

TRAVANCORE-COCHIN

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**Requisitioning and Acquisition of
Property Rules, 1956**

Price: 5 Annas.

Gazette No. 5 dated 29th January 1957

PART I

Section iv.

**Revenue Department
NOTIFICATION**

No. LR5-11598|56|RD.

Dated, Trivandrum, 17th January 1957.

In exercise of the powers conferred by Section 12 and Section 22 of the Travancore-Cochin Requisitioning and Acquisition of Property Act, 1956 (Act I of 1956) Government hereby make the following rules.

1. These rules may be called the Requisitioning and Acquisition of Property Rules 1956.

Definition

2. In these Rules

- (a) 'Act' means the Travancore-Cochin Requisitioning and Acquisition of Property Act, 1956.
- (b) 'Form' means a form appended to these rules.
- (c) 'Section' and 'Sub-section' mean, respectively a section or sub-section of the Act.

3. Whenever the Head of a Department is of opinion that any property is needed for a public purpose, not being the purpose of the Union, and that the property should be requisitioned, he shall communicate the fact to the Collector of the District in which the property is situate and furnish him with information regarding location and such other particulars as are necessary for the identification of the property and shall state the purpose for which it is required.

4. On receipt of the communication under Rule 3, the District Collector shall in the case of immovable properties cause a sketch of the site and a statement in Form A and in the case of movable properties a detailed mahazar setting out their full particulars and the estimated cost, to be prepared.

5. If in any case the District Collector considers that the valuation of the rent of a building provided in Form A should be scrutinised and approved by an Officer of the P. W. D. he may arrange for such scrutiny and approval.

6. After making such further enquiries as the Collector deems fit to make as to whether the requisition will serve the intended public purpose, he shall make his report to Government.

7. A notice under Clause (a) of Sub-section (1) of Section 3 and an order under Clause (b) of Sub-section (1) of Section 3 shall be in Form B.

8. The order of requisitioning under Sub-section (2) of Section 3 and notice under Sub-section (1) of Section 4 shall be in Form C.

9. The order and notice mentioned in the preceding rule shall be served on the owner and if the owner is not the person in possession, they shall be served on the person in possession

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also, the order and the notice shall also be published in the Gazette.

Repairs.

10. A notice under Sub-section (2) of Section 5 shall be in Form D.

Release from Requisitioning.

11. An enquiry under Sub-section (2) of Section 6 shall invariably be held whenever any person other than the person from whom the property was requisitioned claims restitution of the property on release from requisitioning.

12. When the claimant is a successor-in-interest of the person from whom possession was taken by Government and the claim is not disputed and the claimant has produced a succession or heirship certificate or any other valid document to prove the undisputed transfer to him of the rights over the property of the person from whom possession was taken on requisitioning, the possession of the property shall be given to such person.

13. Where there are rival claims for possession, evidence shall be taken to prove:—

(a) Whether the right of possession of the person from whom possession was taken stands extinguished in due process of law.

(b) Whether the right of possession of such person has been terminated by voluntary transfer of property or transfer of rights over property to the claimant during the period between the date of requisitioning and date of release.

(c) Whether the claimant has been receiving compensation or rent from Government.

(d) Whether the claimant has any claim for restitution of the property which has been by law established on or after the date on which the property was requisitioned.

14. The guiding principle in deciding to whom possession should be given on release from requisitioning should be, that the property has to be restored to the status which existed at the time of requisitioning.

15. Whenever a property is released from requisitioning, the Officer who is authorised by Government to effect the release shall cause a mahazar to be written showing the condition of the property at the time of release and showing more particularly the changes in the property which occurred during the period of requisition.

16. Release from requisitioning and restoration of possession shall be executed in the manner provided by law for delivery of possession of property in execution of the decree of a Civil Court.

17. An order under Sub-section (2) of Section 6 shall be in Form E.

18. A notice under Sub-section (4) of Section 6 shall be in Form F.

19. A notice under Sub-section (1) of Section 7 calling upon the owner or any other person interested in a requisitioned property to show cause why the property should not be acquired shall be in Form G.

20. A notice to the effect that Government have decided to acquire the property shall be in Form H.

Compensation.

21. In determining the rent which would have been payable for the use and occupation of the immovable property if it had been taken on lease the following matters shall also be considered for the purpose of Clause (a) of Sub-section (2) of Section 8.

In the case of immovable property other than buildings:—

(a) If reliable evidence is produced, the average of the rent fetched during the three preceding years.

(b) The net income from the property, in case proper accounts have been maintained.

(c) The amount of net income recognised by a competent authority for the purpose of levy of Agricultural Income-tax, if any.

(d) In cases in which no proper accounts are maintained, the net income in relation to the market price shall be assessed by local inspection.

In the case of Buildings:—

(e) The amount of rent for which rates or taxes have been assessed and levied by a Municipality or Panchayat or Corporation.

(f) In cases in which there is no such assessment the rent shall be fixed in accordance with the provisions followed for fixing of rent by a Rent Controller under the law relating to rent control for the time being in force.

Compensation for Movable Property.

22. (a) When the movable property requisitioned or acquired is a vehicle, compensation shall be paid at the rates provided for each kind and classes of vehicle in the schedule prescribed and published by Government from time to time.

(b) The rates of compensation as per a published schedule shall continue in force till a revised schedule is published by Government.

The term vehicle for the purpose of this rule includes Valloms, Boats and all kinds of conveyances over water driven with or without generated power.

(c) For movable property other than vehicles compensation shall be paid in accordance with the rates prevailing in the market at the time of requisitioning.

Arbitration.

23. The appointment of a person to assist the Arbitrator under Clause (c) of Sub-section (1) of Section 8 may be by name or by virtue of office.

24. (a) The arbitrator shall record evidence in the same manner as is provided for recording of evidence in Judicial Proceedings.

(b) An Arbitrator shall complete the arbitration proceedings and give the award within 4 months.

(c) When an arbitrator is succeeded by another arbitrator before making an award, the new arbitrator may deal with the evidence taken by his predecessor as if such evidence has been taken by him and may proceed from the stage at which his predecessor left it.

Provided that it shall be open to the new arbitrator after recording the reasons therefor to conduct the proceedings *de novo*.

(d) The cost of proceedings before an arbitrator and apportionment thereof shall be in the discretion of the Arbitrators.

Appeals.

25. (a) An Appeal under Sub-section (3) of Section 17 shall be filed within one month of the date of the order appealed against provided that the time taken for the supply of copies applied for within the period of one month of the date of the order shall be excluded from this period of limitation.

(b) Every appeal shall contain the grounds of appeal and shall be accompanied by an attested copy of the order appealed against.

(c) Government may either revise or cancel an order in appeal provided that no such order shall be passed without notice to the person affected by the order.

Services of Notices and Orders.

26. (a) Notices and orders for service shall be forwarded to the Tahsildar of the Taluk who shall arrange for service.

(b) Every notice shall be served and returned within seven days.

(c) A register of such notices containing particulars of address, date of issue and date of service shall be maintained.

27. No officer shall, in exercise of the powers conferred by Section 14, enter upon any land, building or premises after sunset or before sunrise.

By order of the Governor,
M. K. DEVASSY,
Revenue Secretary.

FORM A.
(See Rule 4.)

Taluk	Village	Survey No.	Boundaries	Area	Particulars of trees	Crops on ground and their value	Buildings			Rent of buildings	Net income from the property	If property is on lease, the lease amount.
							Dwelling houses	Shops	Others			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)			(9)	(10)	(11)

Other structures and improvements	Value of land in the neighbourhood and particulars of documents to prove it	Value of land	Value of buildings	Name and address of owner	Name and address of person in possession	Name and address of kudikidappukars, if any

FORM B.

(See Rule 7)

NOTICE AND ORDER.

Whereas the Government are of opinion that the property described in the Schedule hereto annexed is needed|or likely to be needed for a public purpose to wit..... not being a purpose of the Union, and that the said property should be requisitioned:—

Now, therefore in exercise of the powers conferred by Sub-Section (1) of Section 3 of the Travancore-Cochin Requisitioning and Acquisition of Property Act 1956 (which have been delegated to me under section 17 of the said Act by notification No..... datedpublished at pageof the Gazette dated.....) the Government |I (Name and designation) called upon (name).....being the owner |person in possession of the said property to,show cause within fifteen days of the date of service of this notice and order, upon him why the said property should not be reguisitioned and Government |I further direct that neither the owner of the property nor any other person shall without my permission|permission from Government dispose of or structurally alter the said property or let it out to any person until the expiry of two months from the date of service of this instrument upon him.

(strike off the words which are not relevant)

SCHEDULE

Designation of the issuing authority.

To

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.....
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FORM C.

(See Rule 8)

ORDER AND NOTICE

In exercise of the powers conferred by Sub-Section (2) of Section 3 and Sub Section (1) of Section 4 of the Travancore-Cochin Requisitioning and Acquisition of Property Act, 1956 (which have been delegated to me under Section 17 of the said Act by notification No. dated published at page of the gazette dated) the Government |I (name and designation) have been satisfied after making due enquiries in accordance with the provisions of the said Act and Rules thereunder that it is necessary so to do, do hereby requisition the property

mentioned in the attached schedule for the public purpose mentioned in notification No. dated published at page of Gazette dated and Government | I do hereby further order (name of person) to surrender possession thereof to within thirty days of the service of this notice and that If the said refuses or fails to comply with the above order Government|I will take possession of the property by use of such force as may be necessary.

SCHEDULE

Designation of Officer.

To

FORM D.

(See Rule 10)

ORDER

Whereas the premises described in the schedule hereto annexed have been requisitioned under section 3 of the Requisitioning and Acquisition of Property Act 1956 or are deemed to have been acquired under section 24 of the said Act;

And whereas the said premises are in need of repairs specified in the schedule hereto appended.

Now therefore, in exercise of the powers conferred by Sub Section (2) of section 5 of the said Act, which have been delegated to me under Section 17 of the said Act by Notification No. dated published at page of Gazette dated I..... (enter name)..... (enter designation)..... do hereby order..... the land lord of the said premises to execute the repairs specified in the schedule, being repairs which are necessary and are usually made by landlords in the locality in which the premises are situated, within a period of..... from the date of service of this notice.

If the said landlord fails to execute the repairs specified in this order within the aforesaid period I shall cause the same to be executed at his expense and the cost thereof shall without prejudice to any other mode of recovery be deducted from the compensation payable to him.

(Strike out portions which are not relevant)

SCHEDULE

Signature.
Designation.

To

FORM E.

(See Rule 17)

ORDER

WHEREAS the property specified in the schedule hereto annexed was requisitioned by the order of the..... No.....dated.....

AND WHEREAS the Government have now decided that the said property shall be released from requisition with effect from.....

NOW THEREFORE in exercise of the powers conferred by Sub Section (2) of Section 6 of the Requisitioning and Acquisition of Property Act 1956 which have been delegated to me under section 17 of the said Act by Notification No..... dated.....published at page..... of Gazette dated..... I (here enter name and designation).... specify Mr|Messrs.....as the person|persons to whom possession of the said property shall be given. I do further direct that the property shall be delivered to the said person.

(Strike out portions which are not relevant)

SCHEDULE

Signature.

Designation.

To

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.....
.....

FORM F.

(See Rule 18)

NOTICE

WHEREAS the property specified in the Schedule hereto annexed was requisitioned by the order of the..... No.....dated.....with effect fromuntil further orders of the Government;

AND WHEREAS the Government have decided that the said property shall be released from requisition;

AND WHEREAS in exercise of the powers conferred by Sub Section (2) of Section 6 of the Requisitioning and Acquisition of Property Act 1956 I (Name and designation) have specified Shri.....as the person to whom possession of the said property shall be given;

AND WHEREAS the said Shri..... cannot be found and has no agent or other person empowered to accept delivery on his behalf;

NOW THEREFORE IN exercise of the powers conferred by Sub Section (4) of Section 6 of the said Act which have been delegated to me under Section 17 of the said Act by Notification No. dated published at page of Gazette dated I do hereby declare that the said property is released from requisition.

(Strike out portions which are not relevant)

SCHEDULE

Signature.
Designation.

To

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.....

FORM G.
(See Rule 19)

NOTICE

WHEREAS the Government is of opinion that the property described in the Schedule hereto annexed which is subject to requisition should be acquired for a public purpose to wit..

NOW THEREFORE in exercise of the powers conferred by Sub Section (1) of Section 7 of the said Act the Government do hereby call upon Shri..... being the owner of the said property to show cause within fifteen days of the date of service of this notice upon him why the said property should not be acquired.

SCHEDULE

Signature.
Designation.

To

.....
.....
.....

FORM H.
(See Rule 20)

NOTICE

WHEREAS a notice under the proviso to sub section (1) of Section 7 of the Requisitioning and Acquisition of Property Act 1956 (No. I of 1956) was issued by the Government to Shri..... being the owner of the said property calling upon him to show cause within the period specified therein why the said property should not be acquired;

AND WHEREAS the said period has expired and no cause has been shown against the said notice|the cause shown against the said notice has been considered:

NOW THEREFORE in exercise of the powers of Sub Section (1) of Section 7 of the said Act, the Government having been satisfied that it is necessary so to do, Government have decided to acquire the said property in pursuance of the said section of the said Act.

SCHEDULE

Signature.

Designation.

To

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.....
.....

**The Travancore-Cochin Payment of
Wages (Industrial Establishments)
Rules, 1956**

Price: Annas 7

Gazette No. 27 dated 3rd July 1956.

PART I

NOTIFICATION.

No. L1-8372|55|DD. (B) *Dated Trivandrum, 29-6-1956.*

In exercise of the powers conferred by Section 26 2 and 3 of the Payment of Wages Act, 1936 (Central Act IV of 1936), Government hereby make the following rules, the same having been previously published as required by sub-section (5) of the said Section.

By order of His Highness
the Raj Pramukh,
V. V. JOSEPH,
Industries Secretary.

**THE TRAVANCORE-COCHIN PAYMENT OF WAGES
(INDUSTRIAL ESTABLISHMENTS) RULES, 1956.**

1. *Title and extent of application:*—(1) These rules may be called the Travancore-Cochin Payment of Wages (Industrial Establishments) Rules 1956.
- (2) These rules shall apply to the payment of wages to all persons employed in the following classes or groups of industrial establishments:—
 - (a) Motor omnibus services;
 - (b) Docks, wharves or Jetties, other than the port of Cochin;
 - (c) Inland steam vessels;
 - (d) Work shops or other establishments, other than factories registered under the Factories Act, 1948, in which articles are produced, adapted or manufactured, with a view to their use, transport or sale.
2. *Definitions:*—In these rules, unless there is anything repugnant in the subject or context,
 - (a) "the Act" means the Payment of Wages Act 1936.
 - (b) "The Authority" means the authority appointed under sub-section (1) of Section 15 of the Act.
 - (c) "The Court" means the court mentioned in sub-section (1) of Section 17 of the Act.
 - (d) "Deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to sub-section (2) of Section 9.
 - (e) "Deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of Section 7.

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- (f) "Form" means a form appended to these rules.
- (g) "Inspector" means the Inspector authorised by or under Section 14 of the Act.
- (h) "Person employed" excludes all persons to the payment of whose wages the Act does not apply.
- (i) "Section" means a Section of the Act.
- (j) "Paymaster" means an employer or other person responsible under Section 3 of the Act for the payment of wages.
- (k) Words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

Section 26 (3) (a).

3. *Register of fines*:—(1)* In any industrial establishment in respect of which the employer has obtained approval under sub-section (1) of Section 8 to a list of acts and omissions in respect of which fines may be imposed, the paymaster shall maintain a register of fines in Form I.
 - (2) At the beginning of the Register of Fines there shall be entered serially numbered the approved purpose or purposes on which the fines realised are to be expended.
 - (3) When any disbursements are made from the fines realised a deduct entry of the amount so expended shall be made in the Register of Fines. The vouchers or receipts in respect of the amounts so expended shall be serially numbered and kept separately, the amount to which it relates being noted in the Remarks Column of the Register. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.
4. *Register of deductions for damage or loss*:— In every industrial establishment in which deductions for damages or loss are made, the paymaster shall maintain the Register required by sub-section (2) of Section 10 in Form II.
5. *Register of wages*:— A register of wages shall be maintained in every industrial establishment and may be kept in such form as the paymaster finds convenient but shall include the following particulars:—
 - (a) The gross wages earned by each person employed for each wage period.
 - (b) All deductions made from those wages, with an indication in each case of the clause of sub-section (2) of Section 7 under which the deduction is made;
 - (c) The wages actually paid to each person employed for each wage period.
6. *Period of maintenance of register*:—The register referred to in Rules 3, 4, 5 and 17 shall be preserved for a period of twenty-four months from the date of the last entry noted in them.

Section 26 (3) (c).

7. *Weights and Measures*:— (1) All weights, measures or weighing machines which are used in checking or ascertaining the wages of persons employed in any industrial establishment shall be examined at least biennially by an Inspector who may prohibit the use of any weight, measure, or weighing machine which he finds to register incorrectly.
- (2) If the Inspector considers that any action should be taken under the Law in force relating to weights and measures, or the Indian Penal Code (XLV of 1860) he may seize the article in question and shall record his opinion and shall send it to the District Magistrate for such action as he may think fit.

Section 26 (3) (d).

8. *Notice of dates of payment*:— The paymaster shall display in conspicuous place at or near the main entrance of the establishment or his office, or in such place as may be required by the Inspector a notice in English or in the language of the majority of persons employed therein, giving for not less than two months in advance the days on which wages will ordinarily be paid.

Section 26 (3) (e), (f) and (h).

9. *Prescribed Authority*. In the case of persons employed in any industrial establishment, the Inspector of industrial establishments shall be the authority competent to approve, under sub-section (1) of Section 8, acts and omissions in respect of which fines may be imposed and under sub-section (8) of Section 8, the purposes on which the proceeds of fines shall be expended.

10. *Application in respect of fines*—Every employer requiring the power to impose fines in respect of any acts and omissions on the part of the employed persons shall send to the authority appointed under Rule 9:—

(a) A list in English, in duplicate, clearly defining such acts and omissions, and

(b) in cases where the employer himself does not intend to be the sole person empowered to impose fines a list in duplicate showing those appointments in his industrial establishment the incumbents of which may pass orders imposing fines and the class of establishments of which the incumbent of each such appointment may impose fines.

11. *Approval of list of acts and omissions*:—The authority appointed under Rule 9 may on receipt of the list prescribed in clause (a) of the preceding rule, after such enquiry as he considers necessary pass order either:..

(a) Disapproving the list or

(b) approving the list either in its original form or as amended by him in which case such list shall be considered to be an approved list.

Provided that no order disapproving or amending any list shall be passed unless the employer shall have been given

an opportunity of showing cause orally or in writing why the list as submitted by him should be approved.

12. *Posting of list.* The employer shall display at or near the main entrance of his office or in such place as may be required by the Inspector a copy in English together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list of acts and omissions approved under Rule 11.

13. *Persons authorised to impose fines:—*No fine may be imposed by any person other than the employer or a person holding an appointment named in a list submitted under Rule 10.

14. *Procedure in imposing fines and deductions:—*Any person desiring to impose a fine on any employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission or damage or loss in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction which it is proposed to impose, and shall hear his explanation. The charge in respect of which it is proposed to impose the fine or deduction and the explanation of the person concerned, shall be reduced to writing the signature of such person being obtained to the latter.

15. *Information to paymaster:—*The person imposing a fine or directing the making of a deduction for damage or loss shall at once inform the paymaster of all particulars, so that the register prescribed in Rule 3 or Rule 4 may be duly completed.

Section 26 (3) (g).

16. *Deduction for breach of contract:—* (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years.
- (2) No deduction for breach of contract shall be made from the wages of any employed person unless:—
- (a) There is provision in writing forming part of the terms of contract of employment requiring the employee to give notice of the termination of such employment and the period of notice does not exceed either (i) fifteen days or the wage period which ever is less or (ii) the period of notice which the employer is required to give of the termination of that employment;
 - (b) This rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of his office or in such place as may be required by the Inspector and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made; and
 - (c) a notice has been displayed at or near the main entrance of his office or in such places as may be required by the Inspector giving the names of the

persons from whose wages the deduction is proposed to be made, the number of days wages to be deducted and the conditions (if any) on which the deduction will be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the industrial establishment it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No deduction for breach of contract shall exceed the wages of the person employed for the period by which the notice of termination of service given short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2) no deduction for breach of contract shall be made from the wages of any person who has complied with those conditions.

Section 26 (3) (i).

17. *Advances*:—(1) An advance of wages not already earned shall not without the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding two calendar months, or if he has not been employed for that period, twice the wages he is likely to earn during the subsequent calendar month.
- (2) The advance may be recovered in instalments by deductions from wages spread over not more than twelve months. No instalment shall exceed one-third, or where the wages for any wage period are not more than twenty Rupees, one-fourth of the wages, for the wage period in respect of which the deduction is made.
- (3) The amounts of all advances sanctioned and the repayment thereof, shall be entered in a register in Form III.

Section 26 (3) (a).

18. *Annual return*:—In respect of every industrial establishment a return shall be sent in Form IV, so as to reach the authority appointed under Rule 9 not later than the 15th February following the end of the calendar year to which the return relates.

Section 26 (3) (j).

19. *Costs*:—(1) Where the authority or the court as the case may be, directs that any costs shall not follow the event the reasons for the direction shall be stated in writing by such authority or court.
- (2) The costs which may be awarded shall include:—
- (a) The charge necessarily incurred on account of court fees;
 - (b) the charges necessarily incurred on subsistence money to witnesses; and

(c) Pleader's fees which shall ordinarily be Rs. 105 provided that the authority or the court, as the case may be, may in any proceedings reduce the fee to a sum not being less than Rs. 55 or increase it to a sum not exceeding Rs. 300.

(3) When a party engages more pleaders than one to defend a case he shall be allowed one set of pleader's fee only.

20. *Fees for copies*:—The Authority or the court, as the case may be, may fix the fees on the payment of which any person entitled to do so may obtain copies of any document filed with such authority or Court:

Provided that the authority or the Court may in consideration of the poverty of the applicant, grant copies free of cost.

Section 26 (3) (k).

21. *Court Fees*:—The court fee payable in respect of proceedings under the Act shall be as follows:—

- | | |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| (i) For every application to summon a witness | Four annas in respect of each witness. |
| (ii) For every other application made by or on behalf of an individual person before the authority | Eight annas. |
| (iii) For every other application made by or on behalf of an unpaid group before the authority. | Four annas for each member of the group subject to a maximum of Rs. 5. |
| (iv) For every appeal lodged with the Court. | Rs. 5. |

Provided that the authority or the Court in consideration of the poverty of the applicant reduce or remit this fee:

Provided further that no fee shall be chargeable in respect of an application presented by an Inspector.

Section 26 (3) (1).

22. *Abstract*:—The abstract of the Act and the Rules made thereunder required to be displayed by Section 25 shall be in Form V.

Section 26 (2).

23. *Notice of occupation*:—Within thirty days after the publication of these rules or within fifteen days before the commencement of work in any industrial establishment, either for the first time or after each season the owner or proprietor or managing agent or occupier of the industrial establishment shall send to the Labour Commissioner a written notice (in duplicate) in Form VI.

Section 26 (4).

24. *Penalties*:—Any contravention of Rules 3, 4, 5, 6, 8, 12, 15, 18 and 23, of these Rules shall be punishable with fine which may be extend to Rs. (200) Two hundred.

FORM I.

(See Rule 3)

REGISTER OF FINES.

7

Serial No.	Name of person fined.	Father's name and ticket number.	Department or Section.	Act or omission for which fine was imposed.	Amount of fine.	Designation of officer imposing fine.	Date on which fine was imposed.	Whether the person showed cause against fine or not, if so, enter date	Wages Payable*		Total amount of fines.	Date or dates on which fines or total fines were recovered.	Remarks
									Amount.	Wages period.			
1									10	1	12	13	14

* By "Wages Payable" is meant the gross wages earned by a person; for time workers the wages due for the pay period less deductions for absence from duty, for piece workers the wages due on production—in both cases, without deductions for fines or for services rendered by the employer.

Here enter months if payment is made by the English calendar month. In the case of other pay periods, enter "week" "fortnight" or "hapta" as the case may be giving the dates covered by the pay period.

FORM II.

(See Rule 4.)

REGISTER OF DEDUCTION FOR DAMAGE OR LOSS CAUSED TO EMPLOYMENT BY THE NEGLECT OR DEFAULT OF THE EMPLOYED PERSON

Name of Industrial establishment

1	2	3	4	5	6	7	8	9	10	11	12
Serial No.	Name.	Father's name and ticket number.	Department.	Damages or loss caused.	Amount of deduction imposed.	Designation of officer imposing deduction.	Date on which deduction imposed.	Whether person showed cause against deduction or not.	No. of instalments if any, in which deduction is proposed to be re-covered.	Date on which total amount of deduction imposed was realised.	Remarks.

FORM III.

2019.

(See Rule 17)

REGISTER OF ADVANCES MADE TO EMPLOYED PERSONS.

Name of Industrial establishment

Serial No.	Name.	Father's name and ticket number.	Department.	Date and amount of advance made.	Purpose for which advance made.	No. of instalment by which advance to be repaid.	Postponements granted.	Date on which total amount repaid.	Remarks.
1	2	3	4	5	6	7	8	9	10

FORM IV

(See Rule 18)

DEDUCTION FROM WAGES

Return for the year ending December 195..

1. Name of Industrial establishment and
Postal Address
2. Total number of persons employed
 - Adults—Men above the age of 15)
 - Women do.
 - Children—Boys (below the age of 15)
 - Girls do.
3. Total wages paid.
4. Number of cases and amounts realised as

	<i>Number of cases.</i>	<i>Amounts.</i>
(a) Fines.		
(b) Deduction for damages or loss.		
(c) Deduction for breach of contract.		
5. DISBURSEMENT FROM THE FINES FUND .

<i>Amount</i>	<i>Purpose</i>
Rs.	
6. Amenities provided.

Signature
Designation

Date195..

FORM V

(See Rule No. 22)

ABSTRACT OF THE PAYMENT OF WAGES ACT, 1936 AND THE RULES
MADE THEREUNDER

WHOM THE ACT AFFECTS

1. The Act applies to the payment of wages to persons in this Industrial establishment receiving less than Rs. 200 a month.
2. No employed person can give up by contract or agreement, his rights under the Act.

DEFINITION OF WAGES

3. 'Wages' mean all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes and any sum payable for want of proper notice of discharge. It excludes:—

- (a) the value of house accommodation, supply of light, water, medical attendance or other amenity or of any services excluded by the Government.
- (b) the employer's contribution to a pension or provident fund;
- (c) travelling allowance or concession or other special expenses entailed by the employment and
- (d) any gratuity payable on discharge.

4. *Responsibility and method of payment*:—The Manager of the industrial establishment is responsible for the payment under the Act of Wages to persons employed under him, and any contractor and employing person is responsible for payment to persons he employs.

5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within 7 days of the end of the wage-period (or within 10 days if 1000 or more persons are employed). The wages of a person who is discharged shall be paid not later than the second working day after his discharge.

7. Payments in kind are prohibited.

FINES AND DEDUCTIONS

8. No deductions shall be made from wages except those authorised under the Act (see paragraphs 9-15 below).

9. (1) Fines can be imposed only for such acts and omissions as the employer has, with the previous approval of the Labour Commissioner specified by a notice displayed at or near the main entrance of the establishment or in such place as may be required by the Inspector and after giving the employed person an opportunity for explanation.

(2) Fines

- (a) shall not exceed half anna in the rupee,
- (b) shall not be recovered by instalments or after sixty days of the date of imposition,
- (c) shall be recorded in a register and applied to such purposes beneficial to the employed persons as are approved by the Labour Commissioner, and
- (d) shall not be imposed on persons who are under the age of 15 years.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount bearing the same proportion to his wages

for the wage period, as the period of his absence bears to the total period during which he should have been at work during the wage period.

(b) If ten or more employed persons acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wage for eight days in lieu of notice but:—

1. No deduction for breaking a contract can be made, from a person under the age of fifteen years.
 2. There must be a provision in writing forming part of the contract of employment and requiring the employee to give notice of the termination of such employment, the period of such notice not exceeding either:—
 - i. fifteen days or the wage period whichever is less, or
 - ii. the period of notice which the employer is required to give of the termination of that employment.
 3. The above provision must be displayed at or near the main entrance of the industrial establishment or in such place as may be required by the Inspector.
 4. No deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the industrial establishment or in such place as may be required by the Inspector.
 5. No deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under the contract.
11. Deductions can be made for damages to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.
- Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.
12. Deduction can be made, equivalent to the value thereof for house accommodation amenities or service (other than tools and raw material) supplied by the employer provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of the State Government.
13. (a) Deduction can be made for the recovery of advances or for adjustment of over-payment of wages.
- (b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage period but no recovery can be made of advances given for travelling expenses before employment began.

- (c) Advances of unearned wages can be made at the paymaster's discretion during employment of but must not exceed the amount of two months wages without the permission of an Inspector. These advances can be recovered by instalments, spread over not more than 12 months and the instalments must not exceed one-third or if the wages are not more than Rs. 20, one-fourth of the wages for any wage period.

14. Deductions can be made for subscription to and for repayments of advances from any recognised Provident Fund.

15. Deductions can be made for payments to co-operative societies approved by the State Government or to a scheme of insurance maintained by the Indian Post Office.

INSPECTIONS

16. An Inspector can enter any premises and can exercise powers of inspection (including examination of documents and taking of evidence as he may deem necessary for carrying out the purposes of the Act).

COMPLAINTS OF DEDUCTIONS OR DELAYS

17. (i) Where irregular deductions are made from wages or delays in payment take place, an employed person can make an application in the prescribed form within six months to the authority appointed by the State Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(ii) Any legal practitioner, official or a registered trade union, Inspector under the Act or other person, acting with the permission of the authority can make the complaint on behalf of an employed person.

(iii) A signed application may be presented by, or on behalf of any number of persons belonging to the same industrial establishment the payment of whose wages has been delayed.

ACTION OF THE AUTHORITY

18. The authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made the authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

APPEAL AGAINST THE AUTHORITY

19. An appeal in the prescribed form against a direction made by the authority may be preferred within thirty days to the District Court—

- (a) by the paymaster if the total amount directed to be paid exceeds Rs. 300,

- (b) by an employed person, if the total amount of wages withheld from him or his co-workers exceeds Rs. 50, and
- (c) by a person directed to pay a penalty for a malicious or vexatious application.

PUNISHMENTS FOR BREACHES OF THE ACT

20. Any one delaying the payment of wages beyond the due date or making any unauthorised deduction from wages is liable to a fine up to Rs. 500 but only if prosecuted with the sanction of the Authority or the Appellate Court.

21. The paymaster who:—

- 1. does not fix a wage period or
- 2. makes payment in kind, or
- 3. fails to display at or near the main entrance of the Industrial Establishment or in such place as may be required by the Inspector this Abstract in English and in the language of the majority of the employed persons, or
- 4. breaks certain rules made under the Act is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector or with his sanction.

FORM VI

(See Rule 23)

NOTICE OF OCCUPATION

(To be submitted in duplicate)

- 1. Full name of Industrial Establishment.
- 2. Full postal address and situation of the Industrial Establishment.
- 3. Full address to which communications relating to the Industrial Establishment should be sent.
- 4. Class or group of Industrial Establishment.
- 5. Approximate number of persons to be employed in the Industrial Establishment.
- 6. The average number of persons employed during the last twelve months.
- 7. Full name and residential address of the person who shall be the paymaster or Manager of the Industrial Establishment for the purpose of the Act.
- 8. i. Full name and residential address of proprietor of the Industrial Establishment in case of private firm,

- ii. Full names and residential addresses of Directors in the case of public limited liability company.
- iii. Full names and residential addresses of share-holders in case of a private company.

Signature of Occupier.

Date.....

*Signature of Manager or
paymaster.*

Date.....

- Note:*—1. This form should be completed in ink in block letters or typed.
2. If any of the persons named against item 8 above is a minor the fact should be clearly stated.

Government Secretariat,
Labour Department,
Trivandrum.

By order of His Highness
the Raj Pramukh,
V. V. JOSEPH,
Industries Secretary.

**The Travancore-Cochin Prisoners
(Attendance in Courts) Rules, 1956**

Price : 19 nP.

Gazette No 23 dated 5th June 1956.

**Jails Department.
NOTIFICATION.**

H5-31486/55/CS.

26th May 1956.

**ACTS-THE PRISONERS (ATTENDANCE IN COURTS) ACT 1955—
RULES UNDER SECTION 9.**

In exercise of the powers conferred by Section 9 of the Prisoners (Attendance in Courts) Act 1955 (Central Act 32 of 1955) the Government hereby make the following Rules :—

1. These Rules may be called the Travancore-Cochin Prisoners (Attendance in Courts) Rules, 1956.

2. In these rules, unless there is anything repugnant in the subject or context, "the Act" means the Prisoners (Attendance in Courts) Act, 1955.

3. (a) A District Magistrate or a District Judge, as the case may be, who receives an order for counter-signature under Section 3 of the Act should satisfy himself that the order was issued by a person having lawful authority to issue it and that it is duly authenticated. If the District Magistrate or District Judge is not satisfied as to the authenticity of any such order it is open to him to require the Officer who brought the order to give evidence on oath as to the genuineness of the signature. If the District Magistrate or District Judge is satisfied that the order has been properly signed and authenticated he should countersign it in the manner prescribed in the first or the second schedule to the Act, as the case may be, and the order so countersigned shall be sent to the Officer-in-charge of the prison concerned.

(b) The Officer-in-charge of the prison on receipt of such order shall act in accordance therewith and shall provide for the safe custody of the person during his absence from the prison for the purpose aforesaid.

4. The Officer-in-charge of a prison, if he thinks that a prisoner who is to be produced before a court, is unfit to be removed from the prison by reason of sickness or other infirmity shall produce him before the Medical Officer-in-charge of the Prison, if there is a Medical Officer, and get a certificate to the effect that he is unfit to be removed from the Prison, which certificate shall be sent to the court concerned with a covering letter.

In the absence of a Medical Officer, the Officer-in-charge of the Prison, if he is satisfied that the prisoner is unfit to be removed from the Prison, shall abstain from his being removed and sent a report in the matter to the court concerned.

5. If the Officer-in-charge of the Prison is unable to carry out the order of the court due to other reasons specified in Section 6 of the Act, he shall send to the court, from which the order has been issued, a statement of reasons showing his inability to comply with the order.

G. 6903.

6. The Officer-in-charge of a prison, shall, on receipt of a process directed against any person confined in that prison from any court, give the duplicate copy of the process to the prisoner against whom the process is directed, get his acknowledgement on the back of the original under his signature and return the original to the court. If the prisoner refuses to accept service of the process, the duplicate copy shall be given to him and the original shall be returned to the court with a certificate with effect that the copy has been given to him and he has refused to acknowledge receipt of the copy.

7. The escort of prisoners under the Act shall be undertaken by the police.

8. Whenever an order for the production of a prisoner to give evidence or to answer a charge is received from a competent court by the Officer-in-charge of a jail, such officer shall send a copy of the court's order to the head of the local police who thereupon shall cause the necessary police guard to be detained in accordance with the terms of the order, and the prisoner shall be made over to the custody of this guard. Whenever a prisoner is produced before a court situated outside the district in which he is confined, the Officer-in-charge of the prison shall report the fact of such production to the District Magistrate and the District Superintendent of Police of the district from which the prisoner is so produced.

9. Whenever the court and the jail are in the same station, the prisoner shall be taken from the jail to the court and back daily, until his attendance is dispensed with. On everyday he attends the court he shall receive the full jail ration, and shall be allowed to take his mid-day meal with him for consumption at any convenient hour.

10. Whenever a prisoner is sent for examination to, or has to halt a night enroute at a station where there is a Central Jail he shall be confined therein. Where there is no Central Jail he shall be confined in the subsidiary jail, and where there is no subsidiary jail, he shall be confined in the police lock-up.

11. If the escort is unable to reach a central or subsidiary jail or police lock-up before sunset, the police shall make the necessary arrangements for the safe custody of the prisoner.

12. If the prisoner is taken to a central or subsidiary jail, the jail or police establishment guarding it shall be responsible for the custody of the prisoner. Whenever the escort desires to proceed, the prisoner shall be handed over for that purpose; provided that no prisoner escorted under these rules shall be admitted into a jail after sunset, nor handed over to the escort before sunrise.

13. (1) If the prisoner is taken to a police lock-up, in which there are no other prisoners, the police in charge of the lock-up shall permit the prisoner escorted under these rules to occupy a ward in the lock-up, the key of which shall be handed over to the escort and the prisoner shall be entirely under the charge of the escort as regards safe custody

supply of food etc. On the departure of the escort with its prisoner the key of the ward occupied shall be returned to the police in charge of the lock-up. In the event of any prisoner committing damage to a ward occupied by him, the fact shall be reported to the Officer-in-charge of the jail whence he was brought, who shall defray the cost of repairing the damage.

(2) In the event of a police lock-up being occupied by other prisoners, the prisoner shall be confined with them, the police in charge of the lock-up being then responsible for his safe custody. The duty of supplying the prisoner with food and of watching him cook and eat shall rest with the police escorting him.

(3) Police escorts shall conform to the rules in force at lock-ups as regards hours for cooking and meals, e. g., when the custody of the prisoner devolves upon the police in charge of the lock-up, the escort shall not demand that the prisoner be let out at unauthorised hours to cook his food, etc.

14. A prisoner shall ordinarily be moved about either by rail or by water, but when neither of these modes of conveyance is available he shall go on foot, unless he is certified by the Medical Officer to be physically unfit to march, in which case the Officer-in-charge of the jail shall supply either a cart or any other cheap conveyance available according to circumstances. No prisoner shall be compelled to march on foot more than fifteen miles in twenty-four hours. When travelling by rail, the accommodation to be provided shall be of the lowest class in the case of 'C' class prisoners, and intermediate class or if no intermediate class is available, second class, in the case of 'A' and 'B' class prisoners. Prisoners whose confessions are to be recorded shall be taken to the court from the jail in a police van or lorry, when available, escorted by warders as an exceptional case.

Note (1) Prisoners escorted by the police between two places which are over ten miles apart and are wholly or partially connected by motor bus service may be conveyed by motor bus, provided that the number of prisoners so escorted at a time is small and can be controlled easily, and provided that their presence in the motor bus does not cause inconvenience or annoyance to members of the public using it. Actual conveyance charges in the case of such prisoners may be paid.

(2) Women prisoners escorted by the police shall be provided with conveyances where the distance to be traversed by them exceeds one mile. Conveyance may also be provided for shorter distances in cases in which for reasons of health, or custom, or other valid reason, failure to make such provision would cause undue hardship to them.

15. No prisoner shall be fettered, unless he bears a bad or indifferent character in jail, and the Officer-in-charge of the jail considers that there would be risk in sending him without fetters. If a prisoner is fettered, handcuffs shall not be used in addition unless specially required owing to the prisoner being a

violent or dangerous character. Every fettered prisoner shall be relieved of his fetters when placed before court either for trial or as a witness, except when fetters are deemed necessary to guard against violence or an attempt to escape.

16. A convicted prisoner shall not be handcuffed, unless there is a reasonable expectation, either from the heinous nature of the crimes with which he is charged or from his character or behaviour that such prisoner will use violence or will attempt to escape or that an attempt will be made to rescue him. The same principle shall be followed in the case of undertrial prisoners.

17. (1) The minimum strength of the police guard shall be—
For not more than four prisoners, two constables.
For five or six prisoners, three constables.
For seven to ten prisoners, one head constable and four constables.

A female constable or in her absence, a female warder shall wherever possible, accompany a female prisoner instead of one of the male constables.

(2) When prisoners are of desperate character or are likely to attempt to escape or when the number to be escorted exceeds ten, the strength of the guard shall be increased at the discretion of the Officer-in-charge of the police.

18. The Civil Court which orders the attendance of a prisoner before that court shall bear the travelling and maintenance expenses of the prisoner and escort for their to and fro journey. The required amount has to be paid in advance by the court to the Officer-in-charge of the prison where the prisoner is confined.

19. The cost of maintenance of the prisoner handed over to police for production before a criminal court till he reaches the court shall be met by the Jail from which he is sent. For this purpose an amount calculated at a rate not exceeding Rs. 1-4-0 per diem in the case of a 'C' class prisoner, or an ordinary undertrial or a civil prisoner and Rs. 2 per diem in the case of an A or B class prisoner or a special class undertrial may be advanced to the escort. Advances required on account of the escort and the conveyance of the prisoner shall be made by the officer supplying the escort. The cost of maintenance of the prisoner when returning from court shall be advanced from the Court.

20. No State prisoner or prisoner under sentence of death shall be removed from the jail without the special sanction of Government, except in case of a prisoner under sentence of death, whose presence is required by a Sessions Court or High Court for the purpose of taking additional evidence in the case.

21. For the purpose of these rules the Superintendent shall be deemed to be the Officer-in-charge of the Jail.

22. When a prisoner is escorted under these rules a nominal roll in the Form given in Annexure A shall be sent

with him in duplicate a copy of which shall be returned to the Superintendent of the prisons showing the nature of the disposal of the prisoner.

ANNEXURE A.

Nominal roll of male* convict No.....Name.....
 Residence (Village, Taluk and District)
 Caste.....Present age.....Years.....Occupation.....
 Section and Code under which convicted.
 Original sentence and date of award.
 Adjudicating Court and No. of Calendar
 case in which convicted.
 Unexpired term of sentence, after
 deducting remission earned.
 Present state of health and fitness to
 undertake journey.
 Result of appeal (if any).
 Nature of disposal.
 Conduct in jail.
 Remarks.

Prison.

Superintendent.

*Strike out and add 'Female' when necessary.

After the prisoner's number add his class, A or B according as he is classed as a casual or habitual respectively; and after the letter, add the number of previous convictions; thus 374.3. When a journey is about to be undertaken by a prisoner the Roll is to be signed by a Medical Officer.

Note:—For personal and descriptive marks, see below.

Personal and Descriptive marks.

(To be given in respect of escaped prisoners only with reference to Rules).

By order of His Highness
 the Raj Pramukh,
 B. V. K. MENON,
 Chief Secretary.

**Rules for the execution of Petty
Irrigation Works under the
Travancore-Cochin Irrigation
Act, 1956.**

Price : 7 nP.

Kerala Gazette No. 42 dated 15th October 1957.

PART I

Labour and Local Administration Department (Panchayat C)

NOTIFICATION.

No. LA. 16-25853/56/L&LAD.

Dated, Trivandrum, 10th October 1957.

In exercise of the powers conferred by Section 42 of the Travancore-Cochin Irrigation Act, 1956 (President's Act VII of 1956) the Government of Kerala hereby make the following rules for the execution of petty irrigation works, the same having been previously published as required by sub-section (1) of the said Section.

1. The construction, maintenance and repair of petty irrigation works shall be attended to by the Panchayat within the local limits of which the lands benefited by such works lie.
2. Applications for taking up such works should be presented by the land owners or other interested party or parties to the Executive Authority of the Panchayat concerned.
3. On receipt of such applications, the Executive Authority of the Panchayat shall inspect the site, make necessary enquiries and place the applications, with his report thereon, before the Panchayat Committee at its next meeting.
4. The Committee after discussion, shall, by a resolution decide whether the work should be taken up or not.
5. A list of works to be taken up in the next financial year shall be prepared before the end of December in each year along with rough estimate of cost of such works. The Panchayat shall select works according to priority and availability of funds and submit a list of works so selected to the Deputy Director of Local Bodies along with the budget estimate of the Panchayat for the next financial year before the end of January in each year.
6. The sanction, tender, contract, execution, payment and accounting of the works taken up shall be governed by the relevant provisions in the Travancore-Cochin Panchayats Act, 1950 (Act II of 1950) and the Rules made thereunder.
7. The Panchayat may levy an annual cess per acre as specified in sub-section (3) of section 4 of the Irrigation Act (Act VII of 1956) on the lands to be benefited by such works, to be realised from the land owners and credited to the Panchayat fund.
8. The cess mentioned in rule 7 above shall be levied only after obtaining the sanction of Government for such levy through the Director of Local Bodies.
9. The cess on lands shall be levied only from the financial year subsequent to the year in which the work has been completed.
10. The cess shall be collected as other revenues of the Panchayat.
11. Remission of cess in cases of failure of crops owing to failure of supply of water may be granted by the Panchayat concerned, with the previous sanction of the Government.

By order of the Governor,

P. I. JACOB,
Secretary.

THE TRAVANCORE-COCHIN ECONOMISER
RULES, 1956

G. P. E.—1957.

Price Annas 4.

Gazette No. 17, dated 24th April 1956.

PART I

NOTIFICATION

No. L6-6139/55/DD.

20th April 1956.

S.R.O. 30.—In exercise of the powers conferred by Section 29 of the Indian Boilers Act, 1923 (Act V of 1923) and in supersession of the Rules issued under Notification No. L6-6084/54/DD (3), dated 4th August 1954, published in the Gazette, dated 10th August 1954, the Government of Travancore-Cochin hereby make the following rules, the same having been previously published as required by sub-section (1) of Section 31 of the said Act.

Government Secretariat,	} (By order of His Highness the	
Development Department,		Raj Pramukh)
Labour Section,		V. V. JOSEPH,
Trivandrum.		Secretary to Government.

THE TRAVANCORE-COCHIN ECONOMISER RULES, 1956

CHAPTER I

1. *Short title.*—These rules may be called the Travancore-Cochin Economiser Rules, 1956.

2. *Definitions.*—In these rules unless the context otherwise requires,

(a) "Act" means the Indian Boilers Act, 1923 (V of 1923);

(b) "Section" means a section of the Act;

(c) "Regulation" means a regulation of the Indian Boiler Regulations, 1950, made by the Central Boilers Board under Section 28 of the Act.

3. *Payment of fees, etc.*—All fees payable under these Rules or the Act shall be paid in such manner as the State Government may from time to time specify.

4. *Registers.*—(1) The Chief Inspector shall maintain in his office—

(a) a register in Form AE of all economisers registered in the State;

- (b) the Registration Books and Memorandum of Inspection Books in respect of all economisers booked in such register;
- (c) a Register of appeals;
- (d) a Register of accidents; and
- (e) a Register of registration and inspection fees received.

(2) The register maintained under clause (a) of sub-rule (1) shall consist of two parts. In Part I shall be entered the economisers registered in the State and in Part II shall be entered the economisers transferred from another State.

5. *Fees for inspection at special times.*—No examination of an Economiser shall be made by an Inspector for the purpose of issuing a certificate for an economiser on a Sunday or a Gazetted public holiday or between the hours of sunset and sunrise without the specific orders of the Chief Inspector in each case. In cases where such an inspection is made at the written request of the owner an extra amount equal to the usual fee for inspection of economiser shall be charged and such extra amount shall be paid to the Inspector.

CHAPTER II

Procedure for Registration

6. *Receipt of applications.*—Applications for registration shall be made under sub-section (1) of Section 7 to the Inspector of the local area in which the economiser is situated and shall be accompanied by a receipt of the fee prescribed under the Regulation.

7. *Procedure on transfer of an economiser unit or part of a unit.*—Whenever an economiser is transferred from another State into the State of Travancore-Cochin the owner shall apply under clause (b) of Section 6 to the Chief Inspector for the registration of the transfer; the economiser shall not be used until registration has been effected. No fee shall be charged for recording such transfer.

8. (a) *Entry of transferred economiser unit in register.*—On receipt of the Registration and Memorandum of Inspection Books, the Chief Inspector shall enter the economiser unit under its original number in Part II of the Register kept for the purpose.

(b) When parts of two or more units are assembled to form one unit, the original numbers shall be cancelled and the newly built up unit shall be given a fresh number.

9. *Note of transferred and dismantled economisers.*—Whenever an economiser or part of an economiser has been transferred to another State or broken up, the fact shall be noted in the Register. In the case of an economiser which has been condemned, the Registration Book and Memorandum of Inspection Book shall contain an entry to that effect.

10. *Proposal for reduction of pressure.*—When the Inspector decides that an economiser in one or more of its part is no longer fit for the pressure approved for it he shall without delay, report his proposals for reducing the pressure to the Chief Inspector under Section 8 (5) of the Act,

11. *Entries in Memorandum of Inspection Books.*—An Inspector shall, after an inspection make the necessary entries in the Memorandum of Inspection Book for the economiser and, submit the book to the Chief Inspector. Inspection notes should briefly state—

- (a) the extent to which economisers were cleared of bricklagging or concealing parts;
- (b) the general condition of the economiser; and
- (c) parts requiring attention or repair and if special preparation is required at the next inspection.

Inspectors should also note in the Memorandum of Inspection Book all casual visits for inspection of feed pipes, visits for inspection of repairs, inquiry into accidents and other like matters.

12. *Entries in certificates.*—In addition to the entries required to be made under Regulation 530 in a certificate for an economiser, the Inspector shall state in the remarks column his requirements, if any, with regard to hydraulic test, removal of lagging, brickwork or other concealing parts for the next inspection to enable the owner to have the same properly prepared at the time. He shall also state in the same place his requirements regarding the repair or renewal of any part that may be considered fit only for the period of the certificate.

In the repairs column, should be entered the year of repair and description of repair effected. Only important repairs should be noted.

13. *Engraving of registry number.*—Paper slips of the proper size bearing the registry number allotted for the economiser will be supplied by the Chief Inspector. The engraving of the Registry number shall be made as prescribed in Regulation No. 534.

14. *Arranging for inspections.*—In arranging for inspection and hydraulic test ample notice of not less than 30 days shall be given to the owner. The notice required by sub-section (2) of Section 7 and sub-section (4) of Section 8 shall be sent in Form BE.

15. *Issue of Certificate and Provisional Order.*—In cases in which the Inspector is empowered to issue a certificate under Section 8 without further reference, the certificate shall ordinarily be issued within 48 hours of the completion of the inspection. Where he proposes to issue a provisional order pending the issue or refusal of the certificate, the Inspector must satisfy himself that the economiser is fit to be worked at the maximum pressure and for the period entered in the provisional order.

The fact of issue of a provisional order must be reported immediately to the Chief Inspector.

16. *Forms of Provisional Orders and Certificates.*—Provisional orders and certificates are prescribed in Form X and XI, respectively of the Regulations.

The period specified in any provisional order or certificate shall begin on the day on which the enabling thorough inspection or hydraulic test is completed. Where a certificate supersedes a provisional order during the period of its currency the period of the certificate shall be retrospective and shall begin from the same date as that of the provisional order.

17. *Duplicate certificate.*—A duplicate of any certificate granted under Section 7 or Section 8 which for the time being in force shall be granted by the Chief Inspector on the application of the owner of the economiser if the Chief Inspector is satisfied that the duplicate is required for a bonafide purpose and the fee prescribed under Rule 23 is paid.

18. (a) *Registration fees.*—Fees for registration of economisers are prescribed in Regulation 533 of the Regulations.

(b) *Fees for inspection.*—Fees for inspection shall be calculated on the basis of economiser rating as shown below:—

				Rs.
For economiser rating not exceeding 500				40
For economiser rating				
exceeding 500 but not exceeding	1,000			50
Do.	1,000	do.	1,500	60
Do.	1,500	do.	2,000	70
Do.	2,000	do.	2,500	80
Do.	2,500	do.	3,000	90
Do.	3,000	do.	3,500	100
Do.	3,500	do.	4,000	110
Do.	4,000	do.	4,500	120
Do.	4,500	do.	5,000	130
Do.	5,000			140

Provided that when any owner is willing to accept a renewal certificate for less than 24 months in order to approximate the date of annual inspection to the date on which other economisers in the locality are inspected, a certificate for such period being less than 24 months as may be necessary for such approximation of dates may be granted at a reduced fee to be calculated at one-twenty-fourth of the ordinary fee for each full month, fraction of a month not being reckoned.

19. *Fee to cover inspection and test.*—A fee paid for the inspection of an economiser shall cover thorough inspection and hydraulic test subject to the provision of sub-section (2) of Section 14.

20. An extra fee may be levied for re-inspection in any case where the inspection of an economiser is begun but owing to the fault or neglect of the owner is not completed within a period of six months from the date of commencement of inspection provided that no extra fee shall be levied except with the sanction of the Chief Inspector.

21. *Special fee for inspections out of season.*—For inspections carried out on application within 30 days of the expiry of a certificate no travelling and halting charges of the Inspector and staff shall be leviable. In case where the owner requires the inspection at a date earlier than 30 days from the expiry of a certificate, the Chief Inspector may in addition to the inspection fee, charge the travelling and halting charges from the owner of the economiser. If an owner applies for inspection after the expiry of his certificate he shall be liable to pay the

travelling allowance and halting allowance of the Inspector at the discretion of the Chief Inspector.

If the inspection is carried out at the request of the owner at a time other than the specified one to suit the convenience of the owner, the travelling charges of the Inspector shall be realised from the owner.

22. *Fee for copy of Registration Books.*—Fee for each copy of Registration Book shall be Rs. 5.

23. *Duplicate certificate fees.*—Fees for duplicate certificate under Rule 17 shall be Rs. 3.

24. *Refund of fees.*—Fees paid in excess and fees paid for an inspection which for any reason not due to any fault or omission of the owner of the economiser has not been made, shall be refunded or adjusted if applied for within one year from the date of payment.

CHAPTER III

Accidents

25. *Investigation of accidents.*—On the receipt of a report of an accident to an economiser or feed-pipe under Section 18, the Inspector shall with the least possible delay, proceed to the place, to investigate the accident. If the report is received by the Chief Inspector, he shall forward it at once to the Inspector within whose jurisdiction the accident had occurred for necessary action.

26. *Procedure during inquiry.*—The Inspector at his inquiry shall make a careful examination of the damaged parts and shall take such measurements and make such sketches for the purpose of his report, as he may deem necessary. He shall inquire into the circumstances attending the accident and note the time of its occurrence, its nature and extent, the injury caused to persons and the damage done to property. The report shall be in Form CE and shall be sent forthwith to the Chief Inspector. If the Chief Inspector considers that the investigation has been sufficient he will record the facts in the Register of Accidents and enter a brief account of the accidents in the Registration Book, a copy being made in the Memorandum of Inspection Book. If, however, the accident is of a serious nature and in all cases in which an explosion has occurred the Chief Inspector shall, after receipt of the Inspector's report, proceed to investigate the accident personally.

27. *Power to hold inquiry in writing.*—Inspectors are authorised to take the written statements of witnesses and all persons immediately concerned with the accident. In order to comply with the provisions of sub-section (2) of Section 18, the Inspector shall present to the owner or person in charge of the economiser a series of written questions, on all points that are material to the enquiry.

28. *Use of economiser after accident.*—The Inspector shall decide whether the use of the economiser can be permitted at the same or at a lower pressure without repairs or pending the completion of any repairs or alterations that he may order. In no case shall he issue a provisional order or renewal certificate, until his orders have been carried out.

29. *Reference in Annual Report.*—A brief account of all accidents, their causes and remedial measures taken shall be included in the Chief Inspector's Annual Report.

30. *Unreported accidents.*—If in the course of an inspection or at any other time, the Inspector discovers damage which comes within the definition of an accident but which has not been reported he shall report the facts at once to the Chief Inspector for action.

CHAPTER IV

Appeals

31. *Filing of appeals.*—Every appeal shall be made in writing either in English or in the regional language.

32. *Presentation of appeal.*—An appeal may be presented either personally or sent by registered post to the Chief Inspector.

33. *Form of appeal.*—The appeal shall be accompanied by the original order, notice or report appealed against, or by a certified copy thereof, or where no such orders, notice or report has been made in writing, by a clear statement of the facts appealed against, the grounds of appeal, section under which the appeal is made.

34. *Fixing date of hearing.*—On receipt of an appeal the Chief Inspector shall, if the appeal is to be heard by himself, at once fix a date for hearing the appeal; and if it is to be heard by the appellate authority, obtain a date for the hearing of the appeal from that authority.

35. *Procedure before hearing.*—When the date for hearing has been fixed, the Chief Inspector shall at once issue a notice to the appellant stating the date for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence he must be present either in person or by authorised agent with his evidence on the date fixed. The notice shall be sent by registered post to such address as is entered in the petition of appeal.

36. (a) *Presence of Inspector.*—In an appeal to the Chief Inspector, he shall decide, whether the presence of the Inspector is necessary and shall issue orders, accordingly.

(b) *Attendance during hearing of appeals.*—Under orders of the Chief Inspector, Inspectors shall attend before the Chief Inspector or the appellate authority, during the hearing of appeals with regard to economisers under their charge.

37. *Attendance of witnesses.*—The appellate authority shall have power to secure the attendance of witnesses and to make local inquiries under the provisions of the Code of Civil Procedure, 1908 (Act V of 1908).

38. *Ex parte decision.*—In any appeal, if the appellant is not present on the date fixed, the appeal may be decided in his absence.

39. *Constitution of appellate authority.*—(1) The appellate authority means the appellate authority as constituted under Section 20 of the Indian Boilers Act.

(2) The State Government shall appoint an officer to be the Chairman of the appellate authority for such period as it may deem fit.

(3) The Chairman shall be a person who has exercised the powers of a District Judge or a District Magistrate.

40. *Panel of Assessors.*—The State Government shall constitute a panel of Assessors who shall be fully qualified mechanical engineers.

41. *Remuneration of Assessor.*—An Assessor when selected on the appellate authority shall be paid,—

(a) such fees as the State Government may, from time to time, determine, and

(b) the travelling expenses actually incurred by him for attending an enquiry under these rules.

42. *Attendance of Assessors.*— Where a date for appeal before the appellate authority has been fixed, the Chief Inspector shall under the orders of the Chairman of the appellate authority arrange for the attendance of at least two members of the panel of Assessors to act as Assessors.

43. *Costs in appeals.*— (1) Where an appeal is dismissed the appellate authority, may fix the costs of the appeal which shall be payable by the appellant.

(2) In any appeal where a local inspection is required the appellant shall deposit in advance the full costs of such inspection as determined by the Chairman of the appellate authority.

44. *Penalty.*— Any person who—

- (a) wilfully obstructs an Inspector in the exercise of any power conferred by any rules made under the Act, or
- (b) does or omits to do any act prohibited or prescribed by these rules, shall be punishable with fine which may extend to one hundred rupees.

FORM AE

TRAVANCORE-COCHIN ECONOMISER INSPECTION DEPARTMENT

Register of Economisers

(Rules 4, 8 and 9)

1	2	3	4	5	6	7	8	9
Registry No.	Type of Economiser	Economiser rating	Name of manufacture	Year and place of construction	Date of registration	Name of owner	Place where in use	Remarks Transfers

(Rule 14)

INDIAN BOILERS ACT, 1923 (ACT V OF 1923)

Notice for Examination of Economiser under Sections 7 and 8

No. of 195..

BOILER INSPECTION OFFICE

Dated, the 195

To:
.....
.....
.....

Gentlemen / Sir,

In reply to your application dated..... you are hereby informed that Economiser Registry No..... at the above named premises will thoroughly examined

be..... by the Government Inspector hydraulically tested on the..... to enable the examination to be made you are bound—

- (a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of you;
(b) to have the economiser properly prepared and ready for examination in the prescribed manner; and
(c) in the case of an application for the registration and economiser to provide such drawings, specifications, certificates and other particulars as may be prescribed.

Voucher No..... in acknowledgment of Bank.....
Receipt No. / Treasury for Rs..... accompanies.

Yours faithfully,

Chief Inspector of Boilers

Date.....

Preparation of Examination

(a) Preparation for inspection.—At each inspection the economiser shall be emptied and thoroughly cleaned internally and externally in the flues. All mountings shall be opened up and caps removed to permit adequate inspection.

Provision shall, if required by the Inspector, be made for the removal of casing or brickwork or either concealing part and for drilling of headers and tubes and for verifying the pressure-gauge and relief valve dimensions and weight. All tubes, headers and flues-ways shall be swept clean.

Proper provision shall be made to isolate the economiser on the gas side as well on the water connections of the boiler and from any other working economiser.

(b) *Preparation of hydraulic test*:—The chest of all mountings subject to water pressure shall be in place and shut tight or blank flanged. The relief valve shall either be secured or removed and the chest opening blank flanged. The * attachment for the Inspector's pressure-gauge and the nipple † for connecting the Inspector's test pump hose shall be in order. All caps shall be properly fitted and tightened up. The economiser shall be properly filled with water, care being taken to allow all air to escape and, if possible a preliminary test not exceeding the working pressure of the economiser shall be taken before the Inspector's visit to test the tightness of the joints. When an economiser is hydraulically tested for the first time, it shall be offered entirely bare, and at subsequent test, lagging or brickwork, or portions thereof, shall be removed if required by the Inspector.

Preparation now required (a) and (b).

Note.—The last certificate for the economiser should be shown to the Inspector.

* Tapped 3/4 inch whitworth bolt and nut thread.

† Tapped 7/8-inch whitworth bolt and nut thread.

FORM CE

(Rule 26)

Report into the investigation of the accident to Economiser No. . . .

To

The Chief Inspector of Boilers,

Sir,

In accordance with instructions I have held a preliminary inquiry into the accident and the circumstances attending it, to Economiser No. and now make the following report.

1. Date and place of accident.
- 1 (a). Date of investigation.
2. Name and address of owners.
3. Persons killed or injured.
4. Name of makers of economiser or steam pipe.
5. Age of economiser or steam pipe.
6. Particulars of previous repairs with dates.
7. The Economiser was last inspected on. by.
8. Nature of accident.
9. Cause of accident.
10. General remarks.

Inspector of Boilers.

Remarks by the Chief Inspector of Boilers

Date.



Prize Competition
Rules, 1956

Price: 4 Annas.

Gazette No. 27 dated 3rd July 1956.

PART I.

Section iv

POLICE AND JAILS DEPARTMENT (POLICE)

NOTIFICATION

No. H4-33879/51/PJ.

Dated, Trivandrum, 28th June 1956.

In exercise of the powers conferred by Section 20 of the Prize Competitions Act, 1955 (Central Act 42 of 1955) Government of Travancore-Cochin hereby make the following rules, the same having been previously published as required by sub-section (1) of the said Section.

PRIZE COMPETITION RULES 1956.

The Preamble: In exercise of the powers conferred by Section 20 of the Prize Competitions Act, 1955 (42 of 1955) the Government of Travancore-Cochin hereby makes the following rules, the same having been previously published as required by sub-section (1) of that Section, namely:—

1. *Short title.* These rules may be called the Travancore-Cochin Prize Competitions Rules, 1956.

2. *Definitions.* In these rules, unless the context otherwise requires,

(a) "Form" means a form appended to these rules;

(b) "Licence" means a licence granted under Section 6 of the Act; and

(c) "The Act" means the Prize Competitions Act, 1955 (42 of 1955).

3. *Form and manner of application for licence.* Every application for a licence under sub section (1) of Section 6 of the Act shall be in Form A and shall be either submitted personally, or sent by registered post, by the applicant to the licensing authority.

4. *Form and particulars of licence.* (1) Every licence shall be in Form B and shall be subject to the conditions and restrictions therein specified and to the provisions of the Act and these rules,

(2) Every such licence shall be effective through out the entire State.

5. *Period of validity of licence and its renewal.* Every licence shall be valid initially for a period of one year from the date of its issue and shall lapse on the expiry of that period; but the licensing authority may on application made by the licensee in this behalf in Form A before the expiry of the period of validity of the licence, renew it from time to time for such further period not exceeding one year in each case as may be decided by that authority in its discretion.

6. *Fees for grant and renewal of licence.* (1) The fee for every licence shall be:—

(a) Rs. 25 where an entry fee is charged in respect of a prize competition, and

G. 1991.

(2) The committee shall consist of a chairman who shall be the licensing authority or any officer of the Government nominated by the licensing authority and not more than five other members of whom the licensee shall be one and the rest shall be non-officials of standing in the local area concerned, to be appointed by the licensing authority.

FORM A

(SEE RULE 3)

Application for the grant or renewal of a licence under the Prize Competitions Act, 1955 (42 of 1955)

The replies to be written in this column.

- 1. Full name and address of the applicant.
- 2. Place of business.
- *3. Particulars of the Prize competition (or competitions) for which licence /renewal of licence is applied for, including the entry fee (if any) to be charged, the value of the prize or prizes to be offered and how the entries will be scrutinised and the prize winning competitors selected.
- 4. Whether the applicant had applied for a licence before and, if so, with what results.
- 5. Any further particulars which the applicant may like to furnish.

Date of application.

Signature of the applicant

*Explanation: The applicant shall furnish with the application a specimen entry form and any other literature proposed to be issued in connection with the prize competition.

FORM B

(SEE RULE 4)

Licence for the promotion and conduct of a Prize Competition (or Competitions) under sub-section (2) of Section 6 of the Prize Competitions Act, 1955 (Act 42 of 1955).

Licence No.

Name of licensee

Address

Situation and place of business

Town or Village (Name of street and number of premises in the case of a town)

..... Taluka, District

..... is hereby granted a licence subject to

the provisions of the Prize Competitions Act, 1955 (hereinafter called "the Act") and the rules thereunder for promotion of the Prize Competition (or competitions) described in the schedule annexed to this licence, for the period from19 to19 both days inclusive, subject to the conditions hereinafter mentioned, namely :—

CONDITIONS.

1. The licensee shall afford all facilities for the checking of his accounts and shall, at all reasonable times produce for inspection accounts or other documents and shall furnish fully and correctly any information in his possession as may be required for the purposes of the Act by the Licensing Authority or any officer authorised by the Licensing Authority in this behalf.

2. The licensee shall not vary the details of the competition, entrance fee and the prizes stated in respect thereof in the Schedule hereto annexed without the previous permission of the Licensing Authority.

3. The licensee shall state in a prominent place in every publication, ticket or coupon issued in connection with the prize competition (s) that he has obtained such licence and shall also specify in such publication, ticket or coupon the number and date of the licence.

4. The licensee shall not entertain more than two entries from any one competitor and in every prize competition the total number of entries shall not exceed two thousand.

5. In any competition :—

- i. where an entry fee is charged, such fee shall be paid in money only and not in any other manner.
- ii. the maximum amount of the entry fee charged shall not exceed Re. 1/- where the total value of the prize or prizes to be offered is rupees one thousand, but not less than rupees five hundred; and in all other cases the maximum amount of an entry fee shall be at the following rates, namely :—
 - (a) As. 8 where the total value of the prize or prizes to be offered is less than rupees five hundred, but not less than rupees two hundred and fifty; and
 - (b) As. 4 where the total value of the prize or prizes to be offered is less than rupees two hundred and fifty.

6. In any competition :—

- i. fees payable in respect of all entries offered or allowed by the licensee shall be at uniform rates;
- ii. the licensee shall not give any rebate or offer any concession whatsoever to any class of competitors;
- iii. the licensee shall not allow any bonus in any form in addition to the prize or prizes to be given to any competitor.

iv. the licensee shall not allow any remuneration, award or prize to any agent for the collection of solutions of competitors.

7. If the licence is suspended or cancelled for any reason, the licensee shall not be entitled to any compensation for such suspension or cancellation or to the refund of any fee paid in respect thereof.

Dated this day of 19

Signature of the Licensing Authority.

Seal of the
Licensing
Authority.

Designation.

FORM C.

(SEE RULE 12)

Name of the licensee
Address at which entries are to be received
Number of licence
Nature and description of the prize competition
Prize or prizes offered for the competition
Amount of Entry fee

Serial No.	Name and address of the competitor.	Date of receipt of the entry.	Whether received by post or by hand.	Is the entry free, if not the amount of fee received.
1	2	3	4	5

FORM D

(SEE RULE 13)

- 1. Name and address of the licensee
- 2. Place of business
- 3. Number of licence
- 4. Nature and description of the prize competition
- 5. Prizes offered

RECEIPTS.

EXPENDITURE.

Date.	Name of competitor.	S. No. of the entry in the Register in Form C	Amount of entry fee received.	Date.	To whom paid.	Purpose.	Amount.
		Total for the day Progressive total (from the commencement of the competition)					Total for the day Progressive total (from the commencement of the competition).

FORM E
(SEE RULE 14)

Name and address of the licensee
 Place of business
 Number of licence
 Nature and description of the prize competition
 Prizes offered

Month.	Total No. of coupons received.	Total No. of free entry coupons.	Total sum received in respect of such competition.	Expenditure.	Remarks.

I do hereby declare that I have compared the above particulars with my Register in Form C and the Cash Book in Form D and they are, in so far as I can ascertain, accurate and complete.

Dated thisday of.....19.....

Signature of the licensee.
 By order of His Highness the Raj Pramukh,
 B. V. K. MENON,
 Chief Secretary.

Rules and Conditions
for
Issuing Licenses to Electrical Contractors

Price: 8 Annas.

Gazette No. 3 dated 17th January 1956

PART I.

NOTIFICATION.

EL.1-13109|53|PWC.

30th December 1955.

Government are pleased to approve the following Rules and Conditions for issuing Licenses to Electrical Contractors, for granting certificates of competency &c., under Rule 48 of the Indian Electricity Rules. These rules shall take effect from the 1st of April, 1956.

Government Secretariat,
Public Works & Communications
Department (Electricity),
Trivandrum.

By order of His Highness
the Raj Pramukh,
G. MADHAVAN,
Secretary to Government.

RULES.

I. LICENSING BOARD.

Appointment of Licensing Board.— For carrying out the purposes of these rules, a Licensing Board (herein after called "The Board") shall be appointed.

2. *Constitution of the Board.*— The Board shall consist of:—

- (a) The Chief Engineer (Electricity), Travancore-Cochin State, who shall be the President.
- (b) The Deputy Chief Engineer, Office of the Chief Engineer (Electricity) who shall be the Secretary.
- (c) One of the Superintending Engineers of the Electricity Department of the State.
- (d) One representative each of the following bodies:—
 - i. Engineering College, Trivandrum.
 - ii. Licensed Electrical Contractors of the State.

NOTE:— The representative of each of the above mentioned bodies must be a qualified Electrical Engineer (preferably a corporate member of the Institution of Engineers).

3. *The functions of the Board.*— The functions of the Board shall be:—

- i. to grant licenses to Electrical Contractors;
- ii. to conduct Examinations for (Electricians) and fix qualifications for wiremen;
- iii. to grant certificates and permits to Supervisors and Wiremen;
- iv. to deal with applications and testimonials found to be incorrect and to take such action as may be decided on;
- v. to nominate representatives in other centres of the State, if considered necessary for the purpose of carrying out local examinations and tests under these rules;

vi. to hear and decide cases of malpractice by Electrical Contractors, Supervisors and Wiremen; and

vii. generally to carry out the provision of these rules.

NOTE:— Any decision given by the Board in the execution of its functions shall be final.

3a. The Board shall have power to appoint Sub-Committees and delegate such of its powers to these Sub-Committees as the Board considers fit.

4. *Meeting of the Board.*— The Board shall ordinarily meet once in 6 months. The Board shall also meet for transacting any special business which cannot be disposed of by circulation of papers. Notice of every meeting shall be sent to each member by the Secretary.

5. *Quorum.*—3 members shall form a quorum at any meeting of the Board.

6. *Duties of the President.*— The duties of the President shall be:—

- i. to preside at all meetings of the Committee unless prevented by reasonable causes; and
- ii. to grant licenses to Electrical Contractors and certificates and permits to Supervisors and Wiremen on behalf of the Board.

7. *Chairman of meeting.*— The President and in his absence such one of the members present as may be elected by the meeting shall be Chairman of the meeting.

8. *Duties of the Secretary.*— The duties of the Secretary; shall be:—

- i. to scrutinise all applications for Electrical contractor's licenses, to submit the same to the President and carry on correspondence in connection therewith;
- ii. to scrutinise the applications for admission to the examinations for Supervisors and Wiremen and carry on correspondence in connection therewith;
- iii. to countersign licenses to the contractors and certificates and permits to Supervisors and Wiremen; and
- iv. to notify all Electric Supply Companies concerned and the Electrical Contractors' Association, if any, of all licenses issued and cancelled.

II. EXAMINATIONS.

9. Examinations under these rules should be held once a year in January in Trivandrum, Trichur and such other places and on such dates as may be notified by the Secretary to the Board from time to time in the Travancore-Cochin Government Gazette.

10. *Admission to Examinations.*— Examinations are primarily intended for candidates residing or actually working within the Travancore-Cochin State. Candidates from outside the State may however be admitted to an Examination on payment of the prescribed fee in the manner specified.

III. MODE OF EXAMINATION.

11. Every examination shall be of such a nature as to test the practical knowledge of the candidates and to ascertain his competency.

12. Every examination shall be conducted in a place where the candidates knowledge can be practically tested and each candidate shall be tested *viva voce*.

IV. ADMISSION OF CANDIDATES FOR EXAMINATION.

13. *Examination for Supervisors.*— The examination for Supervisors is intended for Electricians, Supervisors, Formen, Chargemen and others, but any Wireman may appear for the examination if he desires to do so.

14. *Qualifications.*— Candidates for the examinations for Supervisors must:—

- (a) have passed the examination for Wiremen; and
- (b) have a minimum of 5 years practical experience (of which not less than two years should be after passing the Wiremen's examination) which is regarded as satisfactory by the Board.

NOTE:—

(1) Every candidate who produces a full technological certificate in Electrical Engineering from any recognised technical institute or College shall be exempted from appearing for this examination; provided such candidate has, after completing his training for such certificate, undergone practical training in wiring and rectifying common defects in electric light and power installations under a licensed electrical contractor for such period being not less than one year, so that the total period of training undergone by him is not less than five years.

(2) The Board may grant exemption to any candidate from the requirements of the proviso to paragraph (1) above if in the opinion of the Board the practical training obtained by the candidate is satisfactory.

15. *Examination for Wiremen.*— The examination for Wiremen is intended for working Wiremen.

16. *Qualifications.*— Candidates for the examination for Wiremen shall be the persons:—

- (a) who have worked on wiring or electric installation works for at least two years under a licensed Electrical Contractor, or

- (b) who have satisfactorily completed the Wiremen's classes at any approved Institution and in addition have served under a licensed electrical contractor for atleast twelve months employed on installation work, or
- (c) who have other electrical training or practical experience which is regarded as satisfactory by the Board.

NOTE:— A candidate who has undergone a satisfactory training in any Institution approved by the Board and obtained adequate marks at the examinations in Wiring, jointing and electrical experiments, will be exempted from appearing for this examination.

17. *Application for appearing for examination.*— Every candidate for an examination under these rules shall make an application in form A and shall sign the same in the presence of his employer or a Government Officer of the Gazetted rank. The candidate shall forward the application duly filled in to the Secretary to the Board not later than one month before the date fixed for the examination together with:—

- (a) Testimonials from employers regarding good conduct, and practical experience in form 'K' appended to these rules.
- (b) Wiremen's Examination Certificate, if any.
- (c) A chalan receipt in payment of fee.
- (d) Two copies of his latest photograph (size about 2" x 2½" with his name on the back.

18. *Examination fee not to be returned.*— The fee paid by a candidate, whose application for an examination has been accepted shall not be returned to him on any account; provided that, in the event of a candidate's inability to attend the examination for valid reasons, it shall be competent to the Board to allow such candidate to appear at the next examination without further payment.

V. TESTIMONIALS.

19. *Admission to examinations.*—A candidate whose testimonials are in the opinion of the Board, unsatisfactory, shall not be admitted to any examination.

20. *Return of testimonials.*— The original testimonials after being scrutinised shall be returned to the applicant when his application is disposed of.

VI. SUBJECTS FOR EXAMINATIONS.

21. *Syllabus for the Supervisor's Examination.*— Candidates for the examination for the grant of competency certificates will be examined by one written paper and by an oral test in accordance with the following syllabus.

The written paper will be in two sections and every candidate will be expected to pass separately in each Section:

Section I—(Theoretical Electricity).

The Electric Circuit Hydraulic Analogy.— Electrical pressure. Current and resistance. Ohm's Law. Calculation of resistance. Series and parallel grouping of resistances. Heating effect of electric current. Temperature coefficient of resistance. Conductors and insulators. Cables. Power and energy units.

Chemical effects of electric current.— Electrolysis Primary cell. The lead storage cell. The alkaline cell. Charging of storage cells.

The Magnetic Circuit.—Magnetic effects of electric current. Magnetic properties of materials. Electromagnets. Electric bells and relays.

Principles of electrical measurements and measuring Instruments.— Potentiometer. Wheatstone bridge. Post Office box. Substitution methods. Ammeters, Voltmeters, Ohmmeters, Wattmeters, Energy meters, Frequency meters, Power factor meters and Synchroscopes.

D. C. Generators.— Constructional features. Generation of E.M.F. Armature winding; Commutation and armature reaction; Series and shuntfield winding.

D. C. Motors.— General principles. Back B.M.F. torque method of starting.

Alternating currents.— Elementary ideas about vectors. Phase and phase difference. Resistance, Inductance and capacity. A.C. Power and power factor. Three phase working. Star and delta connections. Three phase power measurement and other indicating instruments.

A. C. Generators.— Constructional features. Calculation of frequency. Stator and rotor windings. Synchronising alternators.

Transformers.— Constructional features. Action. Three phase transformers. Phasing out. Auto transformers. Instrument transformers.

A. C. Motors.— Working principles of synchronous induction and commutator motors. Starting of A. C. Motors.

Controlling and regulating gear.—Working principles of starters and regulators for both A.C. and D.C. electric motors.

Conversion of electrical energy from A.C. to D.C.—Principle of operation of motor generator sets, rotary converters, motor converters and mercury arc rectifiers.

Illumination.— Important quantities in lighting calculations. Planning of lighting installations. Different types of lamps.

Section II.—(Planning of installation and utilisation of electricity).

Preparation of plans and estimates.— (Preparing a layout for lighting and power installations in residential and industrial premises). Estimates of materials and general cost involved in carrying out different types of installations.

Circuit diagrams.— Preparing circuit diagrams showing electrical connections between electrical motors, their control and regulating gears and the main distribution boards.

Panel wiring.— Preparation of drawings showing the wiring diagrams connecting D. C. and A. C. Generators, switch boards, transformers etc., in generating stations and Substations.

Battery charges and convertors.— Circuit diagrams showing electrical connections in battery charging equipment and converting machinery with its auxiliary apparatus.

Layout for electric lift and Pump installations.— Preparation of sketches showing electrical connections in lift and pump installations. General principles and elementary calculations of head, power and energy consumption in electrical pumps. Description of the important parts including safety devices used in lifts installations. General maintenance of lift machinery.

Earthing.— Earthing of all installations; testing of the effectiveness of the earthing system. Grounding of lighting conductors.

Distribution.— System of A. C. and D. C. distribution. Simple calculation regarding serial lines. Voltage drop on feeders and distributors. Balancers. Protective devices for overhead system. Voltage regulations.

Testing.— Location of faults in the armature and field systems. Insulation tests on machines, domestic appliances and installations. Location of faults in underground cables. Resuscitation from electric shock.

Government Acts.— The knowledge of the following Acts and Rules made by Government and the latest amendments thereon.

1. The Indian Electricity Act, 1910.

2. The Indian Electricity Rules 1937.

22. *Syllabus for the Examination for Wiremen.*— The examination will consist of practical test (3 hrs.) carrying 100 marks and oral test carrying 50 marks.

To pass the examination the candidate must secure at least 50 marks in practical, 15 marks in oral and an aggregate of 75 marks in the examination.

Electric pressure (Volts).

Electric current (amperes).

Power (Watts).

Energy (Watt-hrs).

Ohm's Law.
 Difference between A.C. and D.C. supply.
 Conductors and Insulators.
 Use of Standard Wire Gauge.
 Connections of voltmeters and ammeters.
 Reading of energy meters.
 Simple calculations of power and energy.
 Testing the supply for OFF and ON; A.C. and D.C.
 Positive and Negative; Live and Dead conductors.
 Various uses of the Test Lamp and Bell.
 Connections and diagrams for distribution and Fuse Boards.
 Cut-outs, ceiling roses, lamp holders, switches (including two-way and intermediate).
 Wiring on cleats, in wood casing, metal sheathed. T.R.S. Cab Tyre sheathed Conduit.
 Wiring of fittings of small motors and other domestic appliances.
 The installation of electric bells and indicators.
 Connections of A.C. and D.C. fans and regulators; common faults in them and their remedies.
 Method of carrying (overhead) bare, lead covered and Cab Tyre sheathed. Wires over short distances.
 Knowledge of danger points in simple lighting and power installations.
 Testing for faults. Measuring insulation resistance to earth by Megger.
 Precaution and method of treatment in case of a person suffering from electric shock.
 Making straight and Tee joints in stranded insulated wires.
 Making Britannia Western Union joints in bare copper wires.
 Soldering lugs on wires and cables.

VII. CERTIFICATES AND PERMITS.

23. *Grant of certificate of competency and permit to Supervisors.*— Every candidate who passes the examination for Supervisors or who is exempted from appearing for such examination shall be granted a certificate of competency in form B or C as the case may be, and a permit in form D.

24. *Grant of Certificate and Permit to Wiremen.*— Every candidate who passes the examination for Wiremen shall be granted a certificate in form E and a permit in form G.

25. *Grant of Certificates or permit in certain cases.*—Candidates exempted from appearing for the examination under notes to Rule 16 shall be granted a certificate in form F and a permit in Form G on payment of the prescribed fee.

26. *Withdrawal or suspension of permit.*— Every permit granted under these rules shall be liable to be withdrawn or

suspended for such period as the Board may decide, if the holder thereof is found guilty of any malpractice under these rules.

27. *Duplicate of a certificate or permit to be recorded.*—

A duplicate of every certificate and permit granted under these rules shall be recorded in the Office of the Secretary.

28. *Grant of duplicate certificate or permit.*— A duplicate of certificate or permit granted under these rules shall be issued on payment of Rs. 5 for Supervisors, Re. 1 for wiremen, on production by the applicant of proof of loss of the original certificates or permit together with the latest copy of his photograph to the satisfaction of the Secretary.

29. A fee of Re. 1 shall be charged for supplying information about the particular part or parts in which the candidate passed or failed in the examination, together with the actual number of marks he obtained in each part.

VIII. LICENCES TO ELECTRICAL CONTRACTORS.

30. *Grant of electrical Contractor's licence.*— An electrical Contractor's licence shall be granted to a person (or firm) who has in his possession the instruments necessary for carrying out the tests required under the Indian Electricity Rules 1937, and who either himself holds a certificate of competency and permit and personally executes or supervises all work undertaken by him or who has in his employ a Supervisor holding a certificate of competency and permit under whose direct supervision all work undertaken by him is carried out, provided that the Board may refuse to grant such licence to any person (or firm) who (or which) in the opinion of the Board is not fit to hold such licence.

31. *Form of Contractor's Licence.*— The electrical Contractor's licence shall be in form 'H'.

32. *Electrical contractors to keep instruments in good order.*— An electrical Contractor to whom a licence in form 'H' is granted shall keep the instruments necessary for carrying out the tests required in the Indian Electricity Rules 1937 in good order.

33. *Cancellation of contractor's licence.*— If the holder of a competency certificate on the strength of whose permit a licence has been granted to an electrical contractor, leaves the services of such contractor, such contractor's licence shall be deemed to have been suspended. Should such contractor fail to employ a person holding a Supervisor's permit within one month from the date on which the holder of the competency certificate had left such contractor's service, such contractor's licence shall be cancelled.

34. *Notice of termination of service of Supervisors to be given.*— If a holder of a Supervisor's permit in the employment

of a licensed electrical contractor leaves his service, the termination of the service of the permit holder shall be notified to the Secretary both by the Contractor and the permit holder. The contractor shall also notify the name and certificate number of the Supervisor engaged under the rule 30.

35. *When Contractor's licence shall not be granted.*—A Contractor's licence shall not be granted to any holder of a Supervisor's permit whilst he is in the employ of any other firm.

36. *Cancellation of Contractor's licence.*—If a holder of a Supervisor's permit to whom a Contractor's licence has been granted, accepts employment in any other firm, the contractor's licence granted to such holder shall be automatically cancelled.

37. *Inspection of Instruments.*—All testing equipments in the possession of every electrical Contractor shall be inspected from time to time by the Electrical Inspector or his representative.

38. *Staff of Contractor.*—The entire staff of every licenced contractor shall consist of a *bona fide* certified and full-time employee, provided that a contractor may engage apprentices for training purposes, in which case the total number of apprentices employed by any contractor at any time shall not exceed 50% of his total wiring staff, inclusive of apprentices, but exclusive of coolies and provided further that the contractor shall not permit such apprentices to carry out any electrical installation work including additions, alterations, repairs and adjustments to existing installations covered by Rule 48 of the Indian Electricity Rule 1937 except under the direct supervision of a person holding a certificate of competency and under the guidance of at least one certified wireman on the premises. Every contractor shall maintain a register in form 'I' of all Supervisors, Wiremen and Apprentices; such register shall be obtained from the Electric Inspector, Trivandrum and shall be open to inspection at any time by that Officer or his representatives. No person whose name is not entered in such a register shall be considered to be a *bona fide* employee on the contractor's wiring staff.

39. *Applications for Contractor's Licence.*—Applications for Contractor's licence shall be made to the Secretary, in form 'J'.

40. *Mode of Contract.*—Every contract for electrical installation work undertaken by a licensed electrical contractor shall be in writing and the licensed electrical contractor shall be held responsible for the quantity of all materials used.

41. No electrical installation work, including additions, alterations, repairs and adjustments to existing installations, except such replacing of lamps, fans, fuses, switches and other component parts of the installation as in no way alters its capacity or character shall be commenced by a licensed electrical contractor without notifying in writing the Electric

inspector or his Assistant or the local Sub-Division Officer of the Electricity Department or the Licensing Engineer in charge of the area.

42. *Test Reports.*—For all electric installation work carried out under Rule 48 of the Indian Electricity Rules, 1937, a test report shall be submitted by the licensed electrical contractor to the electric supply authority concerned. The test report shall be signed by the Supervisor under whose supervision the work has been carried out and countersigned by the licensed electrical contractor. The Supervisor shall be wholly responsible for the due execution of the electric installation work and shall be present at the time of testing.

43. *Register of contractors.*—A register of all licensed electrical contractors shall be maintained by the Secretary.

44. *Renewal of contractor's license.*—Every electrical Contractor's licence granted under these rules shall be renewable annually. Failure to renew a license shall render such license liable to cancellation and the full initial fee will be charged for the issue of a new license. Application for renewal together with the license shall be submitted to the Secretary at least one month before the date of expiry of the license.

45. *Grant of duplicate of contractor's license.*—A duplicate of an electrical contractor's license granted under these rules shall be issued on payment of a fee of Rs. 10 and production by the applicant of proof of the loss of the original license to the satisfaction of the Secretary.

IX. MISCONDUCT OF LICENSED CONTRACTORS, SUPERVISORS AND WIREMEN.

46. *Report of negligence.*—Where in the opinion of the Electric Supply Authority or a person for whom any electric installation work has been carried out, such work is not in accordance with the Indian Electricity Rules, 1937, the matter shall be reported to the Electrical Inspector concerned for such action as may be necessary and the action taken by him shall be notified to the parties concerned.

47. *Malpractice or infringement of rules to be reported.*—If any person holding a permit and/or an electrical contractor's license is found guilty of malpractice or infringement of these rules, the Electrical Inspector concerned shall report the fact with full investigation to the Board. The decision of the Board on such report shall be communicated to the parties concerned.

X. ELECTRIC SUPPLY COMPANIES CARRYING ON THE BUSINESS OF ELECTRICAL CONTRACTORS

48. *Supply Companies to obtain Contractor's licence.*—No electrical contracting work shall be carried out by any Electric Supply Company, unless they have obtained an electrical contractor's licence and employed a separate staff of Supervisors and Wiremen in compliance with these rules provided that when the services of a licensed electrical contractor are not

available to the public in the area of supply of an electric supply company the licensing Board may exempt such electric supply Company from the obligation of appointing a separate staff of electrical supervisors and wiremen for a period of one year at one time.

49. *Cancellation of Licence granted to Supply Companies.*— An electrical Contractor's licence granted to an Electric Supply Company shall be liable to be withdrawn by the Board if it is found that preferential treatment is being given to prospective consumers with a view to gain an unfair advantage in competition with local contractors.

50. *Cancellation and Suspension of Certificates, permits or Licenses.*— The Board may, after giving one month's notice in writing, cancel or suspend for such period as it deems fit, the certificate, permits or licence issued under these rules to Supervisors, Wiremen or Contractors, if in the opinion of the Board, the party has violated any of the Rules.

XI. FEES.

51. The following fees shall be levied under these rules for:—

(1) Examinations:—

(a) Admission to examination for Supervisors	Rs. 15
(b) Grant of competency certificate and Supervisor's permit to successful candidate	Rs. 10
(c) Examination for Wiremen	Rs. 5

(2) Certificates and permits to candidates who are exempted from the examinations:—

(a) Supervisors	Rs. 10
(b) Wiremen	Re. 1

(3) Contractor's Licence:—

Initial fee	Rs. 100
Annual renewal fee	Rs. 25

NOTE:— All fees for examination, contractor's licence and annual renewal fee thereof and any other fees leviable in this connection shall be paid into a Government Treasury in Travancore-Cochin State.

52. *Remuneration for Examiners.*— An examiner nominated by the Board shall receive such fees as Government may from time to time approve and such assistance in the conduct of the examination as may be determined by the Board.

Printed copies of these Rules in English, Malayalam and Tamil may be obtained on payment from the Superintendent, Government Presses, Trivandrum and the Secretary of the Board.

Forms of application for examination and contractor's licence may be obtained from the Secretary, Certifying Committee (Dy. Chief Engineer Electricity), Office of the Chief Engineer (Electricity), P. B. 65, Trivandrum-1.

FORM A.
APPLICATION FOR ADMISSION TO EXAMINATION FOR
ELECTRICAL SUPERVISOR/WIREMAN

(To be filled in English)

Full name of the applicant.
 Date of birth and age.
 Details of Technical qualifications.
 Details of past and present service.
 (Details of commencement and termination
 of each appointment to be given).
 Testimonials, original and copies thereof
 to be submitted.

Fees payable into the Government
 Treasury.

(i) Examination for Supervisors.

(a) Admission to the examination Rs. 15.

(b) Grant of competency certificate
 and Supervisor's permit to a
 successful candidate Rs. 10.

Chalan No. date

(amounting to Rs. to be
 forwarded with the application).

(ii) Examination for Wiremen Rs. 5

Centres where the applicant desires to be
 examined; Trivandrum, Trichur

Language in which the candidate desires
 to be examined, Malayalam, English,
 Tamil.

I, hereby declare that the particulars stated above are
 correct and true to the best of my knowledge.

Dated

In the presence of—

Signature.

Designation.

Signature.

Address.

NOTE:— Testimonials with copies thereof to be submitted
 with the application (originals will be returned as
 soon as they are scrutinised and the application is
 disposed of).

No payment will be accepted in cash or cheque. Fees
 must be paid into a Government Treasury in the State. The
 application must be signed in the presence of the employer, an
 Honorary Magistrate or a Gazetted Officer of Government.

Two copies of the latest photograph of the applicant (size
 2" x 2½") to accompany the application with the name on
 the back. Any person making false statement for the purpose
 of admission to the examination shall render himself liable
 for prosecution. Incomplete applications will be rejected.

FORM B.

GOVERNMENT OF TRAVANCORE-COCHIN

Certificate of competency.

(Authorised by Government Notification No.
dated) having satisfied the Licensing
Board by passing the prescribed examination for supervisors
held in on is hereby granted this Certificate
of competency.

Electricity Department,
Travancore-Cochin State,
dated

- President,
Licensing Board.

Secretary,
Licensing Board.

FORM C.

GOVERNMENT OF TRAVANCORE-COCHIN

Certificate of competency.

(Authorised by Government Notification No.
dated)
having satisfied the Licensing Board that his qualifications
entitle him to exemption from taking the prescribed examina-
tion for Supervisors is hereby granted this Certificate of
Competency.

Electricity Department,
Travancore-Cochin State,
Trivandrum, dated

President,
Licensing Board.

Secretary,
Licensing Board.

(Permit in Book Form)
I Page.

FORM D.

GOVERNMENT OF TRAVANCORE-COCHIN

Permit for Supervisors.

(Authorised by Government Notification No.
dated) Date of issue
II Page.

- Name.
- Date of Examination.
- Place of Examination.
- No. & date of certificate of competency.

III Page.

Photograph.

IV Page.

This permit allows the holder to supervise and carry out electric installation work subject to the condition mentioned in the rules issued by the Government of Travancore-Cochin State under Government Notification No. dated but does not allow him to undertake electrical contracting work unless he holds a contractor's license.

This permit is to be carried on the holder's person.

President,
Licensing Board.

Secretary,
Licensing Board.

FORM E.

GOVERNMENT OF TRAVANCORE-COCHIN

Wireman's Certificate.

(Authorised by Government Notification No. dated)

This is to certify that passed the examination for Wiremen held in

Electricity Department,
Travancore-Cochin State,
Trivandrum, dated

President,
Licensing Board.

Secretary,
Licensing Board.

FORM F.

GOVERNMENT OF TRAVANCORE-COCHIN

Wireman's Certificate.

(Authorised by Government Notification No. date) having satisfied the Licensing Board that his qualifications entitle him to exemption from taking the prescribed examination for wireman is hereby granted this wireman's certificate.

Electricity Department,
Travancore-Cochin State,
Trivandrum, dated

President,
Licensing Board

Secretary,
Licensing Board.

(Permit in Book Form)

FORM G.

GOVERNMENT OF TRAVANCORE-COCHIN

I Page.

Permit for Wiremen.

(Authorised by Government Notification No.)

date)

Date of issue

II Page.

Name.

Date of Examination.

Place of Examination.

III Page.

Photograph.

IV Page.

This permit allows the holder to carry out wiring work only; subject to the conditions mentioned in the rules issued by the Government of Travancore-Cochin State under Government Notification No. dated but does not allow him to undertake any supervising or electrical contracting work.

This permit is to be carried on the holder's person.

Secretary,
Licensing Board.

President,
Licensing Board.

FORM H.

GOVERNMENT OF TRAVANCORE-COCHIN

License to Electrical Contractors.

(Authorised by Government Notification No. date.)

Mr. | Messrs.
is | are hereby authorised to carry out electric installation work in the Travancore-Cochin State subject to the conditions mentioned in the rules issued by the Government of Travancore-Cochin State, under Government Notification No. dated

Electricity Department,
Travancore-Cochin State,
Trivandrum, dated

President,
Licensing Board.

Date of renewal. Date of expiry. Secretary's initial.

FORM I.

GOVERNMENT OF TRAVANCORE-COCHIN

Register of Supervisors, Wireman and Apprentices.

(Authorised by Government Notification No. dated)

N Sl. o.	Name of employee	WIRING STAFF			DATE OF Employment, Remarks Discharge
		Supervisor's permit No.	Wireman's permit No.	Non-certificat- ed wiremen & apprentices	

FORM J.

GOVERNMENT OF TRAVANCORE-COCHIN

Application for an Electrical Contractor's License.

(To be filled in English)

Name (Title) in which an Electrical Contractor's License is being Applied for.

Business address.

Full name, home address and age of the partners, if any

(1)

(2)

(3)

If a contractor's license has been previously granted details to be given.

Previous experience with licensed electrical contractor.

Details of permit held by the applicant and/or partners.

Details of permit holder on the strength of whose permit the contractor's license is applied.

Fee paid into the Government Treasury Chalan No. dated for Rs. 100 (to be forwarded with the application).

NOTE:— The applicants shall if required by the Secretary, Licensing Board produce evidence of solvency and capability to undertake wiring works.

I|We hereby declare that the particulars stated above are correct to the best of my|our knowledge and that I|We fully understand the terms and conditions under which an electrical contractor's license is granted, a breach of which will render the license liable for suspension or withdrawal.

I|We hereby also declare that I|We have in my|our possession a latest copy of the "Rules and conditions for the grant of certificate of competency and permits to supervisors and wiremen and licenses to Electrical Contractors and other matters connected herewith and that I|We shall notify the Secretary, Licensing Board, every change of address.

Signature.

Signature of Partners.

NOTE:— Any person who makes, procures to be made or assists in making any false representation for the purpose of obtaining for himself or any other person an Electrical Contractor's License shall render himself liable for prosecution.

FORM K.

CERTIFICATE TO BE GRANTED TO ELECTRICAL STAFF FOR
ADMISSION TO WIREMEN'S AND SUPERVISOR'S
EXAMINATION

- Name.
- Designation.
- Date of admission.
- Nature of work.
- Date of leaving.
- Attendance.
- Conduct.
- Remarks.

I, hereby declare that the particulars stated above are correct and true to the best of my knowledge.

Signature of Employee or
Licensed Electrical Contractor.

Date

NOTE:—

1. This certificate shall be granted only to persons who are or have been actually employed on electrical

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wiring and installation works and whose names are entered in the Register of the wiring staff maintained by every licensed contractor.

2. The issue of a false certificate will render the licensed contractor and the persons concerned liable for action under the rules and conditions for the grant of certificates of documentary evidence regarding the applicant's employment.
 3. The employer or the licensed contractor shall, if required by the Secretary, Licensing Board, be responsible for producing documentary evidence regarding the applicant's employment.
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**The Travancore-Cochin
Lime-Shells (Control) Act, 1956**

(No. XI of 1956)

Price: 4 Annas.

Gazette Extraordinary No. 45 dated 31st October 1956.

GOVERNMENT OF TRAVANCORE-COCHIN

LAW DEPARTMENT.

LD (b) 4-3693/55/Law. Dated, Trivandrum, 31st October, 1956.

NOTIFICATION.

The following President's Act enacted on the 30th October, 1956 is published for general information.

By order of His Highness
the Raj Pramukh,

T. R. BALAKRISHNA IYER,
Law Secretary.

THE TRAVANCORE-COCHIN LIME-SHELLS
(CONTROL) ACT, 1956

No. XI of 1956

ENACTED BY THE PRESIDENT IN THE SEVENTH YEAR OF THE
REPUBLIC OF INDIA.

An Act to provide for the control of the acquisition, sale, supply and distribution of lime-shells in the State of Travancore-Cochin.

In exercise of the powers conferred by section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, the President is pleased to enact as follows:—

1. (1) *Short title, extent and commencement.* (1) This Act may be called the Travancore-Cochin Lime-shells (Control) Act, 1956.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) This section shall come into force at once, and the Government may, from time to time, by notification in the Gazette, direct that the rest of this Act shall come into force in the whole or any portion of the State with effect from such date as may be specified in the notification.

2. *Definitions.* (1) In this Act, unless the context otherwise requires,—

(a) "dealer" means a person carrying on, either personally or through any other person the business of selling lime-shells, whether wholesale or retail;

(b) "Licensing Authority" means an officer appointed by the Government to perform the functions of a Licensing Authority under this Act;

(c) "Lime-shells" means the shells of all varieties of shell fish by whatever name called;

(d) "offer for sale" includes an intimation by a dealer or producer of the price proposed by him for a sale of lime-shells made by the publication of a price list, by exposing his lime-shells for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever;

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

(f) "producer" means a person carrying on the business of collecting lime-shells and stocking the same for sale.

(2) A dealer or producer shall be deemed to be in possession of lime-shells —

(a) when they are held on his behalf by another person;

(b) notwithstanding that they are mortgaged to another person.

3. *Licensing of dealers and producers.* (1) No person other than a dealer or producer licensed under this section, shall carry on the business of selling lime-shells or of collecting lime-shells and stocking the same for sale.

(2) Every person, who carries on or wishes to carry on, the business of selling lime-shells or of collecting lime-shells and stocking the same for sale, shall make an application in the prescribed form for a licence to the Licensing Authority.

(3) The Licensing Authority may grant a licence in such form and subject to such terms and conditions as may be prescribed, or may refuse to grant a licence, in which case he shall communicate his reasons for such refusal to the applicant.

(4) The Licensing Authority may, at any time during the currency of a licence, rescind the licence by order in writing to the licence holder, for a breach of any of the terms and conditions of the licence.

(5) Any person aggrieved by an order of the Licensing Authority under sub-section (3) or sub-section (4) may appeal to such authority, and within such time, and in such form, as may be prescribed, the appeal shall be heard by the prescribed authority in such manner as may be prescribed, and the decision of that authority on the appeal shall be final.

4. *Fixing of maximum prices and maximum quantities which may be held or sold.* (1) The Government may, by notification in the Gazette, fix in respect of lime-shells, —

(a) the maximum price or rate which may be charged by a dealer or producer;

(b) the maximum quantity which may at any one time be possessed by a dealer or producer;

(c) the maximum quantity which may in any one transaction be sold to any one person.

(2) The prices or rates and the quantities fixed in respect of lime-shells under this section may be different in different localities or for different classes of dealers or producers.

5. *Restrictions on sale, etc., where maximum is fixed under section 4.* No dealer or producer licensed under this Act shall—

(a) sell, agree to sell, offer for sale or otherwise dispose of lime-shells for a price or at a rate exceeding the maximum fixed by notification under clause (a) of sub-section (1) of section 4;

(b) have in his possession at any one time a quantity of lime-shells exceeding the maximum fixed by notification under clause (b) of sub-section (1) of section 4; or

(c) sell, agree to sell or offer for sale to any person in any one transaction a quantity of lime-shells exceeding the maximum fixed by notification under clause (c) of sub-section (1) of section 4.

6. *Duty to declare possession of excess stocks.* Any dealer or producer licensed under this Act, having in his possession a quantity of lime-shells exceeding that permitted under this Act, shall forthwith report the fact to the Licensing Authority and shall take such action as to the storage, distribution or disposal of the excess quantity as the Licensing Authority may direct.

7. *Refusal to sell.* No dealer or producer licensed under this Act shall, unless previously authorised to do so by the Licensing Authority, refuse, without sufficient cause, to sell to any person lime-shells within the limits as to quantity, if any, imposed under this Act.

Explanation.—The possibility or expectation of obtaining a higher price for lime-shells at a later date shall not be deemed to be a sufficient cause for the purposes of this section.

8. *Cash memorandum to be given.* (1) Every dealer or producer licensed under this Act, when selling lime-shells for cash, shall, if the amount of the purchase is five rupees or more, in all cases, and if the amount of the purchase is less than five rupees, when so required by the purchaser, give to the purchaser a cash memorandum containing such particulars of the transaction as may be prescribed.

(2) The Government may, by notification in the Gazette, exempt specified areas or classes of dealers or producers licensed under this Act from the operation of this section.

9. *Prohibition of sale, etc.* If, in the opinion of the Government, it is necessary or expedient so to do, they may by order in writing,—

(a) prohibit the disposal of lime-shells except in such circumstances and under such conditions as may be specified in the order;

(b) direct the sale of lime-shells to any such dealer or class of dealers licensed under this Act and in such quantities as may be specified in the order;

and may make such further orders as appears to them to be necessary or expedient in connection with any order issued under this section.

10. *Penalties.* (1) Whoever contravenes any of the provisions of this Act or any of the terms and conditions of a licence issued under this Act or any directions made under authority conferred by this Act, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) A court convicting any person of any offence punishable under this Act may order that the stock of lime-shells in respect of which the offence was committed and any property involved in or utilised for the commission of such offence shall be forfeited to the Government.

11. *Offences by companies.* (1) If the person contravening the provisions of this Act is a company, every person, who, at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

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

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

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

12. *Procedure.* No person other than a police officer of or above the rank of an Inspector of Police shall investigate any offence under this Act.

13. *Powers of search and seizure.* Any person competent to investigate any offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being, or is about to be, committed, and take possession of any stock of lime-shells in respect of which the offence has been, or is being, or is about to be, committed and any property involved in or utilised for the commission of such offence.

14. *Protection of action taken in good faith.* No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

15. *Exemptions.* (1) The provisions of this Act shall not apply to any person who collects, stocks or sells lime-shells as curios or for making ornaments.

(2) Subject to such conditions and restrictions as the Government may think fit to impose, they may, by general or special order notified in the Gazette, exempt from all or any of the provisions of this Act, any person or class of persons who,—

(i) collect lime-shells and stock them for conversion into lime for use as an ingredient in chewing material; or

(ii) collect and sell lime-shells for the edible content thereof.

16. *Power to make rules.* (1) The Government may 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) all matters expressly required or allowed by this Act to be prescribed;

(b) the charging of fees for licences issued under this Act;

(c) the maintenance by licensed dealers and producers generally or by any licensed dealer and producer in particular, of records of all sale and purchase transactions or disposals made by him; and the production of such records to the Licensing Authority;

(d) the furnishing of such information as may be required by the Licensing Authority with respect to the business carried on by any dealer or producer;

(e) the furnishing of returns to the Licensing Authority by licensed dealers and producers and the particulars which such returns shall contain.

(3) All rules made under this Act shall be published in the Gazette.

RAJENDRA PRASAD,
President.

Reasons for the enactment

Lime-shells which is a form of calcium carbonate is available in large quantities in the sea and the sea-shore, in back-waters and kayal porambokes and also in registered lands. These shells are collected and used for agricultural and industrial purposes and also as an ingredient in building materials. In bulk, it is now being used for the manufacture of cement. It is considered necessary to conserve this commodity to the extent possible and to prevent its depletion in the State of Travancore-Cochin. It is also considered necessary to regulate the supply and distribution of this commodity and to make it available at reasonably low prices. The collection of lime-shells from the sea and the back-waters is now being regulated by licences. Collection from the sea-shore and other poramboke lands is proposed to be regulated under permits and to legalise this the Land Conservancy Act is proposed to be suitably amended. Restriction by way of permits cannot apply to collection from registered lands. Lime-shells collected from registered lands are sold or disposed of indiscriminately and there is reported to be some unhealthy competition in the trade. This state of affairs is detrimental to the interests of both the producers and the consumers and also to the industry. It is, therefore, necessary to impose certain restrictions on the sale and disposal of lime-shells by introducing a system of licensing of dealers in and producers of lime-shells. Fixation of ceiling prices for the sale of lime-shells and also of the maximum quantity which may be stocked or sold in one transaction is also considered necessary to minimise the evils of unhealthy competition.

2. A Bill to provide for the control of the acquisition, sale, supply and distribution of lime-shells in the State was introduced in the Legislative Assembly and referred to a Select Committee, but that Committee could not meet and discuss the provisions of the Bill in view of the dissolution of the Legislative Assembly by the President's Proclamation dated the 23rd March, 1956. The Travancore-Cochin Lime-shells (Control) Act, 1956, which has now been enacted follows with slight variations the Bill which has lapsed. The provisions of the Act are briefly explained below.

3. Section 3 provides that persons other than licensed dealers and producers shall not carry on the business of selling lime-shells or of collecting and stocking the same for sale and that persons who carry on or wish to carry on such business have to apply to the Licensing Authority for the grant of licences. That Authority will have power to grant a licence subject to such terms and conditions as may be laid down in the rules made under the Act or to refuse to grant the licence applied for but in case of refusal the reasons therefor will have to be communicated to the applicant. The Licensing Authority will also have power to rescind a licence for a breach of its terms and conditions. Provision has also been made for appeals to the prescribed authority and the decision of that authority will be final.

4. *Section 4* empowers the Government to fix by notification in the Gazette the maximum price or rate to be charged by a dealer or producer and the maximum quantity to be possessed at a time by a dealer or producer or to be sold in one transaction to one person.

5. *Section 5* prohibits a licensed dealer or producer from exceeding the maximum price, rate or quantity fixed under section 4.

6. *Section 6* requires the dealer or producer to inform the Licensing Authority of any excess quantity of lime-shells in his possession and also to conform to the directions of that Authority regarding the storage, distribution or disposal of such quantity.

7. *Section 7* prohibits a licensed dealer or producer from refusing without sufficient cause to sell lime-shells, unless previously authorised to do so by the Licensing Authority.

8. *Section 8* requires a licensed dealer or producer to furnish the purchaser with a cash memorandum containing the prescribed particulars of the transaction, in all cases where the purchase amount is Rs. 5 or more and if so required by the purchaser where it is less than Rs. 5. Power has also been taken by Government to exempt specified areas or classes of licensed dealers or producers from the operation of this provision.

9. *Section 9* empowers the Government to issue orders prohibiting the disposal of lime shells, except in accordance with the conditions specified therein, or directions for the sale of quantities of lime-shells specified therein.

10. *Section 10* prescribes penalties for a contravention of the provisions of the Act or of the terms and conditions of a licence or of a direction thereunder. The court has also been empowered to order the forfeiture of any stock of lime-shells and other property used in connection with an offence.

11. *Section 11* provides for the punishment of directors or other persons concerned with the management of a company, when the company commits an offence under the Act.

12. *Section 12* empowers only police officers of or above the rank of an Inspector of Police to investigate offences under the Act.

13. *Section 13* authorises officers competent to investigate offences under the Act to exercise powers of search and seizure.

14. *Section 14* protects persons taking action in good faith under the provisions of the Act from civil or criminal liability in respect of such action.

15. *Section 15* exempts persons who collect, stock or sell lime-shells as curios or for making ornaments, from the provisions of the Act and also empowers the State Government to exempt to such extent, as may be necessary, persons who collect lime-shells for preparing lime for use as an ingredient in chewing material or for selling the edible content thereof.

16. Section 16 gives the requisite rule-making power to Government. In particular the rules may provide for the levy of fees for licences.

17. The Committee constituted under the proviso to sub-section (2) of section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, has approved the enactment of this measure.

A. V. PAI,

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

**The Travancore-Cochin Municipal
(Amendment) Act, 1956
(No. IX of 1956)**

Price: 4 Annas.

Gazette Extraordinary No. 45 dated 31st October 1956.

GOVERNMENT OF TRAVANCORE-COCHIN

LAW DEPARTMENT.

LD (b) 4—851/56|Law. Dated, Trivandrum, 31st October, 1956.

NOTIFICATION.

The following President's Act enacted on the 30th October, 1956 is published for general information.

By order of His Highness
the Raj Pramukh,

T. R. BALAKRISHNA IYER,
Law Secretary.

THE MUNICIPAL (AMENDMENT) ACT, 1956

No. IX OF 1956

ENACTED BY THE PRESIDENT IN THE SEVENTH YEAR OF THE
REPUBLIC OF INDIA.

An Act further to amend the Trivandrum City Municipal Act, the Travancore District Municipalities Act, 1116, and the Cochin Municipal Act, XVIII of 1113.

In exercise of the powers conferred by section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956 the President is pleased to enact as follows:—

1. *Short title and commencement.* (1) This Act may be called the Municipal (Amendment) Act, 1956.

(2) This section shall come into force at once; clause (ii) of section 2, clause (ii) of section 3 and clause (ii) of section 4 shall be deemed to have come into force on the 1st day of April, 1955, and the rest of this Act shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of Act IV of 1116.* In the Trivandrum City Municipal Act,—

(i) in clause (34) of section 3, before the words “allowances for house rent”, the words “dearness or local allowances or” shall be inserted;

(ii) in section 13, the words “not exceeding rupees five hundred per mensem in the aggregate” shall be omitted;

(iii) for sub-section (3) of section 107, the following sub-sections and *Explanation* shall be substituted, namely:—

“(3) If a person proves that he has paid the sum due on account of the profession tax levied under this or any other Act, for the same half year, to any local authority in the State, such person shall not be liable, by reason merely of change of business, appointment, residence or place of business, to pay to any other local authority more than the difference between such sum and the amount to which he is otherwise liable for the profession tax for the half year under this or such other Act.

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

Explanation.—For the purposes of this section, “aggregate income” shall not include dearness or local allowances or allowances for house rent, carriage hire or travelling expenses.”

3. *Amendment of Travancore Act XXIII of 1116.* In the Travancore District Municipalities Act, 1116,—

(i) in clause (29) of section 3, before the words “allowances for house rent”, the words “dearness or local allowances or” shall be inserted;

(ii) in clause (a) of sub-section (6) of section 13, the words “not exceeding four hundred rupees per mensem in the aggregate” shall be omitted;

(iii) in the second paragraph of section 24, for the words “Our Government”, the words “the Collector” shall be substituted;

(iv) for sub-section (1) of section 35, the following sub-section shall be substituted, namely:—

“(1) As soon as may be after the first day of April in every year, and not later than such date as may be fixed by the Government, the municipal council shall submit to the Government through the Collector a report on the administration during the preceding year in such form and with such details as the Government may direct. If the Collector makes any remarks on the report, such remarks shall be forwarded to the council and the council shall be entitled within such time as the Government fix, to offer or make such explanations or observations as the council thinks fit.”;

(v) in section 36,—

(a) in sub-section (1), the words “if so authorised in this behalf by Our Government”, shall be omitted, and for the word “Division”, the word “District” shall be substituted;

(b) in sub-section (2), the words “if authorised in this behalf” shall be omitted;

(vi) in sub-section (1) of section 39, the proviso shall be omitted;

(vii) in sub-section (3) of section 53, for the expression "clause (i)", the expression "clause (j)" shall be substituted;

(viii) for sub-sections (3) and (4) of section 91, the following sub-sections and *Explanation* shall be substituted, namely:—

"(3) If a company or person proves that it or he has paid the sum on account of the profession tax leviable under this or any other Act, for the same half year, to any local authority in the State, such company or person shall not be liable, by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence, to pay to any other local authority, more than the difference between such sum and the amount to which it or he is otherwise liable for the profession tax for the half year under this or such other Act.

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

Explanation.—For the purposes of this section, "aggregate income" shall not include dearness or local allowances or allowances for house rent, carriage hire, or travelling expenses."

4. Amendment of Cochin Act, XVIII of 1113. In the Cochin Municipal Act, XVIII of 1113,—

(i) in clause (XXIX) of section 3, before the words "allowances for house rent", the words "dearness or local allowances or" shall be inserted;

(ii) in clause (a) of sub-section (6) of section 13, the words "not exceeding for hundred rupees per mensem in the aggregate" shall be omitted;

(iii) in clause (a) of section 15, for the words "the Government", in both places where they occur, the words "a controlling authority" shall be substituted;

(iv) in clause (iii) of the proviso to sub-section (3) of section 20, for the word "Government", the word "Collector" shall be substituted;

(v) in section 24, for the word "Government", the word "Collector" shall be substituted;

(vi) for sub-section (1) of section 33, the following sub-section shall be substituted, namely:—

“(1) As soon as may be after the first day of April in every year, and not later than such date as may be fixed by the Government, the municipal council shall submit to the Government through the Collector a report on the administration during the preceding year in such form and with such details as the Government may direct. If the Collector makes any remarks on the report, such remarks shall be forwarded to the council and the council shall be entitled within such time as the Government fix, to offer or make such explanations or observations as the council thinks fit.”;

(vii) after section 33, for the heading “The Government”, the heading “Controlling Authorities” shall be substituted;

(viii) (a) section 34 shall be re-numbered as sub-section (2) of that section and before the sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

“(1) The Collector may enter on and inspect, or cause to be entered on and inspected, any immovable property or any work in progress under the control of any municipal authority in his district”;

(b) in sub-section (2) as so re-numbered, for the words “The Government may”, the words “The Government or the Collector may” shall be substituted;

(ix) after section 34, the following section shall be inserted, namely:—

“34A. *Collector's Power to enforce execution of resolutions.* If it appears to the Collector that the executive authority of a municipality has made default in carrying out any resolution of the council, the Collector, after giving the executive authority a reasonable opportunity of explanation, shall send a report thereon together with the explanation, if any, of the executive authority to the Government and at the same time forward a copy of the same to the council.”;

(x) for sub-section (2) of section 35, the following sub-section shall be substituted, namely:—

“(2) if, in the opinion of the Collector, immediate action is necessary on any of the grounds referred to in clause (c) of sub-section (1), he may suspend the resolution, order, licence, permission or act, as the case may be, and report to the Government who may thereupon either rescind the Collector's order or, after giving the authority or person concerned a reasonable opportunity of explanation, direct that it continues in force with or without modification permanently or for such period as they think fit”;

(xi) in sub-section (1) of section 36, for the word "Government", the word "Collector" shall be substituted;

(xii) for sub-section (4) of section 38, the following sub-section shall be substituted, namely:—

"(4) If the expenses which the Government have directed under sub-section (2) or (3) to be paid from the municipal fund are not so paid, the Collector, with the previous sanction of the Government, may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund except charges for the service of authorised loans,";

(xiii) for sub-sections (3) and (4) of section 86 and the *Explanation* thereto, the following sub-sections and *Explanations* shall be substituted, namely:—

"(3) If a company or person proves that it or he has paid the sum due on account of the tax on profession and other sources of income levied under this or any other Act, for the same half year, to any local authority in the State, such company or person shall not be liable, by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence, to pay to any other local authority more than the difference between such sum and the amount to which it or he is otherwise liable for the tax on profession and other sources of income for the half year under this or such other Act.

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

Explanation 1.—The word 'person' in this section includes also the manager of a joint Hindu or Marumakathayee family.

Explanation II.—For the purposes of this section, "aggregate income" shall not include dearness or local allowances or allowances for house rent, carriage hire or travelling expenses."

RAJENDRA PRASAD,
President.

Reasons for the enactment.

The laws governing municipalities in the State of Travancore-Cochin are :—

(i) The Trivandrum City Municipal Act, IV of 1116, applicable to the city of Trivandrum ;

(ii) the Travancore District Municipalities Act, 1116 (XXIII of 1116), applicable to the municipalities in the Travancore area; and

(iii) the Cochin Municipal Act, XVIII of 1113, applicable to the municipalities in the Cochin area.

Experience of the working of these Acts has revealed certain defects therein and to rectify some of these defects a Bill to amend these Acts was introduced in the Legislative Assembly and referred to a Select Committee. The Assembly however, was dissolved by the President's Proclamation dated the 23rd March, 1956, and so that Bill could not be proceeded with. The present enactment seeks to incorporate the provisions of this Bill and also other provisions which are found necessary to rectify a few other defects in the working of these Acts. The provisions of the enactment with reasons therefor are briefly explained below.

2. Section 2 makes amendments to the Trivandrum City Municipal Act, IV of 1116.

(a) *Clause (i)*—As the Travancore-Cochin High Court held in a recent judgment that dearness or local allowance did not form part of "salary" for assessment to profession tax, these allowances have been excluded from the scope of the definition of "salary."

(b) *Clause (ii)*—Under section 13 of the Act, the maximum salary and allowances payable to the Commissioner of the Corporation of the city of Trivandrum is Rs. 500 a month. The posts of Municipal Commissioners in the State have been constituted as cadre posts and their scales of pay are proposed to be revised in order to bring them in line with the pay scales of Government officers of similar status. The pay scales of Government servants have been revised with effect from 1st April, 1955. The statutory restriction placed by section 13 regarding the maximum salary and allowances payable to the Commissioner of the Corporation has accordingly been removed.

(c) *Clause (iii)*—Under section 117 of the Act, relief from double taxation is available to persons residing in the city and transacting a business in a municipal area in Travancore and also to persons residing in a municipal area in Travancore and transacting business in the city, but the relief does not extend to persons residing in a panchayat area or in a municipal area in Cochin and transacting business in the city or to persons residing in the city and transacting business in a panchayat area or a municipal area in Cochin. Although section 91 of the Travancore

District Municipalities Act, 1116 (XXIII of 1116), and section 83 of the Cochin Municipal Act, XVIII of 1113, give relief to persons residing in one municipal area in Travancore or Cochin, as the case may be, and transacting business in any other municipal area in Travancore or Cochin, they do not extend the relief to persons residing in a municipal area in Travancore and transacting business in a municipal area in Cochin and *vice versa*. The amendment seeks to remove this anomaly.

3. Section 3 amends the Travancore District Municipalities Act, 1116 (XXIII of 1116).

(a) *Clauses (i) and (ii)*—The reasons for making the amendments are similar to those given in respect of the amendments made to section 3(34) and section 13 of the Trivandrum City Municipal Act—see paragraphs 2(a) and 2(b) above.

(b) *Clauses (iii) to (vi)* amend sections 24, 35, 36 and 39 for the purpose of conferring on the Collector the powers which are exercisable by the Government under those sections.

(c) *Clause (vii)* rectifies a mistake in section 53 (3) by inserting the correct reference therein.

(d) *Clause (viii)*—The reasons for enacting new sections 91(3) and 91(4) are similar to those given in respect of new sections 107(3) and 107(4) of the Trivandrum City Municipal Act—see paragraph 2(c) above.

4. Section 4 makes amendments to the Cochin Municipal Act, XVIII of 1113.

(a) *Clauses (i) and (ii)*—The reasons for making the amendments are similar to those given in respect of the amendments made to section 3(34) and section 13 of the Trivandrum City Municipal Act, XXIII of 1116—see paragraphs 2(a) and 2(b) above.

(b) *Clauses (iii) to (viii) and (x) to (xii)* make certain amendments in sections 15, 20, 24, 33, 34, 35, 36 and 38 for the purpose of conferring on the Collector the powers which are exercisable by the Government under those sections.

(c) *Clause (ix)* inserts new section 34 A with a view to empower the Collector to enforce the execution of resolutions of municipal councils under certain circumstances.

(d) *Clause (xiii)*—The reasons for enacting new sections 86(3) and 86(4) are similar to those given in respect of new sections 107(3) and 107(4) of the Trivandrum City Municipal Act XXIII of 1116—see paragraph 2(c) above.

3. The Committee constituted under the proviso to subsection 2 of section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, has approved the enactment of this measure.

A. V. PAI,
 Secy. to the Govt. of India,
 Ministry of Home Affairs.

The Travancore-Cochin
Civil Services (Punishment and Appeal)
Rules, 1956

Price: 4 Annas.

Gazette No. 39 dated 2nd October 1956.

PART I

GOVERNMENT OF TRAVANCORE-COCHIN .

PUBLIC DEPARTMENT (SERVICES)

NOTIFICATION

No. S(C)5-31656/56/PD.

Dated, Trivandrum the 26th September 1956.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, His Highness the Rajpramukh hereby makes the following Rules:—

Part I—General

1. *Title and commencement.* These Rules may be called the Travancore-Cochin Civil Services (Punishment and Appeal) Rules, 1956, and shall come into force at once.

2. *Definitions.* In these Rules unless there is something repugnant in the subject or context:—

(a) "Government" means the Government of Travancore-Cochin

(b) "Government servant" means any person appointed to any civil service or post in connection with the affairs of the State

ERRATUM

S(C) 5-31656/56/PD.

In Rule 10, Clause (a) of the Travancore-Cochin Civil Services (Punishment and Appeal) Rules, 1956 issued under Notification No. S (C) 5-31656/56/PD. dated 26th September, 1956, for "1953" read "1952".

By order of His Highness
the Raj Pramukh,
B. V. K. MENON,
Chief Secretary.

Gazette No. 39 dated 2nd October 1956.

PART I

GOVERNMENT OF TRAVANCORE-COCHIN .

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(a) "Government" means the Government of Travancore-Cochin

(b) "Government servant" means any person appointed to any civil service or post in connection with the affairs of the State

3. *Application.* These Rules shall apply to every Government servant except—

(a) persons in respect of whom special provision has been made by separate agreement;

(b) last grade servants;

(c) persons employed on deputation terms;

(d) persons in respect of whom special provision has been made by or under any law for the time being in force.

4. *Decision in case of doubts.* If any doubt arises—

(a) as to whether these Rules apply to any person the matter shall be referred to the authority which appointed him;

(b) as to whether any person to whom these Rules apply belong to a particular service, the matter shall be referred to the Head of Department;

(c) as to which of the two or more services is the service to which a person to whom these Rules apply belongs, the matter shall be referred to the Government;

and in each case, the decision of the authority to whom the matter is referred shall be final.

5. *Savings.* Nothing in these Rules shall operate to deprive any right or privilege to which a person is entitled—

(a) by or under any law for the time being in force;

(b) by the terms of any contract or agreement subsisting between such person and the Government.

Part II—Punishment

6. *Penalties.* The following penalties may, for good and sufficient reasons, be imposed upon a Government servant, *viz.*

- (a) Censure;
- (b) Fine;
- (c) Withholding of increment including stoppage at an efficiency bar;
- (d) Recovering from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders or duty;
- (e) Suspension;
- (f) Termination of appointment before the age of superannuation;
- (g) Reduction of pension;
- (h) Reduction in rank, *i.e.*, reduction from a higher to a lower service, grade or post or to a lower time scale of pay;
- (i) Removal from service which does not disqualify from further employment;
- (j) Dismissal from service which disqualifies from future employment.

Explanation: (1) The discharge—

(a) of a person appointed on probation, during or at the end of the period of probation on grounds arising out of the specific conditions laid down by the appointing authority such as want of a vacancy, failure to pass the prescribed departmental examination or training; or

(b) of a person appointed otherwise than under contract to hold a temporary appointment on the expiration of the period of the appointment or on giving him a month's notice in lieu thereof; or

(c) of a person engaged under contract, in accordance with the terms of the contract, does not amount to removal or dismissal within the meaning of this Rule.

(2) The discharge of a probationer, whether during, or at the end of the period of probation, for some specific fault or on account of his unsuitability for the service, amounts to removal or dismissal within the meaning of this Rule.

- NOTE: (i) The penalty of removal from service may be inflicted on a member of a service for general unfitness for the duties of his office or in cases where the punishment of dismissal is considered to be excessive;
- (ii) The penalty of dismissal may be inflicted for a grave misconduct indicating complete unfitness for the public service. A person who succeeds in obtaining employment by concealment of his antecedents, merits dismissal on discovery of the true facts.
- (iii) Suspension preliminary to Departmental proceedings is not a punishment.

7. *Authority empowered to order removal or dismissal.* No Government servant shall be removed or dismissed by the order of any authority subordinate to that by which he was appointed. The power to impose other penalties may be delegated by the Appointing Authority to any authority subordinate to him.

8. *Procedure for removal, dismissal or reduction in rank.*

(1) No order imposing the penalties mentioned in Rule 6 (h), (i) and (j) shall be passed against a Government servant unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced or caused to be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires and if the authority so directs an inquiry shall be held.

At that inquiry documentary evidence may be adduced and oral evidence shall be heard as to such of the allegations as are not admitted, provided that the officer conducting the inquiry may, for special and sufficient reasons to be recorded in writing, refuse to call a witness. The person charged shall be entitled to cross-examine the witnesses called.

The proceedings shall contain a reasonably sufficient record of evidence and a statement of the findings and the grounds thereof. In cases where the inquiring officer comes to a conclusion that the charges have not been made out he shall in addition record a further finding as to whether in his opinion the Government servant is free from any blame:

Provided that this clause shall not apply—

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge;

(b) where an authority empowered to dismiss or remove a person or reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause or

(c) where the Rajpramukh is satisfied that in the interest of the security of the State, it is not expedient to give to that person such an opportunity.

NOTE: If any question arises whether it is reasonably practicable to give any person an opportunity of showing cause under clause (b) of this proviso, the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank as the case may be, shall be final.

Provided further that it shall not be necessary to follow the full procedure prescribed in this Rule in the case of a probationer discharged in the circumstances described in explanation (2) under Rule 6. In such cases it will be sufficient if the probationer is given an opportunity to show cause in writing against the discharge after being apprised of the grounds on which it is proposed to discharge him and his reply duly considered before orders are passed.

(2) The inquiry referred to in sub-rule (1) above may be held by

- (i) the Appointing Authority, or
- (ii) the Head of Department, or
- (iii) an Officer of the department appointed by the Appointing Authority or Head of Department who has nothing to do with the subject matter of the inquiry or who is not connected otherwise with the Government servant whose conduct is under inquiry, or
- (iv) a special officer or tribunal appointed by the Government for the purpose.

(3) No person who is called upon to defend himself against the charges which form the subject matter of an inquiry against him shall be allowed to engage a counsel:

Provided that if a counsel is engaged on behalf of any Department of Government the person against whom the charges are being inquired into shall be entitled to engage a counsel.

(4) (a) If the inquiry under sub-rule (1) is held by any person other than the appointing authority the proceedings containing the record of evidence, the findings and the grounds therefor shall be forwarded by the inquiring officer or the tribunal to the appointing authority. The appointing authority shall on an examination of such proceedings record his findings on the several charges inquired into and record a further finding in cases where no charges have been made out whether the Government servant is free from blame.

(b) After the appointing authority records his findings under clause (a) of this sub-rule or under sub-rule (1) he shall come to a provisional conclusion in regard to the penalty to be imposed and then consult the Public Service Commission for advice. On receipt of the advice of the Public Service Commission the appointing authority shall call upon the Government servant to show cause, within a reasonable time, not exceeding one month, against the particular penalty proposed to be inflicted. The representations, if any, submitted by the Government servant shall be taken into consideration before the final order imposing the penalty is passed by the appointing authority. In cases where the appointing authority thinks, on a consideration of such representation of the Government servant, that a lesser penalty need alone be imposed, the appointing authority may consult the Public Service Commission once again before passing final orders.

(5) The pay and allowance of a person who is dismissed or removed from service shall cease from the date of such dismissal or removal, but a person under suspension preliminary to the Departmental inquiry shall be granted such subsistence and other allowances as may be admissible under the Service Regulations.

(6) The departmental inquiry referred to in sub-rule (1) above shall be conducted as expeditiously as the circumstances of the case may permit, particularly one against an officer under suspension.

9. *Procedure for the imposition of penalties other than those mentioned in Rule 8.* (1) No order imposing the penalties mentioned in Rule 6(d), (e), (f) and (g) shall be passed unless the person concerned has been given an adequate opportunity of making any representation he may desire to make and such representation, if any, has been duly taken into consideration before the orders are passed:

Provided that the requirement of this sub-rule may, for sufficient reasons, to be recorded in writing be waived when there is genuine difficulty in observing them and they can be waived without injustice to the person concerned.

(2) The authority imposing any of the penalties referred to in sub-rule (1) above shall maintain a record showing—

(a) the allegations upon which he proceeded against the person punished,

(b) his representation, if any, and the evidence taken if any, and

(c) the findings and the grounds thereof.

(3) Before imposing the penalties specified in Rule 6(d), (f) and (g) the authority imposing the penalty shall consult the Public Service Commission before final orders are passed.

(4) Whenever it is decided to impose the penalties mentioned in Rule 6(a), (b) and (c) the authority imposing the penalties shall inform the person concerned both of the fact that such order has been passed and also of the reason for which it has been passed.

10. *Cases in which Public Service Commission need not be consulted.* Notwithstanding anything contained in Rules 8 and 9—

(a) it shall not be necessary to consult the Public Service Commission for the imposition of any penalty in the case of any Government servant holding any of the posts specified in Annexure III to the Public Service Commission Consultation Regulation 1953;

(b) it shall not be necessary for the Public Service Commission to be consulted on a disciplinary matter by any authority other than Government.

NOTE: The Chief Secretary and Secretaries to Government for the purpose of disciplinary control over the staff directly employed under them, will be deemed to be exercising their disciplinary jurisdiction as Heads of Departments and not as representing Government.

Part III—Reviews and Appeals

11. *Review and appeal.* Every person shall have a right to file a review application to the authority passing against him any order imposing any of the penalties specified in Rule 6 for reconsideration of the order passed. In the event of his review application having been rejected, he shall have a right to file an appeal to the next higher authority against the order unless it is an order of the Government.

12. *Orders which may be passed by appellate authority and effect to be given.* (1) In the case of an appeal against an order imposing any penalty specified in Rule 6, the appellate authority shall consider—

(a) whether the facts established afford sufficient ground for taking action;

(b) whether the facts on which the order was based have been established;

(c) whether the penalty is excessive, adequate or inadequate; and after such consideration shall pass such orders as it thinks proper either confirming the order appealed against or remitting, reducing or enhancing the penalty:

Provided that no penalty shall be enhanced unless opportunity is given to the person concerned to show cause why the penalty should not be enhanced.

(2) An authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

13. *Second appeal when a penalty is enhanced.* In all cases in which an appellate authority other than the Government enhances the penalty inflicted by an authority subordinate to the appellate authority upon a person, such person shall be entitled to submit a second appeal to the authority superior to the appellate authority:

Provided that no appeal or second appeal shall lie against the orders of the Government.

14. *Public Service Commission to be consulted.* In cases where the original order imposing the penalty was passed after consultation with the Public Service Commission no order imposing the penalty may be varied in review or appeal or second appeal except after consulting the Public Service Commission once again.

15. *Manner of presentation of appeals.* Every appeal preferred under these Rules shall be accompanied by the original or a certified copy of the order against which the appeal is preferred and shall contain all material statements and arguments relied on by the applicant, shall contain no disrespectful or improper language, and shall be complete in itself; and every such appeal shall be submitted direct to the appellate authority referred to in Rule 11 or 13 in either case within three months after the date on which the appellant was informed of the order appealed against.

16. *Manner for the disposal of appeal.* The appellate authority shall call for a report and the records of the case from the authority against whose order the appeal has been preferred before passing any order on the appeal.

17. *No counsel in review or appeal.* No person shall be entitled to engage a counsel in the review or appeal petition presented by him nor is he entitled to an oral hearing.

Part IV—Pay and other Allowances after Reinstatement

18. *Payment of remuneration for the period of suspension.* When the suspension of a person preliminary to departmental inquiry is held to have been unjustifiable or not wholly justifiable, or when a person who has been dismissed removed or suspended is reinstated he may be granted for the period of his absence from duty—

(a) if he has been found free from any blame under Rule 8 or by the reviewing appellate or revising authority, the full pay to which he would have been entitled if he had not been dismissed, removed or suspended and, by an order to be separately recorded any allowance of which he was in receipt prior to his dismissal, removal or suspension, or

(b) if otherwise, such proportion of pay and allowance as the appropriate authority may prescribe:

Provided that any subsistence allowance paid under Rule 8 (5) shall be deducted from the amount payable under this rule.

- NOTE: (1) In a case covered by clause (a) the period of absence from duty will be treated as a period spent on duty while in a case falling under clause (b) it will not be treated as a period spent on duty unless the appropriate authority so directs.
- (2) The appropriate authority may convert a period spent under suspension into one of leave.
- (3) In a case where a Government servant is punished by an original authority but the order is revised in review, appeal or revision the Government servant should be reinstated with effect from the date of the original order and should not be deprived of a part or the whole of his emoluments during the interval between the dates of the original and final orders.
- (4) If the authority finds the Government servant to be blameworthy but the order passed to be too severe, it may, if it so desires, order restoration from the date of the final order. In such a case the demand for recovery of the additional pay drawn by some other person during the period in question will not arise.
- (5) Leave may not be granted to a person under suspension.

- (6) Posts vacated by a person removed or dismissed from service may be filled up subject to the condition that the arrangements so made will be revised if such person is reinstated.
- (7) The grant of pay and allowance under these Rules does not cancel any acting arrangements which may have been in force during the period of a person's suspension, removal or dismissal.

Part V—Submission of Report

19. *Submission of report.* Every authority other than the Government empowered to impose any of the penalties specified in Rule 6 shall submit to the Government in the administrative department concerned a quarterly statement of cases where any of the aforesaid penalties have been imposed or where a Government servant is suspended during the pendency of a departmental enquiry. Every appellate authority other than the Government shall likewise submit a quarterly statement of cases disposed of to the Government in the administrative department.

20. *Revision.* Notwithstanding anything contained in these Rules in cases where there is a grave miscarriage of justice or an error apparent on the face of the record, it is open to an authority to call for the record of cases in which disciplinary action has been taken by an authority subordinate to it and to pass such orders as it may consider necessary. The revising authority shall state the circumstances and the reasons under which the revised order was passed and shall also consult the Public Service Commission in cases where the original order was passed in consultation with the Public Service Commission:

Provided that no revision shall be entertained after the expiry of a period of one month from the date of passing the order.

By order of His Highness
the Raj Pramukh,
B. V. K. MENON,
Chief Secretary.

**The Travancore-Cochin
Compensation for Tenants
Improvements Act, 1956
(No. X of 1956)**

Price: 4 Annas.

Gazette Extraordinary No. 45 dated 31st October 1956.

GOVERNMENT OF TRAVANCORE-COCHIN

Labour Department

LD (b) 5-566/56/Law. Dated, Trivandrum, 31st October, 1956.

NOTIFICATION.

The following President's Act enacted on the 30th October, 1956 is published for general information.

By order of His Highness
the Raj Pramukh,
T. R. BALAKRISHNA IYER,
Law Secretary.

THE TRAVANCORE-COCHIN COMPENSATION FOR
TENANTS IMPROVEMENTS ACT, 1956

No. X OF 1956

Enacted by the President in the Seventh Year of the
Republic of India.

*An Act to make provision for payment of compensation
for improvements made by tenants in the State of
Travancore-Cochin.*

In exercise of the powers conferred by section 3 of the Tra-
vancore-Cochin State Legislature (Delegation
29 of 1956 of Powers) Act, 1956 the President is pleased to
enact as follows:—

1. *Short title, extent and commencement.* (1) This Act may
be called the Travancore-Cochin Compensation for Tenants
Improvements Act, 1956.

(2) It extends to the whole of the State of Travancore-
Cochin.

(3) It shall come into force at once.

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

(a) "eviction" means the recovery of possession of
land from a tenant;

(b) "improvement" means any work or product of
a work which adds to the value of the holding, is suitable to
it and consistent with the purpose for which the holding is
let, mortgaged or occupied, but does not include such clear-
ances, embankments, levellings, enclosures, temporary wells
and water channels as are made by the tenant in the ordi-
nary course of cultivation and without any special expendi-
ture or any other benefit accruing to land from the ordinary
operations of husbandry;

(c) "State" means the State of Travancore-Cochin;

(d) "tenant" with its grammatical variations and cognate expressions, includes a person who, as lessee, sub-lessee, mortgagee or sub-mortgagee or in good faith believing himself to be lessee, sub-lessee, mortgagee or sub-mortgagee of land, is in possession thereof or who, with the *bona fide* intention of attorning and paying a reasonable rent to the person entitled to cultivate or let waste-land, but without the permission of such person, brings such land under cultivation and is in occupation thereof as cultivator.

3. *What are presumed to be improvements.* Until the contrary is shown, the following works or the products of such works shall be presumed to be improvements for the purposes of this Act,—

(a) the erection of dwelling houses, buildings appurtenant thereto and farm buildings;

(b) the construction of tanks, wells, channels, dams and other works for the storage or supply of water for agricultural or domestic purposes;

(c) the preparation of land for irrigation;

(d) the conversion of one-crop into two-crop land;

(e) the drainage, reclamation from rivers or other waters or protection from floods or from erosion or other damage by water, of land used for agricultural purposes, or of waste-land which is culturable;

(f) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes;

(g) the renewal or reconstruction of any of the foregoing works or alterations therein or additions thereto; and

(h) the planting or protection and maintenance of fruit trees, timber trees and other useful trees and plants.

4. *Tenant entitled to compensation for improvements.* (1) Every tenant shall, on eviction, be entitled to compensation for improvements which were made by him, his predecessor-in-interest or by any person not in occupation at the time of the eviction who derived title from either of them and for which compensation had not already been paid; and every tenant to whom compensation is so due shall, notwithstanding the determination of the tenancy or the payment or tender of the mortgage money or premium, if any, be entitled to remain in possession until eviction in execution of a decree or order of court:

Provided that nothing herein contained shall be construed as affecting the provisions of the Travancore-Cochin Land Conservancy Act, 1951.

(2) A tenant so continuing in possession shall, during such continuance, hold as a tenant subject to the terms of his lease or mortgage, if any.

5. *Decree in eviction to be conditional on payment of compensation.* (1) In a suit for eviction instituted against a tenant in which the plaintiff succeeds and the defendant establishes a claim for compensation due under section 4 for improvements, the court shall ascertain as provided in sections 7 to 16, the amount of the compensation and shall pass a decree declaring the amount so found due and ordering that on payment by the plaintiff into the court of the amount so found due and also the mortgage money or the premium, as the case may be, the defendant shall put the plaintiff into possession of the land with the improvements thereon.

(2) If in such suit the court finds any sum of money due the defendant to the plaintiff for rent, or otherwise in respect of the tenancy, the court shall set off such sum against the sum found due under sub-section (1), and shall pass a decree declaring as the amount payable to him on eviction the amount, if any, remaining due to the defendant after such set-off:

Provided that the court shall not set off any sum of money due for rent as aforesaid, if such sum is not legally recoverable.

(3) The amount of compensation for improvements made subsequent to the date up to which compensation for improvements has been adjudged in the decree and the re-valuation of an improvement, for which compensation has been so adjudged, when and in so far as such re-valuation may be necessary with reference to the condition of such improvement at the time of eviction as well as any sum of money accruing due to the plaintiff subsequent to the said date for rent, or otherwise in respect of the tenancy shall be determined by order of the court executing the decree and the decree shall be varied in accordance with such order.

(4) Every matter arising under sub-section (3) shall be deemed to be a question relating to the execution of a decree within the meaning of sub-section (1) of section 47 of the Code of Civil Procedure, 1908.

5 of 1908

6. *Tenant's right to remove buildings, works or trees deemed not improvements.* Whenever a court passes a decree or order for eviction against a tenant and such tenant has erected any building, constructed any work or planted any tree which the court finds is not an improvement for which compensation can be claimed, but which, the court finds can be removed without substantial injury to the holding, such tenant may remove such building, work or tree within a time to be fixed by the court in its decree or order and the court may, from time to time, extend the time so fixed.

7. *Improvement producing an increase in the value of the annual net produce.* When the improvement is not an improvement to which section 11 applies and has caused an increase in

the value of the annual net produce of the holding, the court shall determine as nearly as may be, the average net money value of such increase and shall award as compensation for the improvement, three-fourths of the amount arrived at by capitalising such net money value at 20 times.

Explanation 1.—The value of the net produce means the amount remaining after deducting from the value of the gross produce the cost of cultivation and the Government assessment and local taxes.

Explanation 2.—In determining the net money value of the increase, regard shall also be had to the condition of the improvement and probable duration of its effects and the labour and capital required for making such improvement.

8. *Trees or plants spontaneously grown.* When the improvement is not an improvement to which section 7 applies but consists of timber trees or of other useful trees or plants spontaneously grown during the period of the tenancy or sown or planted by any of the persons mentioned in section 4, the compensation to be awarded shall be three-fourths of the sum which the trees or plants might reasonably be expected to realise if sold by public auction to be cut and carried away.

9. *Other kinds of improvements.* When the improvement is not an improvement to which section 7 or section 8 applies, the compensation to be awarded shall be the cost of the labour including supervision thereof and of the materials together with other expenditure, if any, which would, at the time of the valuation, be required to make the improvement, less a reasonable deduction on account of the deterioration, if any, which may have taken place from age or other cause.

10. *Value of improvement to be ascertained in the way most favourable to the tenant.* Notwithstanding anything contained in sections 7, 8 and 9, the amount of compensation to be awarded for an improvement shall be ascertained in the way prescribed by any of the said sections which is most favourable to the tenant.

Illustrations.—(a) The compensation to be awarded for a jack tree as a fruit tree is ascertained under section 7 to be Rs. 7, but for the same tree as a timber tree it is ascertained under section 8 to be Rs. 10.

(b) The compensation to be awarded for an immature casuarina plantation is ascertained under section 8 to be Rs. 20, but under section 9 to be Rs. 100.

In each case the court shall award the higher amount,

11. *Improvement consisting in protection and maintenance of trees and plants.* When the improvement consists in the protection and maintenance of timber or fruit trees or of other useful trees or plants not sown or planted by any of the persons mentioned in section 4, or of such trees or plants spontaneously grown prior to the commencement of the tenancy, the compensation to be awarded shall be the proper cost of such protection and maintenance ascertained as provided in section 9.

12. *Power to frame tables of maximum and minimum rates of compensation.* The Government may prepare for the whole or any part of the State, tables showing the maximum and minimum rates of compensation to be awarded under this Act, for all or any class of improvements and when such tables have been published, the amount awarded as compensation under sections 7, 8, 9 and 10 shall not ordinarily exceed such maximum rates nor shall it in any case be less than such minimum rates.

13. *Power to prepare tables of prices of produce, etc.* (1) For the purpose of determining the amount of compensation to be awarded under this Act, the Government may prepare tables for the whole or any part of the State showing all or any of the following matters:—

- (a) the price of cocoa-nuts, areca-nuts, pepper and paddy;
- (b) the cost of—
 - (i) cultivating and harvesting a crop of paddy;
 - (ii) planting, protecting and maintaining a cocoa-nut tree, an areca-nut tree, a jack tree, a mango tree and a pepper vine, until the tree or vine is in bearing;
 - (iii) protecting and maintaining a cocoa-nut tree, an areca-nut tree, a jack tree, a mango tree and a pepper vine for one year when in bearing.

(2) The tables prepared under this section shall on publication be receivable in evidence and the rates and amounts therein specified shall be presumed to be the proper rates and amounts until the contrary is proved:

Provided that, in so far as such tables prescribe prices of products, the presumption shall not be rebuttable except by proof of the average price as provided in section 14.

14. *Values how ascertained when no table has been prepared or the presumption is rebutted.* In respect of any product for which no table showing the price has been published and whenever the presumption under section 13 is rebutted, the court shall adopt, as the money value for the purpose of awarding compensation under section 7, the average price, as nearly as may be ascertainable in the taluk where the land is situated, for a period of 10 years, immediately preceding the institution of the suit.

15. *Tables to be published.* The tables prepared under this Act shall be published in English and in Malayalam or Tamil in the Gazette and shall be kept publicly posted in the Civil Courts having jurisdiction over the area to which the tables apply.

The Government may, by like publication, cancel or vary, from time to time, the tables so published.

16. *Compensation when area is overplanted.* When trees are planted in excess of the following scale, the court, if satisfied that, in the circumstances of the particular case, the land is overplanted, may, notwithstanding anything hereinbefore contained, either refuse to grant any compensation or may grant compensation at a lower rate, for so many of the trees as are in excess of the scale and are immature:—

Cocoa-nut trees	100 per acre.
Areca-nut trees	720 per acre.
Jack trees	60 per acre.

In the case of a mixed garden, each tree shall be allowed a proportionate fraction of an acre according to the above scale.

17. *Contracts affecting compensation for improvements to be invalid.* Nothing in any contract entered into before the commencement of this Act shall take away or limit the right of a tenant to make improvements and to claim compensation for them in accordance with the provisions of this Act:

Provided that nothing herein contained shall affect any agreement in writing registered and made after the effecting of the improvements settling the amount of compensation due therefor at the date of such agreement:

Provided further that this section shall not operate against any contract whereby the tenant's right to make improvements in the nature of buildings or to claim value of improvements therefor has been taken away or limited.

18. *Repeal.* The Cochin Tenancy Act, XV of 1113, is hereby repealed.

RAJENDRA PRASAD,
President.

Reasons for the enactment.

Chapter II of the Cochin Tenancy Act, 1113, provides for the payment of compensation to tenants for improvements on eviction, in the Cochin area of the State of Travancore-Cochin. But in the Travancore area of that State there is no statutory

law governing this matter. As it was considered that there should be a uniform law on the subject applicable to the whole State, a Bill based mainly on the provisions of the Cochin Act was introduced in the Legislative Assembly and referred to a Select Committee. That Committee, after considering the Bill slightly amended it. The Bill as so amended could not however be proceeded with in view of the dissolution of the Assembly by the Proclamation of the President. The present measure which has been enacted follows the provisions of the Bill as amended by the Select Committee.

The Committee constituted under the proviso to sub-section (2) of section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, has approved the enactment of this measure.

A. V. PAI,

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