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2 Sept

Scott. II-27-58,004--27-10-47.

F. d. P. H. (194 50) Department.

MS SERIES.

G.O. NO. 50 Edw

Dated 7/1/50

14

[Despatch Abstract.]

Ele. Edw Act - Extension to the State of
Puduchottai and Sandur - papers Recorded

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

SPECIAL.

GOVERNMENT OF MADRAS.
EDUCATION AND PUBLIC HEALTH DEPARTMENT.
U.O. Note No. 39817/D3/49-3, P.H., dated 26th July 1949.

Sub: STATES - Sandur - Merger - Application of Provincial and Central laws.

Attention is invited to U.O. Note No. 39817-D3/49-1, P.H., dated 7th June 1949 on the above subject. The decisions for extending the Acts mentioned below to the Sandur State have not yet been received in D3 from the sections concerned for preparing a consolidated notification in that respect. The consolidated notification has to be issued before the issue of the Governor-General's order under Section 290A of the Government of India Act, 1935 as otherwise the notification cannot be issued and the Acts can be extended only by the Legislature. The Sections concerned are therefore required to treat the matter as 'VERY SPECIAL' and to communicate the decisions to this section.

V. RAMASWAMI AYYAR,
Assistant Secretary to Government.

To B2, C2, E1, F1, F2, G1 & G2 sections in Education and Public Health Department.

Forwarded/By order

AMG.27.7.

LIST I.

List of Federal Acts to be applied to the merged State of Sandur.

1. The Ancient Monuments Preservation Act, 1904 (Act VII of 1904).
2. The Antiquities (Export Control) Act, 1947 (XXXII of 1947).
3. The Indian Copyright Act, 1914 (Central Act II of 1914).
4. The Indian Patents & Designs Act, 1911 (Central Act II of 1911).

LIST II.

List of Concurrent and Provincial Acts to be extended to the State of Sandur.

1. The Press and Registration of Books Act, 1897 (Central Act XXV).
2. The Madras Public Health Act, 1939 (Madras Act III of 1939).
3. Places of Public Resort Act, 1888 - (Madras Act II of 1888).
4. The Madras Registration of Births and Deaths Act, 1899 (Madras Act III of 1899).
5. The Madras Prevention of Adulteration Act, 1918 (Madras Act III of 1918).
6. The Madras Town-Planning Act, 1920 (Madras Act VII of 1920).
7. The Epidemic Diseases Act.
8. The Indian Medical Degrees Act, 1916.
9. The Indian Medical Councils Act, 1933.
10. The Dentists Act, 1948.
11. The Madras Elementary Education Act.
12. The Madras Medical Registration Act, 1914.

AMG.27.7.

Sub: STATES - Samsar - Merger - Application of Provincial
and Central Laws.

Attention is invited to U.O. Note No. 39817-D3/49-1, P.H., dated 7th June 1949 on the above subject. The decisions for extending the Acts mentioned below to the Samsar State have not yet been received in D3 from the sections concerned for preparing a consolidated notification in that respect. The consolidated notification has to be issued before the issue of the Governor-General's order under Section 290A of the Government of India Act, 1935 as otherwise the notification cannot be issued and the Acts can be extended only by the Legislature. The sections concerned are therefore required to treat the matter as 'VERY SPECIAL' and to communicate the decisions to this section.

V. RAMASWAMI AYYAR,
Assistant Secretary to Government.

To
BS, CS, EI, FI, FS, GI & GS sections in Education and Public
Health Department.

Forwarded by order

SUPERINTENDENT.

1/1/49

LIST I.

List of Federal Acts to be applied to the merged State of

Samsar.

1. The Ancient Monuments Preservation Act, 1904 (Act VII of 1904).
2. The Antiquities (Export Control) Act, 1947 (XXII of 1947).
3. The Indian Copyright Act, 1914 (Central Act II of 1914).
4. The Indian Patents & Designs Act, 1911 (Central Act II of 1911).

LIST II.

List of Government and Provincial Acts to be extended to the
State of Samsar.

1. The Press and Registration of Books Act, 1869 (Central Act XVII).
2. The Madras Public Health Act, 1939 (Madras Act III of 1939).
3. Places of Public Resort Act, 1888 - (Madras Act II of 1888).
4. The Madras Registration of Births and Deaths Act, 1899 (Madras Act III of 1899).
5. The Madras Prevention of Adulteration Act, 1918 (Madras Act III of 1918).
6. The Madras Town-Planning Act, 1920 (Madras Act VII of 1920).
7. The Epidemic Diseases Act, 1916.
8. The Indian Medical Degrees Act, 1916.
9. The Indian Medical Councils Act, 1933.
10. The Dentists Act, 1948.
11. The Madras Elementary Education Act.
12. The Madras Medical Registration Act, 1914.

ANG.27.7.



EPH 20 57246 B2/49-1
29/7/49

Please see the u.o. note on p.1. and.

So far no action has been taken to extend the provisions of the Ele. Education Act, not only to Samsar State but also to Pudukottai and Bangamapalle States, because of the facts that no local bodies have been constituted for the areas ^{the areas} ~~that~~ ^{the areas} have not been brought within the jurisdiction of any existing local body. Action in this regard should be taken in d. A. sept. This Dept. may be required to ~~the~~ ^{the} ~~note~~ ^{note} ~~the~~ ^{the} ~~provision~~ ^{provision} of the Ele. Education Act makes provision for the following:

- 1) Constitution of an Ele. Edu. fund for a local body (Dt. Board or Municipality)
- 2) Levy of Edu. tax by local authority
- 3) ~~Introduction~~ ^{Introduction} of the scheme of compulsory Ele. education by the local body.

unless and until the States are included within the jurisdiction of local bodies ^{constituted} ~~(under Madras~~ ^{under Madras} Local Boards Act or District Municipalities Act, the purpose of the Ele. Education Act will not be achieved, even though the Govt. may by a notification extend the Ele. Edu. Act throughout the three State areas. immediately.

3/. For orders whether a notification as at 'A' above should be published immediately or whether the question may be taken up after local bodies are constituted.

4/. Pub. L.A., and Legal may see for remarks.

27/7/49
27/7/49

27/7/49

L.A.
Legal
M. L. H.

L.A. (B)

Please see the note of ~~E. & P.H. L.A. (B)~~ at
 1. The M.D.M. Act, 1920, & the M.L.B. Act, 1920
 have been extended to Pudukkottai
 vide G.O. no 682 L.A. dated 29.3.1949 (T)
 In G.O. no 681 L.A. dated 29.3.49, the M.L.B. (C)
 Act 1920 has been extended to Banga
 napalle. The question of extending
 the M.L.B. Act to Sandur is under
 consideration of Govt. There are
~~several~~ several Panchayats in Puduk-
 kottai whereas, the Banganapalle
 M.P. is constituted under the Banganapalle
 M.L. Regulations of 1941, has been
 classified as a Panchayat Constituents
 under the M.L.B. Act 1920. There are
 also a number of Panchayats in
 Sandur & the question of retaining
 them is separately under correspondence with the
 Insp. of M.L. ch. & H.B.D.S.

With this information the
 file may be passed on to Legal

C.S.R. ful
 29.7.49
 29.7.49

The question of
 including the non-mpl
 areas in the merged states of
 Pudukkottai and Banganapalle
 is within the jurisdiction of
 the Tiruchirapalle and Kurnool
 At lds respectively is lying over
 till the issue of an order by the
 Govt of India to the effect
 that these merged states form
 part of this Province.

Legal will consider whether
 the Madras Ely Edu Act
 cannot be extended now
 to these merged state areas,
 as if the ~~states~~ areas form part
 of the Tiruchirapalle and
 Kurnool dts respectively.
 The M. L. B. Act 1920
 has been extended to the
 whole of these areas.

M
 29.7.49 Legal

L.A. no. 33003/49-1B

29.7.49



LEGAL DEPARTMENT

It has been reported in "The Hindu" dated the 28th July 1949
 that the order under s.290-A of the Govt. of India Act, 1935, providing
 for the administration of these merged states as if they formed part
 of the Province, has been issued by the Govt. of India and that that
 Order will take effect from the 1st August 1949. The draft of
 that Order (forwarded for remarks to this Govt.) prohibited the
 issue of any order under the Extra-Provincial Jurisdiction Act after
 that order took effect. If the order reported to have been issued,
 follows only the draft already forwarded, action will have to be
 taken immediately to issue an order for the application of the
 Elementary Education Act to the merged states.

Legal no. No 9625/49-1
 30.7.49



30.7.49 Public
 Public

Public (Poll.) Department.

The notes of E. & P.H., L.A., and Legal from pages
 3 ante. may be perused.

While offering comments on the draft order to be
 issued by the Governor-General under section 290-A of

the

the Government of India Act, this deptt. has suggested

that this Government may be authorised to exercise powers under the Extra Provincial Jurisdiction Act, 1947 till 1950 in respect of the extension of Acts, etc., to the merged States. It is not known whether this Government's suggestion has been accepted by the Government of India. It is seen from the Hindu dated 29-7-1949 ^{and a telegram from India} that the order has been published by the Government of India and that it will take effect from 1-8-1949. In the circumstances, this deptt. may suggest that ^{the extension of} the Madras Elementary Education Act ~~may be extended~~ to the merged states

~~may be deferred until the order issued by the Govt. of India immediately under the Extra-Provincial Jurisdiction Act, is received, when no mention need be made to the 1947 and that the notification may be published in Extra Provincial Jurisdiction Act. and all laws an extra-ordinary issue of the Fort St. George Gazette be before 1-8-1949.~~

With the above remarks, the file may be returned to E. & P.H. May ~~may~~ be requested to send the file to this Deptt. ~~after~~ after 1-8-49.

10/7/49 Cue
30.7.49

30/7/49

E. & P.H.
B2.

the file may be sent to Pub (Pol), as requested in their the last para of their note above.

1/8/49
1/8/49

2/8/49

Pub (Pol)

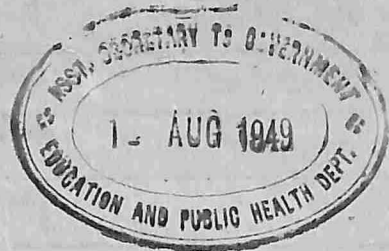
EPH 20 57244 B2 / 49-2
2-8-49.

6708
8 AUG 1949

Public (Political) Department

(Previous notes of this department in p.p. 5-6 ante above)

As an order under Section 290A of the Govt. of India Act has been issued by the govt. general treating the three merged states of Sandur, Rudrakpottai and Banganapalle



as parts of this Province with effect from 1-8-1949, ^{extending either Central or Prov. Laws to} it is submitted that no order ~~in respect of~~ ^{now} those States can be issued under the Extra-Provincial Jurisdiction Act, 1947 (Central Act XLVII of 1947) with effect ^{under by legislative} from that date. In the circumstances, the Madras Elementary Education Act has to be extended to the merged states only by legislation.

The file may be returned to E & P.H. ~~through legal~~ for necessary action.

1/8/49 Cue
12.8.49

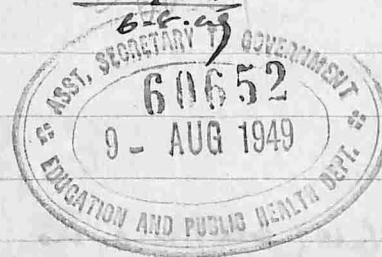
1/8/49

through Pub (Elec)

1/8/49
4849

E & P.H.

Pub (Pol) 4708/49



The Pub. (Pol) have expressed the view

that legislation should be undertaken if the Ele. Edu. Act is to be extended to the areas of Rudrakpottai, Banganapalle and Sandur states. Under section 2. of the Ele. Edu. act the Govt. may by notification direct that the Act shall come into force in such areas and from such date as they may decide. It is not clear whether a notification under Sec. 2. of the Act will not be sufficient to extend the application of this Act to the three state areas and why a legislation is necessary in the matter. Legal may be consulted.

EPH 20 57244 B2 / 49-3
10/8/49.

10/8/49
10/8/49

10/8/49 Legal



Legal Department

The legal position is correctly set forth in the note of the Public Department above. The Elementary Education Act cannot be extended to the merged States by a mere notification under the provisions of that Act. The

Act was passed for the Province of Madras as it then was and could not extend beyond its limits. The fact that subsequently certain areas are added to the Province would not make those areas subject to that Act. The laws in force in the State would continue to be in force till displaced by a new Act enacted by a competent legislative body.

24 AUG 1949
64393

22.8.49
ADS
S
E.P.H.

Legal. u.o. No. 10226/49-1
23.8.49

EPH(B2)

Please see the note of Legal above. Action has to be taken to extend the provisions of the Madras Elementary Edu. Act to the three states of Pudukottai, Banganapalle and Sander which have recently been merged in this Province. Legal dept. have given the opinion that legislation should be undertaken to extend the provisions of the Act to the three state areas. A draft memorandum is placed below. The file may be circulated to H.M.(Edn), H.M.(L.A) H.P. and H.E. for orders whether the legislation should be undertaken as indicated.

38147
9 AUG 1949
SECRETARIAT, MADRAS

2 Legal may perhaps see the draft memorandum

26/8/49
29.8.49

29/8/49
S
30/8
Legal

L.A.D

E. & P.H. u.o. No.
57244 B2/49-4
dated 30.8.49

The Madras Local Boards Act, 1920 has to be extended to the Sander area. It is a large no. of Acts have to be extended to

such areas by various depts, it is desirable to avoid piecemeal legislation and to pass a single Act extending for the purpose. Legal may circularise depts and obtain particulars of the Acts to be extended.

30/8/49

31.8.49

Legal.

L.A.O. 38147/49-1B

11250
3 SEP 1949
LEGAL DEPARTMENT

Legal Department.

The question of extending the various Provincial Acts to the three merged States in question is under the consideration of Public (Poll.). If such extension is decided on, it may not be necessary to undertake separate legislation for the extension of the Madras Elementary Education Act alone to the three merged States. E. & P.H. may therefore consult Public (Poll.) in the first instance.

Legal u.o. No. 11250/49-1
7.9.49

6.9.49

7.9.49
7/9/49

69208
7 SEP 1949

the file may be sent to Public (Poll.) with ref. Legal note alone

5575
10/9/49

69028/49-1
10/9/49

Public (Political) Department

Ref: Legal note on p. 9 ante.

This department is now considering the question of issuing an Ordinance for the extension of the Acts to the merged states.

E & P. H. may be informed accordingly.

14/9/49 C. H. J. C.

19/9/49

E. & P. H.

Pub (Poll)

5575/49-1

19-9-49

20 SEP 1949

72543

E. & P. H.

This file may lie over till 15.10.49. The Public Dept may then be reminded about the stage of the Ordinance.

21/9/49

23/9/49

Public (Poll) may be reminded in regard to the extension of the Acts above.

14/10/49

15/10/49

Pub (Poll)

E. & P. H. W. N.

57244 B2/49-6

15.10.49
6316
17 OCT 1949
CHIEF SECRETARY

Public (Political) Department
The departments of the Sectt. have been requested to furnish necessary particulars in this department's u.o. note no 4675/49-17, d 18/10/49, for the promulgation of the Provincial Ordinance relating to the extension of the Provincial Acts to the merged states. E & P. H. will no doubt take necessary action in the matter.

The file may be returned to E & P. H.

19/10/49 C. H. J. C.

22/10/49

E. & P. H.

C. H. J. C.

Pub (Poll)

no 6316/49-1

22/10/49

22 NOV 1949

no. note has been separately sent to E & P. H.

P. H.

C. H. J. C. 57244/49

A no. note has separately been received from Public (Poli) asking for information regarding the Acts to be extended to the State areas of Kudukottai, Bannanpalle and Sander. The no. note of Public is being replied to, separately. It is seen from the note that an Ordinance by the Provincial Govt will be issued authorizing the extension of the extension of certain Provincial Acts to the State areas. Reference to E. & P. H. Act will be made in the Schedule to the Ordinance. In any case this may under the circumstances no further action seems called for in this file. In any case, this may lie over till the Ordinance is issued.

24/10/49

24/10

25/10/49

Public may be consulted whether the Ordinance has since been issued.

12/11/49 Pub (Poll)

14/10/49

E. & P. H. no: 57244 B2/49-8

12.11.49
6962
14 NOV 1949
CHIEF SECRETARY

Pub (Poll)

no 6316/49-2

17 NOV 1949
17/11/49

Public (Political) Department
The latest position in respect of the issue of the Provincial Ordinance for the extension of Acts to the merged states is set out in this department's u.o. note no 4675/49-25 d 11/11/1949.

The file may be returned to E & P. H.

16/11/49

E. & P. H.

25. 11. 49

A reply to the no. note
has been given to the comm section the
file may be over.

21/11/49

18/11/49

It is understood that legislation
has been undertaken to extend all the
Provincial Acts including ^{the} Ele. Edu
Act to the three states, of Pudukkottai,
Bangalore and Saurashtra. In the
circumstances no action is called for
the papers may be recorded.

21/11/50

21/11/50

G.O. No. 50 Edu.
D/ 7-1-50

Ele Edu Act - Extension
to the states of Pudukkottai
Bangalore and Saurashtra
- papers - Recorded.

no scheme of compulsory
elementary edn. cannot
also be introduced in
these areas without
an extension of the
EFA Act

Memorandum

Elementary Edu. Act - Extension to the
areas of Pudukkottai Bangalore & Saurashtra
An order under section 290A of the

Const. of India Act has been issued by the
Governor-General, treating the three merged
states of Pudukkottai, Saurashtra and Bangalore
as parts of this Province with effect from 1-8-1949
Pudukkottai town has been constituted into a
Municipality. ~~and~~ the rest of the area ~~has~~ in the state
will ~~have~~ ^{be} brought under the jurisdiction of
the Pudukkottai Dt. Board. ^{Similarly} (Saurashtra and Bangalore
states ~~have~~ ^{will be} brought under the control of the
Bellary and Kurnool Dt. Boards respectively.

2. Unless the provisions of the
Madras Ele. Edu. Act ^{are} extended to these merged
states ^{having jurisdiction over the areas}, the local bodies cannot levy education tax in
these areas. In the interests of elementary education
it seems desirable to extend the Act to the ^{three} merged
states. Orders are solicited whether the provisions
of the Madras Elementary Edu. Act may be extended
to the three states, Pudukkottai, Bangalore and
Saurashtra, recently merged in this Province

26/8/49. 29.8.49

29/8/49

30/8

Government of Madras.
Public (Political) Department.
U.O. Note No.4675/49-25, dated 11th November 1949.

Sub: STATES - Merged States of Pudukkottai, Banganapalle and Sandur - Extension of Provincial Laws - Introduction of a Bill in the Provincial Legislature.

Ref: U.O. Note No.4675/49-17 Public (Political), dated 18-10-49.
U.O. Note No.4675/49-19, ~~Madras~~ Public (Political), dated 24-10-1949.

In continuation of the U.O. notes cited, the Departments of the Secretariat are informed that the Government of India have now intimated that, in view of certain practical difficulties in promulgating an Ordinance for the extension of the Central laws to the merged States and Chief Commissioners' Provinces concerned, they have decided to introduce a Bill, on similar lines, in the ensuing session of the Dominion Legislature, which is scheduled to commence on the 28th November 1949. The Bill will also contain a commencement clause stating that the Act shall come into force on the 1st January 1950.

2. The above decision of the Government of India means that this Government also should, instead of promulgating an Ordinance for the extension of laws to the merged States introduce a Bill in the Provincial Legislature on the lines of the Central Government Bill referred to in paragraph 1 above. The Government of India have been asked to furnish this department with a tentative copy of their draft Bill for guidance in drafting the Provincial Bill. As the Provincial Bill should be complete and comprehensive and as the pro-

posed legislation should come into force on 1-1-1950, just like the Central Government Act, the Departments of the Secretariat are requested to furnish this department at a very early date with a complete and self-contained list of all Acts, Regulations, Ordinances etc., whether Central or Provincial, and whether already extended under the Extra-Provincial Jurisdiction Act, 1947, or not, relating to them, which they want to be extended now to the three merged States of Pudukkottai, Banganapalle and Sandur. It should also be stated whether the Acts, etc., should be extended as they are or with any modifications, and if so, with what modifications. The list should be in the form appended.

3. Each department is requested to send a consolidated reply.

K. Ramunni Menon,

Chief Secretary to Government.

To the Departments of the Secretariat (all Sections).

FORWARDED / BY ORDER

Superintendent.

83-5711-12.

19

APPENDIX.

LIST OF ACTS, ETC. TO BE EXTENDED TO THE MERGED STATES.

S.No.	Year.	No.	Short title.	Whether to be extended to all the three merged States of Pudukkottai, Banganapalli and Sandur or to any particular State or States.	Whether with modifications or not.	If, with modifications, what modifications.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
I. Central Acts.							
II. Central Ordinances.							
III. Provincial Acts.							
IV. Provincial Regulations.							
V. Provincial Ordinances.							

SS.Sm./11-11.

~~Value~~

SPECIAL.

Government of Madras.
Public (Political) Department.

U.O. Note No. 4675/49-17, dated the 18th October, 1949.

...

States - Merged States of Pudukkottai, Banganapalle and Sandur -
Extension of Provincial laws by an Ordinance.

...

Under the provisions of the Extra Provincial Jurisdiction Act, XLVII of 1947, the Departments of the Secretariat extended to the merged States of Pudukkottai, Banganapalle and Sandur certain Central and Provincial laws which were considered to be necessary and urgent for administrative purposes in those areas. After the passing of the States merger (Governors Provinces) Order, 1949 the three merged areas mentioned above have to be treated as part of this province with effect from 1-8-49 and no law could therefore be extended to them under the Extra Provincial Jurisdiction Act on and from that date. As the laws which were applied to the merged States under the Extra-Provincial Jurisdiction Act, 1947 are, in law, distinct from those laws as applicable elsewhere, the Government of India propose to issue an Ordinance extending the more important Central Acts to those areas once again and they have asked the Provincial Government to issue a similar Ordinance etc. It is also proposed to include in these Ordinances the laws which have not yet been extended to the areas in question.

2. The Central Ordinance which was to have been promulgated on/...

- 2 -
on 1-9-49 has not yet been issued. According to present expectations, it is likely to be issued about the end of October or the beginning of November, 1949. The date of promulgation of the Central Ordinance and the Provincial Ordinance should be the same. As it is, necessary for this Government to adhere to the above date for the issue of the Provincial Ordinance, The Departments of the Secretariat (all sections) may be requested to send a list of the Provincial laws which remain to be extended to the merged areas and which could not be extended on or after 1-8-49 on account of the passing of the States' merger (Governors' Provinces) Order, 1949. The schedule to the Provincial Ordinance will therefore contain all the provincial laws which have already been extended as well as laws which have yet to be extended and which will, under the aforesaid Ordinance, be extended.

3. The Departments of the Secretariat may be requested to treat this reference as Immediate and to send their replies so as to reach this Department on or before the 24th instant. If no reply is received by that date from any Department it will be presumed that that Department has no laws to suggest for inclusion in the Ordinance. A consolidated reply may be sent for each Department.

K. Ramunni Menon,
Chief Secretary to Government.

To All Departments of the Secretariat (all sections.)

Forwarded/By order

Cecchi
Superintendent.

mdk.19/10-

GOVERNMENT OF MADRAS.

Abstract.

ACTS - Pudukkottai - The Madras District Municipalities Act, 1920 (Madras Act V of 1920) and the Madras Local Boards Act, 1920 (Madras Act XIV of 1920) - Extension - Ordered.

LOCAL ADMINISTRATION DEPARTMENT

G.O.Ms.No.682

dated 29th March 1949.

Read the following:---

From the Inspector of Municipal Councils and Local Boards Roc.No.21638-48-F 2 dated 25th June 1948
From the Collector of Tiruchirappalli, L.Dis.5607/48 dated 2nd July 1948.
From the Inspector of Municipal Councils and Local Boards Roc.21638/48-F.2 dated 16th July 1948.
G.O.No.392 L.A. dated 28th February 1949.

ORDER:

The appended notification will be published in the Fort St. George Gazette and in the Tiruchirappalli District Gazette.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

RAJAIAH D. PAUL,
Secretary to Government.

To

The Special Officer, Tiruchirappalli District Board, *with copies for perusal*
The Chairman, Municipal Council, Pudukkottai.
The Special ~~Off~~ Deputy Collector, Pudukkottai.
The Collector of Tiruchirappalli.
The Board of Revenue.
The Inspector of Municipal Councils and Local Boards.
The Deputy Inspector of Municipal Councils and Local Boards, Southern Range, Tiruchirappalli.
The District Judge, Tiruchirappalli.
The Examiner of Local Fund Accounts.
The Public (Political) Department.
The Education and Public Health Department.
The Home Department.
the Public Works (Information and Publicity) Department.
the Other Departments of the Secretariat.
The Surgeon-General.
The Chief Engineer (Highways).
The Chief Engineer (Irrigation).
The Chief Engineer (Electricity).
The Chief Electrical Inspector to Government.
The Director of Public Instruction.
The Director of Public Health.
The Director of Town Planning.
The Secretary to the Government of India, Ministry of States (3 copies).
The Superintendent, Government Press for publication of the notification in the Fort St. George Gazette.

True copy/Forwarded/By Order

Skc 29-3.

C. Nafasan
Superintendent

APPENDIX.
Notification.

In exercise of the powers conferred by section 4 of the Extra-Provincial Jurisdiction Act, 1947 (Central Act XLVII of 1947), read with the Notification of the Government of India

in the Ministry of States, No.176-IB, dated the 23rd March 1948 and of all other powers enabling him in this behalf, His Excellency the Governor of Madras hereby makes the following Order, namely:---

The Act mentioned in Schedule I to this Order (hereinafter referred to as the said Acts), as amended from time to time, shall, subject to the provisions of this Order and the transitional provisions in Schedule II, apply, with effect on and from the 1st April 1949, to the State of Pudukkottai as if the said State forms part of the Tiruchirappalli district in the Province of Madras.

2. All notifications, orders, rules, by-laws and regulations made or issued in pursuance of the powers conferred by or under the said Acts, as for the time being in force in the Tiruchirappalli district, shall, so far as may be, apply to the State of Pudukkottai as if it forms part of that district.

3. Any reference to an enactment of the Central or Provincial Legislature in the said Acts or in the said notifications, orders, rules, by-laws or regulations shall be construed as a reference to that enactment as applied to the said State and if it ~~xx~~ has not been so applied, as a reference to that enactment as in force in the Province of Madras or to the corresponding enactment for the time being in force in the said State, as the case may require.

4. The said Acts and the said notifications, orders, rules, by-laws and regulations shall supersede the corresponding State Acts, if any (by whatever name called), at present in force in the said State and the notifications, orders, rules, by-laws and regulations made or issued thereunder.

5. Any Court, Tribunal or authority may construe the provisions of the said Acts and the said notifications, orders, rules, by-laws and regulations applied by this Order to the said State with such modification, not affecting the substance, as may be necessary or proper in order to adapt them to the matter before the Court, Tribunal or authority, as the case may be.

SCHEDULE I

1. The Madras District Municipalities Act, 1920 (Madras Act V of 1920).
2. The Madras Local Boards Act, 1920 (Madras Act XIV of 1920).

SCHEDULE II

Transitional Provisions.

"A"

Pudukkottai Municipal Council:

Notwithstanding anything contained in the Madras District Municipalities Act, 1920 as applied to the Pudukkottai State (hereinafter referred to as the said Act) ---

(a) (i) the term of office of the members of the Pudukkottai municipal council holding office immediately before the 1st April 1949 shall subject to the provisions of ---

Sections 50, 51 and 60 of the said Act extend to, or expire on, as the case may be, such date as the Provincial Government may by order fix, and the Provincial Government shall cause elections to be held so that the newly elected members may come into office on the date fixed for the retirement of the old members;

(ii) the Provincial Government may from time to time postpone any date fixed by them under sub-clause (i) and fix another date in lieu thereof;

(b) the chairman and vice-chairman of the municipal council holding office immediately before the 1st April 1949 shall, subject to the provisions of sub-sections (4) and (5) of section 12, section 40 and section 40-A of the said Act, hold office up to, or vacate office on, the date fixed under clause (a);

(c) a meeting of the municipal council shall be held on or as soon as may be after the said date on a day and at a time fixed by the Provincial Government or such other authority as may be empowered by them in this behalf for the election of the chairman and vice-chairman;

(d) the term of office of the newly elected councillors or of the councillors elected in their places at casual vacancies shall expire at the end of three years, if the date fixed under clause (a) is the first day of November, and in other cases, at the end of three years from the first day of November immediately preceding such date;

(e) any vacancy in the office of chairman or vice-chairman of the municipal council which occurs before the date fixed under clause (a) shall be filled by election by the municipal council;

(f) any such vacancy in the office of an appointed member of the municipal council shall be filled by appointment by the Provincial Government and in that of an elected member by election under the provisions of the said Act on the basis of the electoral roll in force on the 31st March 1949; and

(g) any person elected or appointed as chairman, vice-chairman or member of the municipal council under clause (e) or (f) shall hold office only up to the ~~xx~~ date fixed under clause (a).

"B"

Panchayats in the Pudukkottai State:

1. Every panchayat constituted for unions under the Pudukkottai Village Conservancy Regulation (Regulation No. IV of 1909) and every panchayat constituted under the Pudukkottai Village Panchayat Regulation (Regulation No. III of 1925) and in existence on the 31st March 1949 shall be deemed to be a panchayat constituted under the Madras Local Boards Act, 1920.

2. Notwithstanding anything contained in the Madras Local Boards Act, 1920, as applied to the Pudukkottai State (hereinafter referred to as the said Act) --

(a) (1) the term of office of the members of every panchayat in the State of Pudukkottai holding office immediately before the 1st April 1949 shall, subject to the provisions of section 56, 57 and 59 of the said Act, extend to, or expire on, as the case may be, such date as the Provincial Government

may fix, and the Provincial Government shall cause elections to be held so that the newly elected members may come into office on the date fixed for the retirement of the old members;

(ii) The Provincial Government may from time to time postpone any date fixed by them under sub-clause (i) and fix another date in lieu thereof;

(b) the chairman or as the case may be, the president of every panchayat, holding office immediately before the 1st April 1949 shall, subject to the provisions of sub-sections (1) and (2) of section 15 and section 43 of the said Act, hold office as president of the panchayat up to or vacate office on, the date fixed under clause (a);

(c) a meeting of the newly elected members of every panchayat shall be held on or as soon as may be after the ~~said~~ date on a day and at a time fixed by the Provincial Government or such other authority as may be empowered by them in this behalf for the election of the president;

(d) the term of office of the newly elected members of every panchayat or of the members elected in their places at casual vacancies shall expire at the end of three years, if the date fixed under clause (a) is the first day of November, and in other cases, at the end of three years from the first day of November immediately preceding such date;

(e) any vacancy in the office of president of any panchayat which is in existence on the 1st April 1949 or which occurs before the date fixed under clause (a) shall be filled by election by the panchayat;

(f) any such vacancy in the office of an appointed member of a panchayat shall be filled by appointment by the Provincial Government, and in that of an elected member by election under the provisions of the said Act on the basis of the franchise or electoral roll in force on the 31st March 1949; and

(g) any person elected or appointed as president or member of a panchayat under clause (e) or (f) shall hold office only up to the date fixed under clause (a).