of Private Forests Act, 1946 (Madras Act XVIII of 1946), or the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), or

(b) for carrying out any sentence passed by any court in the exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the State Government for, or on account of, or in respect of, any act, matter or thing whatsoever purporting to have been done in pursuance of, or under, either of the said Acts.

(3) Sub-sections (1) and (2) shall have effect although either of the said Acts was not or might not have been in force at the relevant time.

15. Repeal.—The Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), is hereby repealed.

RAJENDRA PRASAD,

President.

Reasons for the enactment

The Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), was passed with a view to prevent the indiscriminate destruction of private forests and interference with the customary and prescriptive rights therein. It requires the previous sanction of the District Collector for selling, mortgaging, leasing or otherwise alienating private forests.

The Act applies to forests situated in estates as defined in the Madras Estates Land Act, 1908 (Madras Act I of 1908), and also to private forests situated in other areas in the State of Andhra having a contiguous area of 100 acres which may be declared by the State Government to be forests for the purposes of the Act by notification in the Gazette.

The life of the Act was extended from time to time and on the last occasion when this was done up to the 2nd December, 1954, it was anticipated that a Bill which was then under contemplation for amending the Madras Forest Act, 1882 (Madras Act IV of 1882), and

which was to embody *inter alia* the essential provisions of the Madras Preservation of Private Forests Act, would be passed into law before that date. This Bill is, however, still under consideration. Apart from this, there are still several estates which are yet to be taken over under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948). There are also several estates to which the Abolition Act aforesaid does not at present apply, such as the estates in which both the melwaram as well as the kudiwaram vest in the land-holder, etc. The need for preserving the forests in all such estates and for giving protection in respect of the private forests situated in areas other than 'estates' in the State, therefore, continues to remain as before. A Bill seeking to extend the life of the Act up to the 2nd December, 1956, was under the consideration of the Government of Andhra, but before it could be passed into law, the Ministry demitted office and the Andhra Legislative Assembly has also been dissolved. As the Madras Preservation of Private Forests Act, 1949, has since expired on the 2nd December, 1954, the present measure re-enacts it from the same date with the necessary consequential amendments therein.

A. V. PAI,

Secy. to the Govt. of India,
Ministry of Home Affairs.

THE ANDHRA CHRISTIAN MARRIAGE VALIDATION ACT, 1954

No. 13 OF 1954

Enacted by the President in the Fifth Year of the Republic of India.

[9th December, 1954]

An Act to validate the marriage of Sri Axel Hugo Johansson and Srimathi Carol Belle Brown.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

1. Short title.—This Act may be called the Andhra Christian Marriage Validation Act, 1954.

2. Validation of a marriage solemnised by the Rev. John C. Peery after the revocation of his licences.—(1) The marriage of Sri Axel Hugo Johansson and Shrimathi Carol Belle Brown solemnized by the Rev. John C. Peery of the United Lutheran Church Mission in the district of Guntur, on the 13th day of December, 1952, and the certificate granted, the register book and extracts therefrom deposited, and the other acts and things done, in respect of, or in relation to, that marriage, shall not be deemed to be invalid by reason only of the fact that the licences granted under the Indian Christian Marriage Act, 1872 (XV of 1872) to the said Rev. John C. Peery on the 16th day of March, 1950 had been revoked.

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(2) The certificate of the marriage validated by sub-section (1), and the register book and extracts therefrom referred to in that sub-section, shall be received as evidence of the marriage without further proof thereof.

RAJENDRA PRASAD,

President.

Reasons for the enactment

Licences under sections 6 and 9 of the Indian Christian Marriage Act, 1872 (XV of 1872), to solemnize marriages and to grant certificates of marriage between Indian Christians were issued by the Government of Madras to the Rev. John C. Peery of the United Lutheran Church Mission in the district of Guntur on the 16th March, 1950. These licences were revoked by that Government on the 24th December, 1951 and the revocation was duly notified in the Fort St. George Gazette. In ignorance of the revocation of his licences, the Rev. John C. Peery solemnized the marriage of two Baptist Missionaries in Ongole on the 13th December, 1952. There is no reason to doubt that the parties to the marriage believed in good faith that their marriage had been duly solemnized, and the certificate thereof duly granted, by a person competent to do so. The present enactment, therefore, validates the marriage solemnized, the certificate granted and the other incidental acts and things done by the Rev. John C. Peery after the licences granted to him were revoked.

A. V. PAI,

*Secy. to the Govt. of India,
Ministry of Home Affairs.*

THE ANDHRA INAM TENANTS PROTECTION ACT, 1954

No. 14 of 1954

Enacted by the President in the Fifth Year of the
Republic of India.

[9th December, 1954]

An Act to provide for the temporary protection of certain classes of tenants in the State of Andhra.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

1. Short title, application, commencement and duration.—(1) This Act may be called the Andhra Inam Tenants Protection Act, 1954.

(2) It applies to tenants in any hamlet, khandriga or substantial portion of an inam village, of which the grant as inam has been made, confirmed or recognized by the Government, notwithstanding that subsequent to the grant, the hamlet, khandriga or portion of village aforesaid has been partitioned among the grantees, or the successors-in-title of the grantee or grantees, and which under the law as it now stands is not treated as an estate under the Madras Estates Land Act, 1908 (Madras Act I of 1908).

Explanation.—The expression “substantial portion of an inam village” means a portion of an inam village, the area of which is not less than one-half of the total extent of the village exclusive of the lands, if any, which have already been granted on service or other tenure or been reserved for communal purposes.

(3) It shall come into force on the 9th day of December, 1954 and shall remain in force for a period of two years.

(4) Upon the expiry of this Act, the provisions of section 8 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply as if this Act had then been repealed by an Andhra Act.

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

(1) “Court” means the Civil Court having jurisdiction under the Code of Civil Procedure, 1908 (Act V of 1908), to entertain a suit for the possession of the inam land;

(2) “inamdar” includes the assignee, heir or other legal representative of the inamdar;

(3) “inam land” means an inam land of the description mentioned in section 1, sub-section (2);

(4) “prescribed” means prescribed by rules made under this Act;

(5) “rent” means whatever is payable in money or in kind or in both, on account of the use or occupation of land by the tenant, in accordance with agreement between the tenant and the inamdar or if there is no such agreement, in accordance with the custom or usage of the locality;

(6) “tenant” means a person who holds any inam land for the purpose of cultivation on condition of paying rent to the inamdar.

3. Tenants not to be evicted.—During the continuance of this Act and subject to the provisions of section 4, no tenant of an inam land shall be evicted by the inamdar in pursuance of a decree or order for eviction.

4. Stay of suits and proceedings for eviction of tenants.—(1) All suits, proceedings in execution of decrees or orders and other proceedings for the eviction of tenants from inam lands, or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, which are pending at the commencement of this Act or which

may be instituted after such commencement in any Court, shall stand stayed subject to the provisions of the following sub-sections:

Provided that nothing contained in this sub-section shall affect the power of the Court to grant any relief of the nature specified in section 94 of the Code of Civil Procedure, 1908 (Act V of 1908), with a view to prevent wilful waste by the tenant or any person claiming under him.

(2) Where in a suit for eviction there is also a claim for rent, the tenant shall, subject to the provisions of sub-section (9) and within two months from the commencement of this Act or from the date on which notice of the suit is served on him by the Court (which service shall be the duty of the Court), as the case may be, deposit in Court, for payment to the inamdar—

(i) in the case of a suit instituted before the commencement of this Act, the arrears of rent accrued due until such commencement, at the rate claimed in the plaint, or an amount equivalent to rent for two years immediately preceding such commencement, at the rate aforesaid, whichever is less,

(ii) in the case of a suit instituted on or after the commencement of this Act, the arrears of rent claimed in the plaint, or an amount equivalent to rent for two years immediately preceding the date of service of the notice, at the rate claimed in the plaint, whichever is less,

together with such interest as may be payable under law, custom or agreement up to the date of deposit.

(3) In the case 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 proceeding was instituted before the commencement of this Act, the tenant shall deposit in Court for payment to the inamdar, within two months from such commencement, (a) the amount payable under the decree or order, or (b) the rent for two years immediately preceding such commencement, whichever is less, or

(ii) if the proceeding is instituted on or after such commencement, the tenant shall deposit in Court for payment to the inamdar within two months from the date on which notice of the proceeding is served on him by the Court (which service shall be the duty of the Court), (a) 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.

(4) Where, before the institution of any suit or proceeding of the description referred to in sub-section (1), a tenant has paid to the inamdar 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 shall not be liable to make the deposit referred to in sub-section (2) or sub-section (3).

(5) Notwithstanding the expiry of the period specified in sub-section (2) or (3), the Court may, if satisfied that the tenant was prevented by sufficient cause from making the deposit within the period aforesaid, allow the deposit to be made within a specified period not exceeding one month and may extend it by such period or periods not exceeding one month more in the aggregate, as it thinks fit.

(6) Where a suit or other proceeding is stayed under sub-section (1), the tenant shall, so long as this Act is in force, deposit or continue to deposit in Court, for payment to the inamdar, each year's rent as it accrues due, within a period of two months from the date on which it becomes payable or such further period or periods not exceeding two months in the aggregate as may be allowed by the Court.

(7) The deposit specified in sub-sections (2), (3), (4) and (6) may be made by the tenant or any person whose interests are likely to be affected by the eviction.

(8) If the deposit required by sub-section (2), (3) or (6) is not made within the time specified therein or within such time as may be granted under sub-section (5) or sub-section (6), the Court shall proceed with the suit, execution proceeding or other proceeding, as the case may be, from the stage which had been reached when the suit or proceeding was stayed.

(9) Where any dispute arises between the tenant and the inamdar as to the rate at which the rent is payable, the Court shall, on the application of the tenant or the inamdar, and after hearing the party or parties affected, determine the fair rent for such land having due regard to the prevailing rates of rent in the locality for similar lands in similar circumstances; and until the Court determines the fair rent the tenant shall deposit and continue to deposit rent at the rate admitted by him, within the time before which rents are required to be deposited by this Act.

(10) Where a deposit has been made under sub-section (2), (3), (4) or (6) and there is a dispute in regard to the existence of the arrears of rent or the amount thereof, the Court may—

(i) refuse to pay without proper security to the inamdar the whole of the amount deposited or, as the case may be, the portion thereof which is in dispute; or

(ii) direct the payment of the same to the inamdar on such terms and conditions as it thinks fit.

(11) The provisions of sub-sections (1) to (10) shall apply *mutatis mutandis* to all proceedings pending at the commencement of this Act or instituted thereafter, in any Court of appeal or revision.

5. Presumption as to rate and amount of rent.—(1) In all proceedings under this Act the rent or rate of rent lawfully payable by a tenant at the commencement of fasli year 1364 shall be presumed to be fair and equitable until the contrary is proved.

(2) If a question arises as to the amount of rent payable by a tenant in any fasli year, he shall be presumed until the contrary is shown, to hold at the same rate and under the same conditions as in the last preceding fasli year.

6. Continuance of suits and proceedings after the expiration of the Act.—All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed:

Provided that, in the case of a suit instituted after the commencement of this Act, the Court may, if satisfied that such suit is vexatious or unnecessary, deprive the plaintiff of his costs and award costs to the defendant.

7. Reinstatement of tenants evicted before the commencement of this Act.—(1) Every tenant who was in possession of an inam land on the 1st day of October, 1953, but who is not in possession thereof at the commencement of this Act, having been evicted from the land by or at the instance of his inamdar, whether in execution of a decree or order of a Court or otherwise, shall be entitled to be restored to possession of that land as hereinafter provided.

(2) Any tenant entitled to be restored to possession of an inam land under sub-section (1) shall, within thirty days from the commencement of this Act, serve a notice in the prescribed manner on the inamdar and any other person who was admitted to possession of the land on or after the 1st day of October, 1953 demanding possession of the land, and if he does not get such possession within seven days from the date of service of such notice, he may institute a suit for possession of the land within three months from the commencement of this Act against the inamdar and the other person aforesaid:

Provided that in the case of any inam land which was also an inam land as defined in the Andhra Tenants Protection Ordinance, 1954 (Andhra Ordinance IV of 1954), the reference to "the commencement of this Act" in this sub-section shall be construed as a reference to "the 26th day of August, 1954", but it shall be open to the Court to entertain any suit filed by the tenant of any such inam land within one month from the commencement of this Act if the Court is satisfied that the tenant was prevented by sufficient cause from not filing the suit within the time specified in the Ordinance.

(3) The Court before which a suit is instituted under sub-section (2) shall, on proof of the facts stated in sub-section (1), pass a decree for possession and impose therein such conditions as the Court may consider just and equitable, including any condition in regard to the reimbursement by the plaintiff of the inamdar or the tenant in possession of the land on the date of the suit, as the case may be, in respect of any labour done, and any expenses incurred, by such

inamdar or other person during the period of his possession, if an agreement is not reached between the parties as regards the rate and manner of such reimbursement.

(4) A tenant so restored to possession shall be entitled to all the rights conferred, and be subject to all the obligations imposed, on a tenant by this Act as if he had been in possession of the inam land as a tenant at the commencement of this Act.

(5) The provisions of this section shall have effect notwithstanding anything to the contrary contained in any other law, custom, contract, or decree or order of a Court.

8. Appeal.—Any person aggrieved by an order of the Court under sub-section (9) of section 4 or under sub-section (3) of section 7 may prefer an appeal to the Appellate Court to which an appeal ordinarily lies from that Court within the time prescribed.

Explanation.—The provisions of this section shall not be construed as barring any right of appeal in cases not falling under this section, if, in such cases, an appeal would lie under the Code of Civil Procedure, 1908 (Act V of 1908), or any other law for the time being in force.

9. Power to make rules.—(1) The State Government may, by notification in the *Andhra Gazette*, make rules to carry out all or any of the purposes of this Act.

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

(a) the investment of Courts with powers to try summarily suits for restoration of tenants;

(b) the fees payable on suits, applications and appeals filed under this Act;

(c) all matters expressly required or allowed by this Act to be prescribed.

10. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of 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.

11. Repeal of Andhra Ordinance IV of 1954.—(1) The Andhra Tenants Protection Ordinance, 1954 (Andhra Ordinance IV of 1954), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the corresponding power conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

RAJENDRA PRASAD,

President.

Reasons for the enactment

Under section 3(2)(d) of the Madras Estates Land Act, 1908 (Madras Act I of 1908), an estate includes an inam village of which the grant has been made, confirmed or recognised by the Government notwithstanding that subsequent to the grant, that village has been partitioned among grantees. In recent years, Courts have held that where the inam lands granted do not form a whole village, they do not constitute an "estate" within the meaning of section 3(2)(d) aforesaid. As a result, landholders of such inam lands have been resorting to large-scale evictions of their tenants. Pending the enactment of permanent legislation to safeguard the rights and privileges of tenants in such inam lands, the Government of Andhra considered it necessary to provide for temporary protection against eviction of tenants of such lands subject to the condition that the tenants pay to the inamdar concerned, or deposit in Court for such payment, the arrear rents due for two faslis and also pay the rent regularly in future as and when it accrues due. In order to achieve this object, the Andhra Tenants Protection Ordinance, 1954 (Andhra Ordinance IV of 1954), which was based largely on the provisions of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), was promulgated. The Ordinance further provided for the reinstatement of tenants evicted on or after the 1st October, 1953 and before the commencement of the Ordinance. The present enactment replaces the Ordinance. Provision has also been made for the determination of fair rents in cases of dispute.

A. V. PAI,

*Secy. to the Govt. of India,
Ministry of Home Affairs.*

**THE MADRAS DISTRICT BOARDS (AMENDMENT)
ANDHRA SECOND AMENDMENT ACT, 1954**

No. 15 OF 1954

Enacted by the President in the Fifth Year of the Republic of India.

[9th December 1954]

An Act to extend the duration of the Madras District Boards (Amendment) Act, 1953.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

1. Short title and commencement.—(1) This Act may be called the Madras District Boards (Amendment) Andhra Second Amendment Act, 1954.

(2) It shall come into force on the 9th day of December, 1954.

2. Amendment of section 1, Madras Act V of 1953.—In subsection (2) of section 1 of the Madras District Boards (Amendment) Act, 1953 (Madras Act V of 1953), as in force immediately before the commencement of the Madras District Boards (Amendment) Andhra Second Amendment Ordinance, 1954 (Andhra Ordinance

SAD,
President.

VI of 1954), for the figures, letters and word "30th September, 1954", the figures, letters and word "10th December, 1955" shall be substituted.

3. Repeal of Andhra Ordinance VI of 1954.—(1) The Madras District Boards (Amendment) Andhra Second Amendment Ordinance, 1954 (Andhra Ordinance VI of 1954), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

RAJENDRA PRASAD,

President.

Reasons for the enactment

Under the Madras District Boards (Amendment) Act, 1953 (Madras Act V of 1953), power was taken to appoint Special Officers for all district boards from the date of expiry of the term of office of the members of district boards until the 31st March, 1954, pending the holding of elections to the boards. The reports of the Special Officers who were appointed disclosed that the financial position of most of the district boards was grave and that it was necessary to continue their appointments, firstly, to put the finances in order and, secondly, to work out the details of alternative arrangements. By Andhra Act III of 1954, the term of office of the Special Officers was extended upto the 30th September, 1954.

The question of reorganising the district boards so that their administration may run effectively is still under consideration. Pending consideration of this question, the term of office of all Special Officers was extended for a period of 6 months from the 1st October, 1954, by Andhra Ordinance VI of 1954. This Ordinance, which will expire on the 10th December, 1954, has now to be replaced by an Act. It is considered that the question of replacing district boards by other agencies should be left to the new Ministry which is expected to assume office some time in April, 1955. As the new Ministry will require some time to consider this question, it is proposed to extend the term of Special Officers upto the 10th December, 1955, instead of 31st March, 1955, as provided in the Ordinance.

A. V. PAI,

*Secy. to the Govt. of India,
Ministry of Home Affairs.*

K. Y. BHANDARKAR,

Secy. to the Govt. of India.

The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 2]. NEW DELHI, SATURDAY, JANUARY 22, 1955

MINISTRY OF LAW

New Delhi, the 22nd January 1955

The following President's Act is published for general information:—

THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) ANDHRA AMENDMENT ACT, 1955

No. 1 OF 1955

Enacted by the President in the Fifth Year of the Republic of India.

An Act further to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

1. Short title.—This Act may be called the Madras Essential Articles Control and Requisitioning (Temporary Powers) Andhra Amendment Act, 1955.

2. Amendment of section 1, Madras Act XXIX of 1949.—In subsection (3) of section 1 of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 (hereinafter referred to as the principal Act), for the figures, letters and word "25th January, 1955", the figures, letters and word "25th January, 1956" shall be substituted.

3. Amendment of the Schedule to Madras Act XXIX of 1949.—For the Schedule to the principal Act, the following Schedule shall be substituted, namely:—

"THE SCHEDULE
[See section 2 (a)]

- (1) Charcoal.
- (2) Electrical energy."

RAJENDRA PRASAD,
President.

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Reasons for the enactment

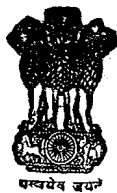
Sub-section (3) of section 1 of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949, as now in force in the State of Andhra, restricts the life of the Act up to and inclusive of the 25th January, 1955. The Schedule to this Act contains certain essential articles, but at present there is control only on charcoal, electrical energy and cement. As the need for exercising powers of control in respect of the movement of charcoal and of the prices, supply and distribution of electrical energy continues to exist, it is proposed to extend the life of the Act by a further period of one year beyond the 25th January, 1955, and to amend the Schedule so as to retain therein those two articles only. The present enactment gives effect to this object.

The Committee constituted under the proviso to sub-section (2) of section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954, has approved the enactment of this measure.

A. V. PAI,
Secy. to the Govt. of India,
Ministry of Home Affairs.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

The Gazette



of India

EXTRAORDINARY

PART II—Section I

PUBLISHED BY AUTHORITY

No. 16] NEW DELHI, MONDAY, MARCH 21, 1955

MINISTRY OF LAW

New Delhi, the 21st March 1955

The following President's Acts are published for general information:—

THE MADRAS ENTERTAINMENTS TAX (ANDHRA AMENDMENT) ACT, 1955

No. 2 OF 1955

Enacted by the President in the Sixth Year of the Republic of India

An Act further to amend the Madras Entertainments Tax (Amendment) Act, 1949.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954, the President is pleased to enact as follows:—

1. This Act may be called the Madras Entertainments Tax (Andhra Short title. Amendment) Act, 1955.

2. In sub-section (3) of section 1 of the Madras Entertainments Tax (Amendment) Act, 1949, for the figures "1955", the figures "1956" shall be substituted.

Amendment,
of section 1
Madras Act
XVII of
1949.

RAJENDRA PRASAD,

President.

Reasons for the enactment

Section 4A of the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939), inserted by section 3 of the Madras Entertainments Tax (Amendment) Act, 1949 (XVII of 1949), provides for the levy of

an additional tax (known as 'show tax') on cinematograph exhibitions. The life of Madras Act XVII of 1949 which was restricted to one year in the first instance was later on extended twice. Madras Act XVII of 1949, as now in force in the State of Andhra, will cease to be in force on the 31st March, 1955. Although the annual income from the tax in the State of Andhra is estimated at only 2.5 lakhs, the State cannot, in view of financial stringency, afford to discontinue the levy of this tax. It is, therefore, proposed to continue the levy for one more year, leaving the question of its retention for consideration by a Ministry after it assumes office. The present enactment seeks to extend the life of Madras Act XVII of 1949 as now in force in the State of Andhra by a further period of one year from the 31st March, 1955. In Madras this tax has been made permanent by an amendment made by Madras Act XXXII of 1954.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954, has approved the enactment of this measure.

A. V. PAI,

*Secy. to the Govt. of India,
Ministry of Home Affairs.*

THE ANDHRA REQUISITIONING OF BUILDINGS (AMENDMENT) ACT, 1955

No. 3 of 1955

Enacted by the President in the Sixth Year of the Republic of India

An Act to amend the Andhra Requisitioning of Buildings Act, 1954.

45 of 1954. In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954, the President is pleased to enact as follows:—

1. This Act may be called the Andhra Requisitioning of Buildings (Amendment) Act, 1955. Short title

Andhra Act XI of 1954. 2. In clause (a) of section 7 of the Andhra Requisitioning of Buildings Act, 1954 (hereinafter referred to as the principal Act), for the words "one year", the words "two years" shall be substituted. Amendment of section 7 of Andhra Act XI of 1954

[PART I]

3. After section 7 of the principal Act, the following shall be inserted, namely:—

“7A. Where the period of requisition specified in section 7 of the principal Act is less than two years, the Government may, from time to time, by order in writing signed by the Minister in charge of the Department in the manner laid down in section 6, extend the period of requisition, after giving the landlord a reasonable opportunity of making his representation, so, however, that the total period of requisition does not exceed two years.”

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Short title,
extent and
commence-
ment.

Reasons for the enactment

The Andhra Requisitioning of Buildings Act, 1954, provides for the requisitioning of buildings in the State of Andhra. Under section 7(a) of this Act every requisition has to specify the period of requisition which may be for any year or any lesser period. Scarcity of accommodation has been as acute as before. Experience of the working of the Act has shown that the maximum period of one year specified in the order of requisition is not sufficient to meet the actual requirements and should be raised to two years. Buildings which have been requisitioned under the Act and they will be subject to requisition for a period of not less than two years as specified in the order of requisition from the date of requisition. As it will not be possible to provide alternative accommodation for the present occupants of these buildings, it is necessary to retain them even after the expiry of the period of requisition. It is thus essential to empower the Government under the Act to extend the period of requisition in the manner specified in the Act. The power will be exercised only as and when necessary and requisition not exceeding two years in the aggregate. The enactment gives effect to these objects.

Definitions.

Cinematograph
exhibitions to be
licensed.

Licensing
authority.

2. The Committee constituted under the provisions of section 3 of the Andhra State Legislature (Deliberation) Act, 1954, has approved the enactment of this Bill.

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THE ANDHRA CINEMAS (REGULATION) ACT, 1955

No. 4 OF 1955

Enacted by the President in the Sixth Year of the Republic of
India

An Act to provide for the regulation of exhibitions by means of
cinematographs in the State of Andhra.

In exercise of the powers conferred by section 3 of the Andhra
State Legislature (Delegation of Powers) Act, 1954, the President 45 of 19
is pleased to enact as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Andhra Cinemas (Regulation)
Act, 1955.

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

(3) It shall come into force on such date as the State Govern-
ment may, by notification, appoint.

Definitions.

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

(1) "cinematograph" includes any apparatus for the repre-
sentation of moving pictures or series of pictures;

(2) "Government" means the State Government;

(3) "notification" means a notification published in the
Andhra Gazette;

(4) "place" includes a house, building, tent and any descrip-
tion of transport whether by water, land or air;

(5) "prescribed" means prescribed by rules made under this
Act.

Cinematograph exhibi-
tions to be
licensed.

3. Save as otherwise provided in this Act, no person shall give
an exhibition by means of a cinematograph elsewhere than in a
place licensed under this Act, or otherwise than in compliance with
any conditions and restrictions imposed by such licence.

Licensing
authority.

4. The authority having power to grant licences under this Act
(hereinafter referred to as the licensing authority) shall be the District
Collector:

Provided that the Government may, by notification, constitute for
the whole or any part of the State such other authority as it may

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specify in the notification to be the purposes of this Act.

5. (1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that—

(a) the rules made under this Act have been complied with, and

(b) adequate precautions have been taken in respect of which the licence is to be granted for the safety of the persons attending exhibitions.

(2) Subject to the foregoing provision, the Government may, under this Act, to such persons as they may think fit, subject to such terms and conditions and subject to such directions as they may determine.

(3) The Government may, from time to time, direct any licensee generally or to any licensee in respect of regulating the exhibition of any film, scientific films, films intended for educational purposes, with news and current events, documentaries, to secure an adequate opportunity of being heard, if such directions have been issued those directions shall be additional conditions and restrictions which shall be granted.

Madras Act II of 1888. Madras Act V of 1920. Madras Act XIV of 1920. Madras Act X of 1950.

6. (1) Nothing contained in the Madras District Boards Act, 1888, or in the Madras District Municipalities Act, 1920, or in the Madras District Boards Act, 1920, or in the Madras District Panchayats Act, 1950, in regard to—

(a) the grant of permission for the construction of a building, or

(b) the grant of licence for the use of any place for any purpose for which such licence is granted under the Acts, or

(c) the grant of permission to inspect any place or building,

shall apply to the construction or reconstruction or the installation of any machinery in, or the use of any place exclusively for the holding of cinema exhibitions. In every such case, an application for licence

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to in any of the clauses (a) to (c) above shall be made to the licensing authority under this Act, in accordance with the rules made in this behalf under this Act.

(2) Subject to the control of the Government and to any rules made in this behalf, the licensing authority, after making such inquiry as it deems fit and consulting the chief executive officer (by whatever designation he may be known) of the local authority concerned, may, for reasons to be recorded either grant or refuse to grant the licence or permission applied for.

Appeal.

7. Any person aggrieved by the decision of the licensing authority, refusing to grant any licence or permission under this Act may, within such time as may be prescribed, appeal to the Government, or to such officer or authority as the Government may specify in this behalf, and the Government or the officer or the authority, as the case may be, may make such order as is deemed fit.

Power of Government or District Collector to suspend exhibition of films in certain cases.

8. (1) The Government in respect of the whole of the State or any part thereof, and the District Collector in respect of any area within the local limits of his jurisdiction may, if it or he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension, no person shall exhibit such film or permit it to be exhibited in the State or in such part thereof or in such area, as the case may be.

(2) Where an order under sub-section (1) has been issued by the District Collector, a copy thereof together with a statement of reasons therefor, shall forthwith be forwarded by him to the Government and the Government may on a consideration of all the facts of the case confirm, modify or cancel the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

Penalties.

9. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act, or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend

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to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

Power to re-voke licence. 10. Where the holder of a licence has been convicted of an offence under section 7 of the Cinematograph Act, 1952, or section 9 of this Act, the licence may be revoked by the licensing authority. XXXVII. 1952.

Power to make rules. 11. (1) The Government may, by notification, make rules for carrying out the purposes of this Act.

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

(a) the terms, conditions and restrictions, if any, subject to which licences and permissions may be granted under this Act, the fees for such licences and permissions, and the apportionment of such fees between the Government and the local authority concerned;

(b) the regulation of cinematograph exhibitions for securing the public safety;

(c) the time within which and the conditions subject to which an appeal under section 7 may be preferred and the fees to be paid in respect of such appeal;

Power to exempt.

(d) the regulation of the construction or reconstruction of buildings for cinematograph exhibition.

Repeal.

12. Where in the opinion of the Government reasonable grounds exist for doing so, the Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

13. The Cinematograph Act, 1918, in so far as it relates to matters other than the sanctioning of cinematograph films for exhibition, is hereby repealed: II of 1918.

Provided that any appointment, notification, order, scheme, rule, form or by-law, made or issued under the repealed Act, shall so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form or by-law made or issued under this Act.

RAJENDRA PRASAD,

President.

Reasons for the enactment

Under the Constitution of India all matters relating to cinemas other than the sanctioning of cinematograph films for exhibition come in the State List in the Seventh Schedule and therefore within the exclusive legislative competence of the State Legislature; and the sanctioning of cinematograph films for exhibition is a matter in the Union List in that Schedule and therefore within the exclusive legislative competence of Parliament. In 1918 all the necessary provisions relating to cinemas were included in one single Central Act, namely, the Cinematograph Act, 1918 (II of 1918), there having been no distribution of legislative powers in those days between the Centre and the Provinces. In view of the above entries in the Seventh Schedule to the Constitution, Parliament in 1952 enacted the Cinematograph Act, 1952 (XXXVII of 1952). Part II of that Act contains provisions relating to sanctioning of cinematograph films for public exhibition and applies to the whole of India; while Part III of that Act which contains provisions relating to the regulation of exhibitions by means of cinematographs including their licensing could be applied to Part C States only. Therefore, so far as regulation of cinemas including their licensing is concerned, cinemas in Part A and Part B States are still governed by the relevant provisions of the Act of 1918 which are, however, not quite satisfactory in several respects. Hence the necessity for State legislation for the purpose of regulation of cinemas including their licensing and for the repeal of the Cinematograph Act, 1918, in so far as that Act relates to matters other than the sanctioning of cinematograph films for exhibition.

2. It has been represented to the Government by the Andhra Film Chamber of Commerce and other associations of cinema exhibitors that much hardship is caused to cinema exhibitors by the presence of multiplicity of authorities whom the exhibitors should approach for permissions or licences under different enactments, namely, the Madras District Municipalities Act, the Madras District Boards Act, the Madras Village Panchayats Act and the Madras Places of Public Resort Act, before a cinema theatre is made ready for exhibition of films. These associations have, therefore, suggested the incorporation in a single enactment, of all the provisions contained in these various Acts and the centralization in a single authority of the powers of granting permissions for the construction and reconstruction of buildings for cinematograph exhibitions and granting licences to cinemas. The Government have carefully examined the above representation and suggestions and have decided to take this opportunity to take power to make the District Collector the sole

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3. The Bill is de

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authority for the purpose. Rules will be made under the proposed enactment requiring the District Collector to consult other officers and authorities before granting such permissions and licences.

3. The Bill is designed to achieve the above objects.

A. V. PAI,

*Secy. to the Govt. of India,
Ministry of Home Affairs.*

K. Y. BHANDARKAR,

*Secy. to the Govt. of India,
Ministry of Law.*

