

PUNJAB TOWN IMPROVEMENT TRUST ACT 1922

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provision for the development and expansion of in '[Punjab], and as the previous sanction of the Governor-General under section 80-A (3) of the Government of India Act has been obtained; It is hereby enacted as follows CHAPTER 1. PRELIMINARY. Section 1. (1) This Act may be called the Punjab Town Improvement Act, 1922, C 2) It extends to the whole of *Union territory of Chandigarh]. (3) This section and section 66 shall come into force at once. The Central Government may by notification propose to apply the rest of the Act to the whole or any part of any municipality and to any locality adjacent thereto, on such date as may be specified in such notification: and the Act shall come into operation after the lapse of three months unless within that period the municipal committee concerned at meeting convened for the purpose of considering the application of the Act resolve by a majority of two-thirds that the Act should not be so applied



2. In this Act unless there is something repugnant in the subject or context—(1) words and expressions not defined in this Act have the same meaning as in the Punjab Municipal Act, 1911, as from time to time amended (hereinafter called the Municipal Act) ; (2) • 'land" includes land as defined in clause (a) of section 3 of the Land Acquisition Act, 1894 ; (3) "street" alignment" means lines



forming the boundaries of a street dividing the same from lands adjoining on either side ; 'Substituted for the words "East Punjab" (which had been inserted for the word "Punjab" by the Indian Independence {Adaptation of Bengal and Punjab Acts) Order, 1947, by the Adaptation of Laws on State and Concurrent Subjects) Order, 1950, substituted for the words "State Government" by {bid. 1922 Act i V, i TOWN (4) "building line" meaning a line (in road of the street, alignment) to which the front wall of a building abutting on projected street may lawfully extend ; (5) "tribunal" means a tribunal constituted under section 66 (6) "Municipal Committee" means the committee established in accordance with the provision* of the Municipal Act. for the municipality to which or to any part of which or to any locality adjacent to which the provisions of this Act have been applied under sub-section (3) of section 1 (7) "local area" means the area to which this Act has been applied and the area within which a trust has been created -for the purposes of carrying out the provisions of the Act (8) all references to anything done, required, authorised, permitted, forbidden or punishable. or to any power vested, under this Act shall include anything done, required, authorised, permitted forbidden or punishable or any power vested— (c) by any provision of this Act, or (b) by any rule or scheme made under the provisions of this Act, or (c) under any provision of the Municipal Act which the trust has by virtue of this Act power to enforce; (9) means prescribed by rules made by the Central Government) under this Act (10) "Notification" means a notification published in the [Official Gazette]. the word* "State Government" by the Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subj] Order, 1968. substituted for the words "Punjab Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937. 1922 : Act IV 11. OF 19 The duty of carrying out the provisions of this Act in any local shall, subject to the conditions and conditions hereinafter contained, be vested in a board to be called "The (name of town) Improvement Trust" inalter to as "The Trust"; and every such board shall be a body corporate and have perpetual succession seal, and shall by the said name sue and be sued. 4. (1) The trust shall consist of seven members. (a) a chairman, (b) three members of the municipal committee and (c) three other persons. (2) The chairman and the three persons referred to in clause (c) of sub-section (1) shall be appointed by the [Central Government] by notification. (3) The members of the municipal committee referred to in clause (b) of sub-section (1) shall be elected by the municipal committee, (4) If the municipal committee does not by such date as may be fixed by the [Central Government] elect a person to be a trustee, the [Central Government] shall, by notification, appoint a member of the municipal committee to be a trustee, and any person so appointed shall be deemed to be a trustee as if he had been duly elected by municipal committee. (5) Of the persons referred to in clause (c) of sub section (1) not more than one shall be a servant of the Government. Election. For the purposes of this section the term servant of the Government does not include a Government treasurer, a person holding a purely honorary 'Substituted for the words ' "State Government" the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 2 substituted for 'the word "Crown" by the Adaptation of Order, 1950. 1922 Act IV. 11. office or person who has retired from the service of the Government. During the period of supersession of a Municipal Committee of Act, 1911, the three seats allotted to the Municipal Committee on the trust under clause (b) of sub-section (1) section 4 shall be filled by the [Central Government] by appointing any three persons by notification in the [Official Gazette]. The term of office of every trustee so appointed shall be three years or until the Trust is dissolved, whichever period is less, provided that if the Municipal Committee is reconstituted three members of the Municipal Committee shall be elected or appointed in accordance with the provisions of section 4, and on their election or appointment the three trustees appointed by the [Central Government] under this section shall cease to be members of the Trust, 5. The term of office of the chairman shall be such term period not exceeding three years as the [Central Government] may fix in this behalf but when the trust ceases to exist the said term of office shall be deemed to expire on the date of the dissolution of the trust. He shall be eligible for reappointment, and he may be removed from office by the [Central Government] at any time

6. The term of office of every trustee elected under clause (b) of sub-section (1) of section 4 shall be three years or until he ceases to be a member of the municipal Committee, whichever period is less, and the term of office of every trustee appointed under clause (c) of the said sub-section shall be three years but when the trust ceases to exist the said term of office shall be deemed to expire on the date of the dissolution of the trust. 7. (1) Any trustee may at any time resign his office, at provided that his

resignation shall not take effect accented by the trust, (2) The term of office of appointed and elected trustees shall commence on such date as shall be notified and therefor in this behalf by the '(Central Government). (3) Substituted for the words "State by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and current Subjects) Order, 1968. Substituted for the word "Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1951. Substituted by Punjab Act No. 29 of 1955, for the words "three years". 620 TOWN IMPROVEMENT ACT (3) A person ceasing to be a trustee by reason of the big term of if otherwise qualified, for or re-appointment. R. (1) When place of a trustee appointed by the vacant his removal or the Government shall appoint person to fill the vacancy. (2) When the elected vacated by his resignation, removal or death, the vacancy shall be filled, within two months of the existence of such vacancy being notified to the municipal committee by the trust, in the manner provided by sub-section (3) of sec. 4. provided that if the municipal committee fails to elect a qualified person to fill the vacancy within the period herein prescribed, the provisions of sub-section (4) of the said section shall apply. (3) Every person appointed or elected to fill a casual vacancy under this section shall hold his place for the time for and subject to the conditions upon which it was tenable by the person in whose place he has been so appointed or elected, and no longer; but he may, if otherwise qualified, be re-appointed or re-elected Provided that no person elected or appointed under sub-section (2) shall continue to be a trustee after he has ceased to be a member of the municipal committee, but he may so continue notwithstanding that the trustee in whose place he is elected or appointed has been a member of the said committee

9. The chairman shall receive such salary and each and Other trustee shall receive such salary or remuneration as may be sanctioned by the Central Government. 10. The Central Government may by notification remove any trustee if he to act, or becomes in the opinion of the Central Government incapable of acting or has been declared an insolvent, or has been convicted of any such offence or subjected by Criminal Court to any such order as implies 'Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and current Subjects) Order

11968. Act I V.j rows IMPROVEMENT 621 in the opinion of the Government, a defect of character which unfits him to be a trustee (b) if he has been declared by notification to be disqualified for employment, in, or has been dismissed from the public service and the reason for the disqualification or dismissal is such as implies, in the opinion of the Central Government, a defect of character which unfits him to be a trustee; or (c) if he has absented himself for more than three consecutive months from the meetings of the trust, or of any committee of which he is member, and is unable to explain such absence to the satisfaction of the Government; or (d) if in the opinion of the Central Government he has flagrantly abused his position as a trustee; or (e) if he has knowingly acquired or continued to hold without the permission in writing of the '[Central Government], directly or indirectly or by a partner, any share or interest in any contract or employment with, by or on behalf of the trust; or (f) if he has knowingly acted as a trustee in a matter other than a matter referred to in clause (iv) or (v) of the following proviso in which he or a partner had, directly or indirectly, a personal interest, or in which he was professionally interested on behalf of a client, Principal or other person; or (g) if he has acted in contravention of section 16 (h) being a legal practitioner, if he acts or appears on behalf of any other person in any criminal proceeding instituted by or on behalf of the trust; or (i) in the case of a salaried '[Government Officer], if his continuance in office is, in the opinion of Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and current Subjects) Order, 1968. "Substituted for the words "servant of the Crown" by Adaptation Laws (Third Amendment) Order, 1951. 622 TOWN IMPROVEMENT | 1022 Ply. Act the Central Government), unnecessary or desirable: Provided that a person shall not be deemed for the purpose of clause (e) to acquire, or continue to have, share or interest in a contract or employment by reason only of his— (i) having a share or interest in any lease, sale or purchase of land or building, or in any agreement for the same, provided that such share or interest was acquired before he became a trustee, or (ii) having a share in a joint stock company which shall contract with, or be employed by or on behalf of the trust, or (iii) having a share or interest in a newspaper in which an advertisement relating to the affairs of the trust is inserted, or (iv) holding a debenture, or otherwise being interested in a loan raised by or on behalf of the trust, or (v) being retained by the trust as a legal practitioner, or (vi) having a share or interest in the occasional sale of an article in

which he regularly trades to the trust, to a value not exceeding in any one year. such amount as the trust, with the sanction or the '[Central Government], may fix in this behalf. Disabilities or 11. (1) A trustee removed under clause (a) of section 10, shall not be eligible for re-election or re-appointment for a period of three years from the date of his removal : Provided that if a trustee has been removed by reason Of his having been declared an insolvent, he shall be eligible for re-election or re-appointment when he shall have obtained his discharge. (2) A trustee removed under any other provision of section 10 shall not be eligible for re-election or re-appointment until he is declared by the 11 Central Government) to be so eligible. 'Substituted for the words "'State Government' t by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and current Subjects) Order, 1968. 1922 : Pb. Act IV.I TOWN IMPROVEMENT CHAPTER 11. 623 PROCEEDINGS OF TRUST AND 12. (1) (a) The trust shall ordinarily meet for the transaction of business at least once in every month at such time as it may fix, provided that the chairman may whenever he thinks fit, and shall, upon the written request of not less than two trustees, call a special meeting. (b) The quorum necessary for the transaction of business at an ordinary or special meeting shall not be less than three • (c) At every meeting the chairman, if he be present or in his absence such one of the trustees present as may be chosen by the meeting, shall preside. (d) All questions which come before any meeting shall be decided by 2 majority of the votes of the trustees present; the president of the meeting in case of an equality of votes having a second or casting vote. (e) Minutes of the names of the trustees present and of the proceedings at each meeting shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the person presiding at the meeting or at the next ensuing meeting. and shall at all reasonable times and without charge be open to inspection by any trustee. (2) NO trustee Shall be entitled to object to the minutes of any meeting unless he was present at the meeting to which they relate, 13. The trust may associate with itself in such manner a 33, octation and for such period as may be prescribed by rules made members under section 74 any persons whose assistance or advice the trust require, or it may desire in carrying out any of the provisions of the Act. (2) A person associated with itself by the trust under sub-section (1) for any purpose shall have a right to take part in the discussions of that trust relative to that purpose, but shall not have a right to vote at a meeting of the trust and shall not be deemed to be a trustee. words "and when the business to be transacted is the formation of any scheme under Chapter I V, the quorum not be less than six" omitted by Punjab Act XV or 1952 and comma after "therein changed into full stop by ibid. with the proviso 'fit. with the proviso whose members, such committees • such committees shall consist of three persons, and that at one trustee shall thereof, The trust may— such committees. for inquiry and any matter relating to any of the purposes of this Act; and (h) delegate to such committees by resolution, and subject to any rules made under section 74. of the powers or duties of the trust. The trust may. at any time, dissolve, or. subject to the provisions of sub-section (1) after the constitution of any such committees. (4) Every such committee shall conform to any institutions from time to time given to it by the trust. (5) proceedings of any such committee shall be subject to confirmation by the trust. (6) Any person associated with the trust under section 13 or appointed a member of a committee of the trust under clause (iii) of sub-section (1) shall be entitled to receive such remuneration either by way of monthly salary or by way Of fees or partly in one of these ways and partly in the other as the [Central Government], may prescribe. of 15. • (1) Committees appointed under section 14 may meet and adjourn as they think proper; but the chairman of the trust may, whenever he deems fit, call a special meeting of any such committee, and shall do so upon the written request of not less than two members thereof* (2) The chairman may attend any meeting of a committee appointed under section 14 whether he is a member XSubstituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and current Subjects) Order, 1968. Act IV Of such and shall preside at which he is if he only trustee present and a of committee as may be chosen by the meeting, shall preside provided in this that if only one trustee is present, he shall preside. (3) All questions which come before any meeting or such committee shall be decided by a majority of the votes of the members present, the person presiding in case of an equality of votes having a second or casting vote, (4) No business shall be transacted at any meeting Of such committee when less than 2 members or, when, the committee consists of more than eight members, when less than one-fourth of such members are present. 16. (1) A trustee Trustees and associated persons trust or (i) directly or indirectly, by himself or by any committee not take part In partnership, employer, or employee, any such share or interest as is described in the proviso to section 10 in respect of any matter, or

personally in- (ii) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid, shall not vote or take any other part in any proceedings of the trust or any committee appointed under this Act relating to such matter. (2) If any trustee, or any person associated with the trust under section 13 or any other member of a committee appointed under this Act, has directly or indirectly, any beneficial interest in any land situated in an area comprised in any improvement scheme framed under this Act, or in any area in which it is proposed to acquire land for any of the purposes of this Act— (i) he shall, before taking part in any proceeding at a meeting of the trust or any committee appointed under this Act relating to such area, inform the person presiding at the meeting of the nature of such interest (ii) he shall not vote at any meeting of the trust or any such committee upon any resolution or question relating to such land and (iii) he shall not take any part in any proceeding relating to such area, if the person presiding at the meeting is of opinion that it is inexpedient that he should do so, or if he is of opinion that it is expedient that he should do so, he may, subject to such conditions and restrictions as may be made in this behalf by the trust, employ such servants as it may be necessary and proper to assist in carrying out the purposes of this Act, and may assign to such servants such pay as he may deem fit. 18. Subject to the provisions of section 17 and to any other rules for the time being in force, the power of appointing, promoting and granting leave to officers and servants of the trust, and reducing, suspending or dismissing them for misconduct, and dispensing with their services for reason other than misconduct, shall be vested— (i) in the case of officers and servants whose maximum monthly salary does not exceed one hundred rupees— in the chairman, and (ii) in other cases—in the trust: Provided that any officer or servant, in receipt of a minimum monthly salary exceeding fifty rupees who is reduced, suspended or dismissed by the chairman may appeal to the trust, whose decision shall be final. 19. The chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the trust: and, subject to the foregoing sections, shall dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances. Delegation. 20. (1) The chairman may, by general or special order in writing, delegate to any officer of the trust any of the chairman's powers, duties or functions under this Act or any rule made thereunder except those conferred or imposed upon or vested in him by sections 12, 15, 21, 46 and 96, respectively. Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Certain Subjects) Order, 1922 : Pb. Act TOWN IMPROVEMENT 627 (2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under subsection (1) shall be subject to such conditions and limitations (if any) as may be prescribed in the said order, and also to control and revision by the chairman, or the trust, Supply of information to Government. 21. (1) The chairman shall forward to the [Central Government] a copy of the minutes of the proceedings of each meeting of the trust, within ten days from the date on which the minutes of the proceedings of such meeting were signed as prescribed in clause (e) of subsection (1) of section 12. (2) If the [Central Government] so directs, in any case, the chairman shall forward to it a copy of all papers which were laid before the trust for consideration at any meeting. (3) The [Central Government] may require the chairman to furnish it with— (i) any return, statement, estimate, statistics or other information regarding any matter under the control of the trust, or (ii) a report on any such matter, or (iii) a copy of any document in the charge of the chairman. The chairman shall comply with every such requisition without unreasonable delay. CHAPTER IV. SCHEMES UNDER THE ACT. 22. (1) Whenever it appears to the trust that— (a) any buildings which are used or are intended generally for improvement or likely to be used as dwelling places within or rebuilding its local area are unfit for human habitation, 'Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Certain Subjects) Order, 1922 : Pb. Act TOWN 1922 : Act IV (b) danger is caused or likely to be caused to the health of the inhabitants of such local area or part, or (ii) the want of light, air, ventilation or conveniences in such local area, or part, or (iii) any other sanitary defects in such local area or part, the trust may pass a resolution to the effect that such local area or part is in an insanitary locality and that "a general improvement scheme" ought to be framed in respect of such locality and may then proceed to frame such a scheme. (2) Whenever the trust declares any local area or part thereof to be an insanitary locality within the meaning of this section, and is of opinion that having regard to the comparative value of the buildings in such local area or part and the sites on which they are erected it is undesirable to frame a general improvement scheme and the most

satisfactory method of dealing with the local area or any part thereof is "a rebuilding scheme," it may proceed to frame such a scheme, which may provide for the reservation of streets and the enlargement of existing streets : the relaying out of the sites of the local area or part thereof upon the streets so reserved or enlarged; the demolition of existing buildings and their appurtenances upon such sites; and the erection of buildings in accordance with the scheme.

street schemes 23. (1) Whenever it appears to the trust that for the purpose of— (i) providing building sites, or (ii) remedying defective ventilation, or (iii) creating new or improving existing means of communication and facilities for tram, or (iv) affording better facilities for conservancy, within its local area or part thereof it is expedient to lay out new streets, thoroughfares and open spaces, or alter existing streets, the trust may pass a resolution to that effect, and shall then proceed to frame street scheme" which shall prescribe improved alignments for streets, thoroughfares and open spaces for such local area or part as the trust may deem fit.

(2) Whenever it appears to such trust that for any of the purposes mentioned in subsection (1) within its local areas or part thereof it is expedient to provide for the ultimate widening any existing street by altering the alignments to improved alignments to be prescribed by the trust, but that it is not expedient immediately to acquire all or any of the properties lying within the proposed improved alignments, the trust, if satisfied of the sufficiency of its resources, may pass a resolution to that effect, and forthwith proceed to frame a "deferred street scheme" prescribing an alignment on each side of such street.

24. (1) The trust may, for the purpose of development and improvement of any locality within the municipal limits contained in its local area, prepare "a development scheme". and (2) Such trust may, if it is of opinion that it is expedient and for the public advantage to promote and control the development of and to provide for the expansion of a municipality in any locality adjacent thereto, within the local area of such trust prepare "an expansion scheme." (3) "A development scheme" or "an expansion scheme" may provide for the layout of the locality to be developed. the purposes for which particular portions of such locality are to be utilised, the prescribed street alignment and the building line on each side of the streets proposed in "the locality. the drainage. of insanitary localities and such other details as may appear desirable, 25. If the trust is of opinion that it is expedient and for the public advantage to provide housing accommodation for any class of the inhabitants within its local area such trust may frame "a housing accommodation scheme" for the purpose aforesaid provided that if the Government are satisfied that within the trust area it is necessary to provide housing accommodation for industrial labour, the [Central Government] by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1922 Act I of 1922 Government may by order require the trust to frame under this section to do all things under the Act for executing the scheme so made ; and if the trust fail within such time as may be prescribed to frame a scheme to the satisfaction of the [Central Government], and to execute it. the [Central Government] may either by order require the municipal committee to frame and execute a scheme. or themselves frame a scheme and take such steps as are necessary to execute it. All expenses incurred by the [Central Government], or by the municipal committee in the exercise of the powers conferred upon them by this section shall, in the first instance be out of State revenues, but the amount so spent shall form the trust as if it were a debt due to the Government. and the [Central Government] attach the rents and other income of the trusts. The provision; of section 72 shall also apply to all moneys paid. 26, Whenever the trust deems it necessary that accommodation should be provided for persons who are displaced by the execution of any scheme under this Act, or are likely to be displaced by the execution of any scheme, then if it is intended to submit to the [Central Government] for sanction under this Act it. may frame a rehousing scheme for the construction, maintenance and management of such and so many dwellings and shops as ought in the opinion of the trust, to be provided for such persons. Rehousing of 27. Any resident house-owner who is likely to be displaced; house- placed by the execution of any scheme under this Act, may apply to the trust to be re-housed, and no such scheme shall be put into execution until a re-housing scheme as provided for in section 26 for the re-housing of such resident house- owners as may apply under this section has been completed. Rehousing. The demolition of a portion of a dwelling house which renders the remaining portion uninhabitable shall be deemed to be a displacement of the person or persons residing in the said dwelling house. 'Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation Of Laws on State and Concurrent Subjects) Order, for the word "Provincial" by the Adaptation Of on State and Concurrent Subjects) Order, 1908. "Substitute] for the words "Debt due to

Government" by the Government Of India (Adaptation Of Indian Laws) Order, 1934 1922 : Pb. Act IVO TOWN IMPROVEMENT 631 28. A scheme under this Act may combine one or more types of scheme or any special features thereof. matters which may be provided for in a scheme. (2) A scheme under this Act may provide for all or any of the following matters : (i) the acquisition under the Land Acquisition Act, 1894, as modified by this Act, or the abandonment of such acquisition under sections 56 and 57 of this Act, of any land or any interest in land necessary for or affected by the execution of the scheme, or adjoining any street or thoroughfare open space to be improved or formed under the scheme ; (ii) the acquisition by purchase, lease, exchange or otherwise of such land or interest in land ; (iii) the retention, letting on hire, lease, sale, exchange or disposal otherwise of any land vested in or acquired by the trust ; (iv) the demolition of buildings or portions of buildings that are unfit for the purpose for which they are intended and that obstruct light or air or project beyond the building line ; (v) the relaying out of any land comprised in the scheme and the redistribution of sites belonging to owners of property comprised in the scheme ; (vi) the laying out and alteration of streets ; (vii) the provision of open spaces in the interests of the residents of any locality comprised in the scheme or any adjoining locality and the enlargement or alteration of existing open spaces ; (viii) the raising, lowering or reclamation of any land vested in or to be acquired by the trust for the purposes of the scheme and the reclamation or reservation of land for the production of fruit, vegetables, fuel or fodder and the like for the residents of the local area ; (ix) the draining, water-supply and lighting of streets altered or constructed ; (x) the provision of drains and the improvement of ill-drained and insanitary localities ; the doing of all acts intended to promote the health of the area comprised in the scheme, including the conservation and improvement of rivers and other sources and means of water-supply ; the demolition of existing buildings and the erection and re-erection of buildings by the trust or by the owner or by the trust in default of the owners ; (xi) the advance to the owners of land comprised within the scheme upon such terms and conditions as to interest and sinking fund and otherwise as may be prescribed under the scheme of the whole or part of the capital requisite for the erection of buildings in accordance with the scheme ; (xii) the provision of facilities for communication ; (xiii) all other matters which the Central Government, may deem necessary to promote the general efficiency of a scheme or to improve the locality comprised in such scheme, 29. Notwithstanding anything contained in the Municipalities Act, whenever any street alignment has been prescribed by the trust in any scheme under this Act with the sanction of the Central Government the municipal committee shall not have power to prescribe a regular line for the street within the limits of the scheme, and any such line previously prescribed by the committee within such limits shall cease to be the regular line or line of frontage of the street. Powers of (1) Should any building or part of a building project beyond the regular line of a street, either existing or to be erected hereafter, or beyond the frontage of the street building on either side thereof, the trust may whenever it thinks fit, such building or part has been either entirely or in greater part taken down or burnt down or has fallen down, by the trust or the State Government" by the Punjab Reorganisation (Chandigarh) Act, 1966, written notice, require such building or part when being rebuilt to be set back to the regular line of the street, and the lot land added to the street by such setting back or removal shall become part of the street and shall vest in the trust* (2) The trust may on such terms as it may deem fit require or allow any building to be set forward for improvement of the line of the street. (3) When any building is set back or forward in pursuance of a requisition made under the preceding clause, the trust shall forthwith make full compensation to the owner of the building for any damage or loss that he may sustain. (4) If the additional land, which will be included in the premises of any person required or allowed to set forward, a building, or part thereof, belongs to the trust the requisition or permission of the trust to set forward the building shall be sufficient conveyance to the said owner of the said land* and the terms and conditions of the conveyance shall be set forth in the said requisition or permission. 31. (1) In the locality comprised in a scheme under this Act, no person shall except with the written permission of the trust, erect, re-erect, add to or alter any building so as to make the same project beyond a street alignment or building line duly prescribed by the trust. (2) In the locality comprised in a development scheme or an expansion scheme if any person desires to erect, re-erect, add to or alter any building on land so as to make the same project beyond a street alignment or a building line duly prescribed by the trust, he shall apply to the trust for permission to do so, and if the trust refuses to

grant permission to such person according to his application. and does not proceed to acquire such land within one year from the date of such refusal, it shall pay reasonable compensation to such person for any damage or loss sustained by him in consequence of such refusal.

32, (1) In the locality comprised in a deferred street Acquisition scheme the owner of any property affected by a street alignment duly prescribed by the trust may, at any time after the scheme has been sanctioned by the [Central Government] give the trust notice requiring it to acquire such property before the expiration of six months from the date of such notice, and the trust shall acquire such property accordingly.

(2) In the locality comprised in a deferred street scheme, before proceeding to any property affected by a street alignment duly prescribed by the trust other than property regarding which it has received a notice, under the preceding clause, the trust shall give six months notice to the owner of its intention to acquire the property.

39, (1) A scheme under this Act may be framed upon an official representation by the municipal committee or otherwise.

(2) An official representation referred to in sub-section (1) may be made by the municipal committee— (a) on its own motion, or (b) on a written complaint by the medical officer of health, or (c) in respect of any area comprised in a municipal ward, on a written complaint signed by twenty-five or more inhabitants of such ward.

(3) If the municipal committee decides not to make an official representation on any complaint made to it under clause (b) or clause (c) of sub-section (2), it shall cause a copy of such complaint to be sent to the trust, with a statement of the reasons for its decision.

34, (1) The trust shall consider every official representation made under section 33, and if satisfied as to the truth thereof and as to the sufficiency of its own resources, shall decide whether a scheme under this Act to carry such representation into effect should be framed forthwith or not, and shall forthwith intimate its decision to the municipal committee.

(2) If the trust decides that it is not necessary or expedient to frame a scheme under this Act forthwith, it shall inform the municipal committee of the reasons for its decision.

1922 : Vb. Act I V.I TOWN IMPROVEMENT (3) if the trust fails a period of twelve months after the receipt of any official representation under section 33 to intimate its decision thereon to the municipal committee, if the trust intimates to the municipal committee its decision that it is not necessary or expedient to frame a scheme of a type other than that by the municipal committee, the municipal committee may, if it deems fit, refer the matter to the [Central Government] (4) The [Central Government] shall consider every representation made to it under sub-section (3) and— if it deems that the trust ought to have passed a decision within the period mentioned in sub-section (3) shall direct the trust to pass a decision within such further period as the [Central Government] may deem reasonable, (b) if it deems that it is expedient that a scheme should forthwith be framed, shall direct the trust to proceed forthwith to frame a scheme. Such a direction may prescribe the type of scheme to be framed, (5) The trust shall comply with every direction given by the [Central Government] under sub-section (4).

35. When framing a scheme under this Act in respect of any locality, regard shall be had to— (a) the nature and the condition of adjoining localities and of the town as a whole; (b) the direction in which the town appears likely to expand; and (c) the claims of any other part of the local area likely to require a scheme under this Act.

36, (1) When a scheme under this Act has been framed, the trust shall prepare a notice stating— (i) the fact that the scheme has been framed, (ii) the boundaries of the locality comprised in the scheme, and (iii) the place in which details of the scheme may be inspected at reasonable hours.

(2) The trust shall— (a) notwithstanding anything contained in section 78 cause the said notice to be published weekly for three consecutive weeks in the official Gazette and in a newspaper or newspapers with a statement of the period within which objections will be received, and (b) send a copy of the notice to the president of the municipal committee, and to the medical officer of health.

(3) The chairman shall cause copies of all documents referred to in clause (iii) of sub-section (1) to be delivered to any applicant on payment of such fees as may be prescribed by rule under section 74

27. The president of any municipal committee and to the medical officer of health to whom a copy of a notice has been sent by committee as to been sent under clause (b) of sub-section (2) Of section 36 improvement shall, within a period of sixty days from the receipt of the scheme, said copy, forward to the trust any representation which the municipal committee or the said medical officer of health may deem

fit to make with regard to the scheme. NoUee ot pro- 38. (1) During the thirty days next following the day on which any notice is published under section 36 if land. in respect of any scheme under this Act the trust shall serve a notice on— (i) every person whom the trust has reason to be- lieve after due enquiry to be the owner of any immovable property which it is proposed to acquire in executing scheme, (ii) the occupier (who need not be named) of such premises as the trust proposes to acquire in exe- cuting the scheme. 1922' Ph. Act t V _ I (2) Such (G) state that proposes acquire propet{y thr put-poses carrying out n scheme undc•r this Act. and (b) require such person. if he objects to such to state his reasons in writing with- in a period of sixty days from the service of the notice. (3) Every such notice shall be signed by, or by the order of, the chairman

39. The president of the municipal committee Shall formation avalJ- furnish the chairman at his request and on payment of such fees as may be prescribed by rule made under section 73 with copy such information relätng to a locality regard- ing which a notice has been published under section 36 as is available in the municipal records.

40. (1) After the expiry of the periods respectively prescribed under clätl.ee (a) of sub-section (2) of section 36, plication bv section 97 and by clause (b) of sub-section (2) of section Central ment 10 38. in respect of anv scheme under this Act, the trust shall consider any obiection, Or representation received there- under, and after hearing all oersons or their representa- tives making anv such objection, or renresentation, who mav desire to be beard, the trug± may either abandon the scheme or to the J [Centra: Governmenf.l. for sanc- tion to the scheme with such modifications (if any) ag the trust may deem necessary. (2) Every application submitted under gub-section (1) shall be accompanied by— (i) complete plans and details of the scheme and an estimate of the cost executing it • (ii) statement of the reasons for modifications (if any) made in the scheme as originally framed; (iii) a statement of objections (if any) received under section 36 (iv) the ronresentation (if any) received under sec- 37 ; (v) a list of fbe nnrneg of per+onc (if any) who have objected under clause (b) or sub-section 'Substituted for the words "Stato Government" by the Punjab reorganisation (Chtndigarh) (Adaptation Of Laws on State and ("nn current Subjects) Order. 60s i 1922 Aet of section to the proposed acquisition ot their property and a statement of the reasona given for such objection; and a Stmtem -nt Ot 1110 or ed by the trust for the re.housing ot persona who arv likely to be displaced by the execution Of the scheme and for whose re-housing provi- Sion is required. (3) atty application has been submitted to the XICentral Governmentl under sub-section (1), the trust shall cause notice of the fact to be published for two con- secutive weeks in the Official Gazette and in a newspaper or newspapers. (1) The '{Central Government) mav sanction, %ither Vith or without modification, or may refuse to tion, or may return for reconsideration, any scheme sub. mitted to it under section 40. (2) If a scheme returned for reconsideration under sub-section (1) is modified by the trust, it shall be repub- lished in accordance with section 36— (a) in every ease in which the modification affects the boundaries of the locality comprised in the scheme, or involves the acquisition of any land not previously proposed to be acquired ; and (b) in every other ease, unless the modification is in the opinion of the '[Central Governmentl not of sufficient importapce to requi re repub!ctition, Notißeauon of 42. (1) The ITCentral Governmentl shall notify the ot •anctlon sanction of every scheme under this Act, and the trust shall forthwith proceed to execute such scheme, provided that it is not a deferred street scheme, development scheme, or expansion scheme and provided flirther that the require- ments of section 27 have been fulfilled. (?) A notification under sub-section (1) in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned. 'Substituted for the words "State Government" by the Punjab Reorganisation (Chtndigarh) (Adaptation ot Laws on State and con- current Subjects) Order, 1968. 1922 : Ph. Act IV.I TOWN IMPROVEMENT 639 43. A scheme under this Act may be altered by the trust at any time between its sanction by the '(Central 6theme Governmentl and its execution : Provided as follows (a) if any alteration is estimated to increase the estimated net cost of executing a scheme by more than Rs. 50,000 or twenty per cent of such cost such alteration shall not be made without the previous sanction of the i[Central Govern- mentJ; (b) if any alteration involves the acquisition, other- wise than by agreement of any land the acqui• sition of which has not been •sanctioned by the IICentral Governmentl the procedure prescribed in the foregoing sections Of this chapter Shalli so far as applicable, be followed as if the alteration were a separate scheme

44. Any number of localities in respect of which the trust has framed or has proposed to frame schemes under this Act may, at any time, be included in one combined scheme scheme

CHAPTER V. OF TRUSTS WHEN A SCHEME BEING SANCTIONED. 45. (1) Whenever any building, or any street or transect or other land, or any part thereof which is vested in the trust, is required for executing any scheme under this Act, the trust shall give notice accordingly to the person or persons in possession of the building, street or land or part, and such building, street or land or part shall thereupon vest in the trust, subject to the payment to the municipal committee of such sum as may be required to compensate it for actual loss resulting from the transfer of any building to the trust. (2) If any question or dispute arises as to the sufficiency of the compensation paid or proposed to be paid under sub-section (1), the matter shall be referred to the [Central Government] whose decision shall be final. •Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws and Ordinances) Order, 1966. 640 IMPROVEMENT 11922 Vb. Act IV • 46. Whenever any street, or part thereof, which is not vested in the municipal committee is required for executing any scheme under this Act, the trust shall cause to be affixed, in a conspicuous place in or near such street, or part, a notice signed by the chairman, (a) stating the purpose for which the street or part is required, and (b) declaring that the trust will, on or after a date to be specified in the notice, such date being not less than thirty days after the date of the notice, take over charge of such street, or part, from the owner or owners thereof; and shall simultaneously send a copy of such notice to the owner or owners of such street, or part, or to the duly accredited agent of such owner or owners. (2) After considering and deciding all objections (if any) received in writing before the date so specified the trust may take over charge of such street, or part, from the owner or owners thereof and the same shall thereupon vest in the trust. (3) When the trust alters or closes any street or part thereof which has vested in it under sub-section (2), it shall pay such sum as may be required to compensate the previous owner or owners for actual loss resulting to him from such alteration or closure. (4) If the alteration or closing of any such street, or part, causes special damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, the trust— (i) shall forthwith provide some other reasonable means of access for the use of persons who were entitled as of right to use such street or part, as a means of access to any property or place, and (ii) if the provision of such means of access does not sufficiently compensate any such owner or resident for such damage or inconvenience, shall also pay him reasonable compensation in money. 1922 : Pb. Act NV. I 641 47 (1) When any building or any street or other land, or any part thereof, has vested in the trust under section 45, it shall vest in the trust until another drain or water-work (as the may be) if required, has been provided by the section 45 at trust to the satisfaction of the municipal committee, in the place of the former drain or work. (2) If any question or dispute arises as to whether another drain or water-work is required, or as to the sufficiency of any drain or water-work provided by the trust under sub-section (1) the matter shall be referred to the [Central Government], whose decision shall be final. CS. (i) The trust may— (a) lay out and make a new public street and construct with it tunnels and other works subsidiary to the same, and (b) widen, lengthen, extend, enlarge, raise the level of or otherwise improve any existing public street if vested in the trust, and (c) turn, divert, discontinue or close any public street so vested, and (d) provide within its discretion building sites of such dimension; as it deems fit, to abut on or adjoin any public street made, widened, lengthened, extended, enlarged, improved or the level of which has been raised by the trust under clauses (a), (b) and (c) or by the [Central Government] and (e) subject to the provisions of any rule prescribing the conditions on which property vested in the trust may be transferred, lease, sell, or otherwise dispose of any land used by the trust for a public street and no longer required therefor, and in doing so impose any condition as to the removal of any building existing thereon, as to the description of any new building to be erected thereon, as to the period within which such new building shall be completed and as to any other matter that it deems fit. "Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws and Ordinances) Order, TOWN 11922 : (2) Whenever the trust discontinues the public use of, or permanently closes, any street vested in it, or any part thereof, it shall pay reasonable compensation to every person who has an easement or right of way or light and air over, upon or from such street or part, and who by such discontinuance or closure has suffered special damage. (3) In determining the compensation payable to any person under sub-section (2), the trust shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other street at or about the same time that the public street or part thereof, account of which the compensation is paid, is discontinued or closed. 49. (1) provisions of sections 96, 97, 98, 99, 100 to and 101, 102, 113, 114, 114-A, 115, 116, 117,

118; 119. 120, 125.126, 127, 128, 129, 130, 131', 132. 133; 134; 135, 136, 137; 138, 139; 140, 155, 156, 157, 158.159, 160, 161, 162. 164, 165, 166. 170, 170-A; 170-B, 170..C; 170.D, 1703; 170-F; 170-G; 171 (1)i and(3). 172, 173. 175, 176, 177, 178, 179, 180,181, 182, 189 (1) and (2), 191, 192, 193, 194, 195, 196, 199. 2C0, 201, 202; 209: 210, 212, 213. 214. 221, 224, 225, 226, 227 and 230 of the Municipal Act, Bham so far as may be consistent with the tenor of the Act, to all Localities in respect of which a scheme under this Act is in force, and for the period during which such scheme remains in force; and all reference in the said sections to the municipal committee or to the president or to any officer of the municipal committee, shall be construed as referring to the trust which, in respect of any such localities, may alone exercise and perform all or any Of the powers and functions which under any of the said chapters and sections might have been exercised and performed by the municipal committee or by the president or by any officer of the municipal committee: Provided that the trust delegate to the chairman, or to any officer of the trust fill or any Of the powers conferred by this section. the Punjab (Consolidation of Laws on State and Concurrent Order. 1922 : Pb. Act } V.] 643 The trust bye-laws for locality outside the limits of the municipality comprised in a scheme under this Act— (c) notwithstanding of this Act, and (L) in particular and without prejudice to the generality of the aforesaid powers, regarding any of the matters referred to in sections 188, 189, and 190 of the Municipal Act. 50, (I) The trust shall not take any action under sections 96, 97, 98. 101, 102, 132, 133, 134, 135. 136, 137, power Of trust under 4B. 138, or 139 of the Municipal Act without having previously consulted the municipal committee and obtained its consent, provided that if the said committee does not give consent. the matter in dispute shall forthwith be referred to the [Central Government] Whose decision shall be final. (2) If the municipal committee deems it necessary that action should be taken within the trust area under 96, 97, 100 to 101, 102 to 132. 134, 135. of the Municipal Act it shall make an application to the trust requiring that such action be taken, and the trust shall thereupon comply with the order or give its reasons in writing for rejecting it, provided that if the application be rejected* the matter shall forthwith be referred to the [Central Government] whose decision shall be final. Where by the making of any scheme the value of any property has increased or is likely to increase, the trust shall be entitled to recover from the owner of such property an annual betterment contribution for such term of years and at such uniform percentage of the increase in value not exceeding ten per centum as may, subject to be fixed in the scheme • Provided that the aggregate amount of the contribution recovered shall not exceed one-half of the maximum increase in value during the aforesaid term of years as determined under this Act. 'Substituted for the "State Government" by the Punjab (Adaptation on State and concurrent Subjects) Order. 50-1b, 50-e. so-D. by XV 644 TOWN IMPROVEMENT TRUST ACT 1922 : Act IV (The contribution shall be levied in respect of each property according to the following (a) its market value on the date of the publication of the notification sanctioning the scheme shall be estimated without reference to the improvements and development contemplated in the scheme ; (b) for each financial year succeeding the year in which the scheme takes effect, its market value on the first day of April of that year shall be ascertained by the chairman ; (c) if, in any financial year the market value estimated under clause (b) does not exceed that estimated under clause (a), no betterment contribution shall be levied for that year; (d) if, in any financial year, the estimated market value under clause (b) exceeds that estimated under clause (a), the trust shall levy a betterment contribution on the difference according to the percentage fixed in the scheme : Provided that in estimating the market value of land under clause (a) or under clause (b), the value of buildings or other works erected or in the course of erection on such land shall not be taken into consideration. Assessment and 50-C, (I) The betterment contribution due on any collection of betterment contribution shall, subject to the prior claim thereon of the [Central Government], be a first charge on it. and shall be paid by its owner in half-yearly instalments of one-half of the amount fixed for the year. (2) (a) The [Central Government] may make rules for the assessment and collection of the betterment contribution and, subject to such rules and the provisions sections 74, 81, 84, 85 and 86 of the Punjab Municipal Act, 1911, with such adaptations as are necessary to render for the words "State Government" by the Punjab Reorganisation (Chandigarh) Adaptation of Law on State and Subjects) Order, 1968. 1922 : Ph. Act IV,] TOWN IMPROVEMENT TRUST ACT 1922 these provisions consistent with those of this Act, it shall be assessed and collected in the same manner as if it were tax imposed by a Municipal Committee in respect of immovable property ; (b) lands and buildings exempt from municipal or State taxation shall also be exempt from any betterment contribution, [50-1). (1) If the owner of any property, separately or jointly registered in the assessment books of the

trust and assessed require the trust to a betterment contribution in any particular year; object to acquire to the amount of such contribution on the ground that the ground market value estimated under clause (b) of section 50-B is excessive, he shall state the market value which, he contends, is correct, and may, within thirty days of the date on which the determination of his objection or appeal becomes final, by written notice, require the trust to acquire the property together with any buildings or other works that may exist thereon. (2) The trust shall thereupon either acquire the property or accept the market value as stated by the owner and revise its assessment of the betterment contribution in accordance therewith. (3) In case the trust elects to acquire the property, the compensation payable therefor shall be determined by the prescribed authority under this Act: Provided that the compensation payable for the property, a part from the buildings or other works thereon, shall not exceed the market value stated by the owner under subsection (1).

51. In order to facilitate the movement of the population Power of the trust to facilitate movement in and around any local area to which this Act is applied, the trust may from time to time—

(a) subject to any conditions it may deem fit to impose (i) guarantee the payment, from the funds at its disposal, of such sums as it may deem fit, by way of interest on capital expended on the construction, maintenance or working of means of locomotion; or (ii) contribute towards the cost of any such survey made by any other local authority.

53. (1) chairman or any person authorized by him or by the trust in writing may, with or without assistants or workmen, enter into or upon any land in order— (i) to make any inspection, survey, measurement, valuation or inquiry, (ii) to take levels, (iii) to dig or bore into sub-soil, (iv) to get out foundations and intended lines or (v) to mark 'Ch levels, boundaries and lines by marks and cutting trenches, or to do any other thing. Whenever it is necessary to do so for any of the purposes of this Act or any rules made or scheme sanctioned hereunder or any scheme which the trust intends to frame hereunder.

54. Substituted for the words "State Government" by the Punjab Laws Act 1922 : Part IV. Provided as follows :— (a) Except when it is otherwise specially provided by a rule no such entry shall be made between sunset and sunrise. (b) Except when it is otherwise specially provided by a rule no building which is used as a human dwelling shall be so entered, unless with the consent of the occupier or if there be no occupier, the owner thereof, without giving the said occupier or owner, as the case may be, at least twenty-four hours' previous notice in writing of the intention to make such entry. (c) Even when any premises may otherwise be entered without notice, reasonable warning and facility to withdraw shall be given to any female, not appearing in public, according to the customs of the county. (d) Due regard shall always be paid so far as the exigencies of the occasion permit to the social and religious usages of the occupants of the premises entered. (2) Whenever any person enters into or upon any land in pursuance of sub-section (1), he shall at the time of such entry or tender payment for all necessary damages to be done as aforesaid ; and, in case of dispute as to the sufficiency of the amount so paid or tendered he shall at once refer the dispute to the trust, whose decision shall be final. (3) It shall be lawful for any person authorised under sub-section to make entry for the purpose of inspection or search to open or to be opened a door, gate or barrier— (a) if he considers the necessary the purpose of such entry, inspection or search. and (b) if the occupier or owner, as the case may be, is absent, or being present refuses to open such door, gate or barrier, (7) If any question or dispute arises— disputes to (a) between the trust and the previous owner of any street or part thereof which has vested in the trust under section 46 and has been altered by the Punjab Town Improvement Trust Act 1922 or closed by it, as to the sufficiency of the compensation paid or proposed to be paid under sub-section (3) of that section, or (b) between the trust and any person who is entitled as of right, to use as a means of access any street or part thereof, which has vested in the trust under the said section— (i) as to whether the alteration or closing of such street or part causes special damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, or (ii) as to whether the other means of access provided or proposed

to be- provided under sub-section (4) Of the said section are reasonably sufficient, or (iii) as to the sufficiency Of any compensation paid or proposed to be paid under the said sub section (4), or (e) between the trust and any person as to the sum' ciency of any compensation paid or proposed to be paid to him under sections 30, 31 or 102, the matter shall be determined by the tribunal, hereinafter defined if referred to it either by trust or by the clai- mant within a period of three months from the date on which the said person informed of the decision of the trust fixing at the amount of compensation to be paid to him or of the rejection of his claim to compensation by the trust, and tho determination of the tribunal shall be final : Provided that the tribunal Shal) not entertain the application nf any claimant who has not applied to the trust for compen. éation within three ynanths of the date on which hig elaim to compensation accrued. (2) The provisions of sections 5, 6 and 12 of the Limitation Act shall be applicable in determining whether any claim shall be entertained. (3) IS a reference to the tribunal be not made with* in the period orescribed by sub-section (1)t the decision Of the trust shall be final. (4) For the purpose of determining any matter refer- red to it under sub-section (I), the tribunal sball have 1922 : Pb. Act I V. I TOWN the powers with regard to witncxqcs, documents and costs which it would have if the Land Acquisition Act, 1894, ag modified by section 59 Of this Act. were applicable to the case. 55, Whenever the municipal committee is satis- vesting cornrnttee 'trect5 (a) that any street laid out or altered by the trust open spaces pro- has been duly levelled, paved, metalled, flagged, by the channeled, sewerred and drained in the manner under a schem,e provided in the plans ijanctioned by the l[Cen- tral Governmentl under this Act; and (b) that such lamps, lamp-posts, and other appara- tus as the municipal committee deem necessary for the lighting of such street and as ought to be provided by the trust have been so provided, and (e) that water and other sanitary conveniences ordi- narily provided in a municipality have been duly provided' in such street, the municipal committee after obtaining the assent of the trust, or failing such assent, the assent of the t[Central Gov. ernmentJ under sub-section (3), shall by notice, affx,ed in eome conspicuous position in such street, declare the street to be a public street; and the street shall thereupon vest {n, and shall thenceforth be maintained, kept in repair, lighted and cleansed by, the municipal committee. (2) When any open space for purposes of ventilation or recreation has been provided by the trust in executing any scheme under this Act, it shall, on completion, be trans- ferred to the municipal committee by resolution of the trust and shall tbereupon vest in and shall thenceforth bg main- tained, kept in repair, lighted and cleansed by thé muni- cipal committee Provided that the municipal committee may require the trust, before any such open space is so transferred, to en- close, level, turf, drain and lay out such space and provide footpaths therein and, if necessary, to provide lamps and other apparatus for lighting iti 'Substituted for the words "State Government" the Punjab Reorganisation (Chandigarh) Adaptation Of Laws on State and Cone Subjects) Order. Act difference ot opinion between trust and the municipal committee in respect of nny referred in tho fomgning provisions ot thig gcction, the matter shall be referred to the 'l Contrnl GOVCrrnmentl shall CHAPTER VI. TO OTHER AVTRORITJFS. 56. (I) Witcrever in any locality comprised in >ehcme under this Act the '[Central Governmentl has sanctioned the acquisition of land Which is subsequently discovered to bc unnecessary for the execution of the scheme the owner of such land, or any person having an intercs•t therein. may make an application to the trust requesting that of such land be abandoned in consideration or the payment by him of a sum to be fixed hv tho trust in that behalf. The shell admit every such application if it — (c) reach± it bzfore the time zxed by the Collector. under section 9 Of the Land Acquisition Acti 1894, for making claims in referéce to the land, and (b) is made by any person, who either owns the lands, is mortgagee thereof, -or holds a lease thereof, with an unexpired period of seven years, (3) The trust may admit any such application sented by any other having an interest in the land, (4) On the admission by the trust of any such appli• cation, it shell forthwith inform the Collector, and the CollectorBha!l thereupon stay for a period of three months all further proceedings for the acquisition of the land, and the trust shall proceed to fix the sum in consideration Of which the acquisition of the land may be abandoned. (5) Within the said period of three month* or, with the permission of the trust, at any time before the Collector has taken possession of the land under section 16 of the 'Substituted for the words *\$tate Government" by the Punjab Reorganisation (Chandigarh) Adaptation of Laws on Stcte and Cau- current Subjects) Order, IOW. 1922 • Ph. i V.I TOWN Land Acquisition Act, 1894, the person from whom the trust has agreed to accept the sum so fixed may, if the trust is satisfied that the security offered by him is sum• cient, execute an agreement with the trust either— (i) to pay the said sum three years after the pf the agreement, or (ii) to leave the said sum outstanding as a charge on his interest in the land, subject to the

pay. ment of interest at a rate to be agreed upon by such person and the trust until the said sum has been paid in full and to make the first annual payment of such interest four years after the date of the agreement Provided that the trust may, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act. 1894, accept immediate pay- ment of the said sum instead of an agreement as aforesaid. (6) When any agreement ha\$ been executed in pur- sub-section (5) when any oayment has been accepted in pursuance of the proviso to that sub-section in respect of any land, proceedings for the acquisition of the tand ghall be deemed to be abandoned. (7) Overy paymnet due from any under any gub- nection (5) bc 9 on the interest of that person. If any instalment of interest payable under an (8) agreement executed in pursuance of clause (ii) ot sub* section (5) be not paid on the due date, the gurn fixed by tho trust under sub-gection (4) shall be payable on that date. jn addition to the said instalment. (9) At any time after an agreement has been execute ed in pursuance of clause (ii) of sub-section (5), any person mav pay in lhe thorobv, with interest, at the agreed rate, up to the date of such payment. (10) When an agreement in respect of any land has been execvted by anv person in pursuance of gub-section (5). no suit with respect to such agreement shall bebrought against the trust by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an inerest in the land. 652 •rows 922 Act I V (11) When an agreement in respect of any land has execuãed by any person in put'stitittec, • Of Stlb•soctinn (5) t any sunt payable in pptrstnnce of that sub-section is net duly paid. the shall lye recoverable by tho trust (together with interest up to tho date of realization at. the agreed rate) from the said person or his successor in interest in such land in the manner provided by section 222 of the Municipal Act, and, if not so recovered the chair. man may. after giving public notice of his intention to do so and not less than one month after the publication of such notice, sell the interest of the said person Of success. sor in such land by public auction, and may deduct the said money and tho expenses of the sale from the proceeds of the sale. and shall pay the balance (if any) to the defaulter. 57. in respect Of Which an agreement has ray-mezz executed, or päyment has been accepted, in pur- 54 to of sub-section of section 56, be subsequently re- quired for any of the purposes of this Act, the agFeement or payment shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act, 1894

58. A tribunal shall be constituted as provided in section 60, for the purpose of perfoing the functions of the Court in reference to the acqui-ition of land for the trust.under the Land Acquisition Act, 1894

59. For the purpose of acquiring land under the Land ue Acgui• Act, Acquisition Act, 1894, for the trust—(a) the tribunal shall (except for the purposes of section 54 of the said Act) be deemed to be the Court, and the president of the tribunal shall be deemed to be the Judge, under the said Act ; (b) the said Act shall be subject to the further modifications indicated in the Schedule to this Act ; (c) the president of the tribunal shall have power to summon and enforce the attendance Of witnesses, and to compel the production of documents, by the same means and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code ot Civil Procedure, 1908 ; and 1922 Pbs Act IV.I TOWN IMPROVEMENT 653 (d) the award of tribunal shall be deemed to be the award of the Court under the Land Acqui- sition Act, 1894, and shall be final, Constitutlon ot 60. (1) The tribunal shall consist of a president andttlbu:nni, fro assessors. It (2) The president of the tribunal shall be a person qualified for appointment as a judge ot the 2[High Court of Punieb and Haryana.] I. (3) The president of the tribunal and one of the assessors shall be appointed by the OCCentral Government), and the other assessor shall be appointed by the municipal committee or, in default of appointment by the municipal committee within two months of their being required by the t(Central Governmentl to make such appointment, by the ZICentral Government] Provided that no person shall be eligible for appoint. ment as a member of the tribunal if he is a trustee or would, if he were a trustee, be liable to removal by the '[Central Government] under section 10. (4) The term of office of each member of the tribunal shall be two years, but any member shall, subject to the proviso to sub-section (3), be eilgible for re-appointment at the end of that term. (5) The Government], may remove any member of the tribunal who would if he were a trustee be liable to removal by the '[Central Governmentl under section 10, (6) When any person ceases for any reason to be a member of the tribunal, or when any member is temporari- ly absent in consequence of illness or anv unavoidable cause the authority which appointed him shall forthwith appoint a fit person to be a member in his place. Where the authority so appointing was the municipal committee and the municipal committee

fails to make a fresh appointment within two months of being required to do so by the '(Central Government] the appointment may be made by the 8(Central Government]. by the independence (Adaptation of Bengal Punjab Acts) Order, 1948 (G.G.O. 40). substituted the words 'Court of Punjab' by the Punjab (Chandigarh) (Adaptation of Law on State and Con- current Subjects) Order. for the words "State Government" by ibid. IMPROVEMENT TRUST ACT 1922 : Each of the tribunals shall receive Remuneration tribunal. Officers and servants, either by salary or partly in one of those ways and partly in other, the '[Central Government] may prescribe. and (1) president of the tribunal shall, from time to time, prepare a statement showing— (a) and of the clerks and other servants; who in his opinion should be paid for carrying on the business of the tribunal. (b) the amount of the salary to be paid to each such clerk, officer and servant. (2) All statements prepared under sub-section (1) shall be subject to the previous sanction of the '(Central Government]. (3) Subject to any directions contained in any rules made under section 73, the power of appointing, promoting and leaving to clerks, officers and servants of the tribunal. and the power of reducing, suspending or dismissing, shall vest in the president of the tribunal. Mode of payment— 63. The remuneration prescribed under section 61 for officers and servants of the tribunal, shall be paid by the trust to the president of the tribunal for distribution. Powers (1) The Government, may from time to time make rules for not repugnant to the Code of Civil Procedure, 1908, for the conduct of business by tribunals under this Act. (2) All such rules shall be published by notification of 65, (1) For the purpose of determining the award to be made by the tribunal under the Land Acquisition Act, 1894, — (a) if there is any disagreement as to the measurement of land, or to the amount of compensation 'Substituted for the words "State Government" by the Punjab (Adaptation of Laws on State and Con- current Subjects) Order, 1908. 1922 : Part I V.I TOWN IMPROVEMENT TRUST ACT 655 or costs to be allowed, the opinion of the majority of the members of the tribunal shall prevail; (b) notwithstanding anything contained in the foregoing clause, the decision on all questions of law and title and procedure shall rest solely with the president of the tribunal and such questions may be tried and decided by the president in the absence of assessors unless the president considers their presence necessary. (2) Every award of the tribunal, and every order made by the tribunal for the payment of money, shall be enforced by a Court of Small Causes, or if there be no such Court, by the Senior Sub-Judge within the local limits of whose jurisdiction it was made as if it were a decree of that Court. 66. (1) Whenever a municipal committee or other authority for acquisition local authority acquires land for the purposes of— (i) laying out new public streets in any locality whether previously built upon or not; or (ii) constructing new buildings and laying out of compounds attached thereto, abutting on such new public streets in any locality, whether previously built upon or not; or (iii) reclaiming unhealthy or insanitary localities— (a) the modifications of the Land Acquisition Act contained in the Schedule of this Act shall, so far as they are applicable, apply to every such acquisition; (b) the '[Central Government] may constitute a tribunal in accordance with section 60 and the provisions of sections 57 to and of section 73 so far as they relate to the tribunal, shall thereupon apply to such acquisition. (2) If the '(Central Government] does not constitute a tribunal in accordance with clause (b) of sub-section 1 all reference; to the tribunal in construed as referring to the Court. substituted for the words "'State Government'" by the Reorganisation of States (Adaptation of Laws on State and Con- current Subjects) Order. 656 TOWN IMPROVEMENT TRUST ACT 1922 CHAPTER VII. FINANCE, 67. A trust under this Act shall be deemed to be a Power of trust local authority under the Local Authorities Loans Act, 1914 for the purpose of borrowing money under that Act, and the making and execution of any scheme under this Act shall be deemed to be a work which such local authority is legally authorised to carry out. Contribution— 68. (1) The municipal committee shall pay to the trust so long as the trust is concerned with the improvement of a locality within the limits of the municipality an amount per annum equal to two per cent of the gross annual income of such committee. (2) In case of dispute as to what is the gross annual income of a committee, the matter shall be referred to the '[Central Government] whose decision shall be final. 69. (1) In places where there is a Government treasury or sub-treasury, or a bank to which the Government treasury business has been made over, all moneys at the credit of the trust shall be kept in such treasury, sub-treasury or bank. (2) In places where there is no such treasury or sub-treasury or bank, such moneys may be kept with a banker or person acting as a banker, who has given such security for the safe custody and repayment on demand of the moneys so kept as the J

[Central Government] may in each case deem sufficient. (3) Provided that nothing in the foregoing provisions of this section shall be deemed to preclude a trust from, with the previous sanction of the [Central Government], investing any such moneys which are not required for immediate expenditure in any of the securities described in section 20 of the Indian Trust Act, 1882, or placing them in fixed deposit with a bank approved by the [Central Government]. 'Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Co-operative Subjects) Order, 1968. : Act 657 70. If any money borrowed under section 67 or any interest costs in respect thereof is or not condition, of the trust, then the trustee shall make such payment and may attach the rents and income of the trust ; and thereupon the provisions of section 5 of the Local Authorities Act, shall, with all necessary modifications, to apply. The [Central Government] may further impose a rate of income tax on the annual value of buildings or lands or both described in section 61(1) (a) of the Municipalities Act, to the extent necessary for the purpose of enabling the trustee to pay under section 70. General. moneys paid by the [Central Government] Central Government— shall constitute a charge upon the property of the trust. to be a charge on the property of the trust. CHAPTER Power of Central Government 73, (1) In addition to the power conferred by section 64. the [Central Government] may make rules consistent with this Act and applicable to all trusts or any trust— (i) as to the authority on which money may be paid from the trust funds ; for fixing the fees payable for copies of or extracts from municipal records to the chairman under section 39 ; (ii) as to the employment, payment, suspension and removal of officers and servants of the trust, and the conduct of such officers and servants ; (iii) as to the intermediate office or offices (if any) through which correspondence between the trust and the [Central Government] or servants of the Government shall pass ; (iv) as to the accounts to be kept by the trustee as to the manner in which such accounts shall be audited and published, and as to the powers of [Central Government] the Reorganisation (Chandigarh) (Adaptation of Laws on State and current Subjects) Order, for the word by the Adaptation of Laws Order. 1950, 6SS 1922 auditors in respect of disallowance charge ; (v) as to the authority, by whom, conditions subject to which and the mode in which extracts be into and behalf of the trust , (vi) as to the preparation estimates of income expenditure of the trust and as to the authority by whom and the conditions subject to which such estimates may be sanctioned ; (viii) the returns, statements, and reports to be submitted by trusts (ix) to prescribe and define the mutual relations to be observed between the trust and other local authorities in any matter in which they jointly interested; (r) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the trust and of the tribunal ; (ri) for establishing and maintaining a provident or annuity fund. for compelling all or any of the in the service of the trust or Of the trust other than any servant of the trust (Govern. respect of whom a contribution is paid under section 94 to contribute of such fund at such rates and subject to such conditions may be prescribed by such rules and for supplementing such contributions out of the funds of the trust : Provided that a servant Of the Government employed as member or servant of the tribunal not be entitled to leave or leave allowances other than as may be proscribed the conditions of his service under the [Government] ; (rii) for determining conditions under which the officers and servants of the trust or of the tribunal, or any of them, shall on retirement be entitled for the sword "Crown" by the Adaptation of Order, 1950. 2Substitute, 1 for the words "in any general or special orders of the Government" by the Government (Adaptation of Indian Provisions) 1922 Pb. Act receive gratuities or compassionate allowances; and the amount of such gratuities and Sionate allowances Provided that it shall at the discretion of the trust or of the tribunal, as the case may be; to determine whether all such officers and servants or any, and if so which of them, shall become entitled on retirement to any such gratuity or compassionate allowances as aforesaid (riii) generally for the guidance of trust and public officers in all matters connected with the carrying out of the provision; of this Act ; (riv) for regulating the grant of subsidies to the [Central Government], the conditions under which they may be earned or forfeited and the arrangements for their repayment. (2) All acts authorised or enjoined under this Act shall be held to be authorized or enjoined subject to such rules

74. Every trust may from time to time with the previous sanction of the [Central Government] make rules consistent with this Act and With any rules made under this Act by the [Central Government]—(i) for fixing the amount of security to be furnished by any officer and servant of the trust from whom it may be deemed expedient to require security (ii) for associating members with the trust under section 13 ; (iii) for appointing persons (other than trustees persons associated with the trust under

section 13) to member of committee under section 14 for regulating the fees or duties of the committee; or in the case of the chairman the fee of one rupee in the Act : in the Town (1922) Act (vi) for fixing the fees payable for copies of notices delivered under sub-section (3) of section 36 or under section 75 ; (vii) for the management, use and regulation of dwellings constructed under any scheme under this Act ; (viii) generally for carrying out the purposes of this Act. (1) The chairman shall cause all notices made under section 73 or section 74 and for the time being in force to be printed, and shall cause printed copies thereof to be delivered to any applicant on payment of such fees as may be fixed. (2) Notice of the fact of copies of rules being obtainable at the said price and of the place where and the person from whom the same are obtainable shall be given by the chairman by advertisement in a newspaper or newspapers. 76. The Government may, after previous publication of its intention, cancel any rule made by the trust under which it has sanctioned, and thereupon the rule shall cease to have effect.

CHAPTER IX. PROCEDURE AND PENALTIES. 77. (1) Every notice or bill issued under this Act shall be signed by the chairman, or by any other trustee or any officer or servant of the trust specially or generally authorised by the trust or so authorised by the chairman under sub-section (1) of section 20, and every notice or bill shall be deemed to be properly signed if it bears the facsimile of the signature of the chairman or such trustee, officer or servant stamped or printed thereon. (2) No notice issued by the trust under this Act or any rule or bye-law made thereunder shall be invalid for defect of form. 78. Subject to the provisions of this Act, every public notice required under this Act (shall be deemed to have been duly given if it is published in some local newspaper (if any) and posted upon a notice board to be exhibited for public information at the building in which the meetings of the trust are ordinarily held. 79. (1) Every notice other than a public notice, and every bill, issued under this Act shall, unless it is under this Act otherwise expressly provided, be served or presented— (a) by giving or tendering the registered notice or bill, or sending it by registered post, to the person to whom it is addressed, or (b) if such person cannot be found, then by leaving the notice or bill at his last known place of abode, if within municipal limits, or by giving or tendering it to some adult male member or servant of his family, ordinarily residing with him, or by causing it to be affixed on some conspicuous part of the buildings or land (if any) to which it relates. (2) When a notice is required or permitted under this Act to be served upon an owner or occupier, as the case may be, of a building or land, it shall not be necessary to name the owner or occupier therein and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either— (a) by giving or tendering the notice, or sending it by post, to the owner or occupier, or if there be more owners or occupiers than one, to any one of them, or (b) if such owner or occupier cannot be found, then by giving or tendering the notice to an adult male member or servant of his family ordinarily residing with him or by causing the notice to be affixed on some conspicuous part of the building or land to which it relates. (3) Whenever the person on whom a notice or bill is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family ordinarily residing with him shall be deemed to be service upon the minor. 80. Under this Act a notice shall be deemed to be duly served on any person if it is served on any person who is liable on conviction to a fine not exceeding five rupees for any such failure, and, in the case of a continuing offence, a fine which every day after the date of the last conviction during the offence is proved to have persisted in the offence. Provided that when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act. 81. If a notice has been given under this Act to a person requiring him to execute a work in respect of any property, movable or immovable, public or private, or to do or refrain from doing anything within a time specified in the notice, and if such person fails to comply with such notice, then the trust may after giving three days' notice cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the manner provided by section 222 of the Municipal Act. 82. (1) If the person to whom the notice mentioned in section 81 has been given is not the owner of the property in respect of which it is given, the trust may (whether by way of an action or other proceedings has been or taken against such owner or not) require the

person (if any) Who occupies such property or a part thereof under such owner, to pay to the trust instead of to the owner the rent by him in respect of such property, as it falls due. To be recoverable from the owner under section 81 and any such payment made by the occupier to the owner shall, in the absence of any contract between the owner and occupier to the contrary, be deemed to have been paid to the owner of the property. (2) For the purpose of deciding whether action under section (7) of the Town Improvement Act 1922 the words "Commissioner or other authority" omitted by Punjab Act order. 1522 : Ph. Act I V. TOWN IMPROVEMENT 663 an occupier of property to furnish information as to the sum payable to him on account of such property and to the address of the person to whom it is payable; and if the occupier refuses to furnish such information he shall be liable for the whole of the expenses as if he were the owner. (3) All money recoverable by the trust under this section shall be recoverable in the manner provided by section 222 of the Municipal Act

89. Whenever demut is made by the owner of a building or land in the execution Of a required under the UPJ or execute this Act to executed by him the occupier of such building or land may. with the approval of the trust, cause such work to be executed and the expense thereof shall, in the absence of any contract to the contrary, be paid to him by the owner. or the amount may be deducted out of the rent from time to time becoming due from him to the owner. 94- (1) If, after receiving information of the intention to execute any work on any building or land to take any action in respect thereof in compliance with a notice issued under this Act, the occupier refuses to allow such owner to enter the land to execute such work, the occupier shall be liable upon conviction, to a fine which extend to rupees for every day during which he has so continued to refuse. (2) The Magistrate upon proof of such refusal may by order in writing require the occupier to give the owner facility executing such works, with respect to such building land, as may be necessary for compliance with the notice. and may also, if he deems fit, order the occupier to pay to the owner the costs relating to such application or order. (3) If, after the expiration of eight days from the date of the order, the occupier continues to refuse to allow the owner to execute such work, the occupier shall be liable upon conviction, to a fine which extend to rupees for every day during which he has so continued to refuse. (4) Every owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in execution of such works. 56. When the occupier of a building or land has, in compliance with a notice issued under this Act, executed a work for which the owner of such building or land is responsible either in pursuance of the terms of tenancy or by law, he shall, in the absence of any contract to the contrary, be entitled to recover from the owner by deduction from the rent payable by him or otherwise the reasonable cost of such work. 56. The expenses incurred by the trust in effecting any removal under section 173 of the Municipal Act as applied by section 49 of this Act, or, in the event of a written notice under section 116 of that Act not being complied with, under section 81 of this Act, shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be recoverable from the owner of the said materials in the manner provided by section 222 of the Municipal Act. 87. (1) When a person, by reason of his receiving, or being entitled to receive, that rent of immovable property as trustee or agent of a person or society would, under this Act, be bound to discharge an obligation imposed by this Act on the owner of the property for the discharge of which money is required he shall not be bound to discharge the obligations unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the owner sufficient for the purpose. (2) When an agent or trustee has claimed and established his right to relief under this section, the trust may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation

88. Whenever in this Act or in any sections of the Town Improvement Act or Municipal Act made applicable by section 49 of this Act it is provided that any sum shall be recoverable in the manner provided by section 222 of the Municipal Act, then 1922 : Ph. Act TOWN IMPROVEMENT 665 in applying the provisions of that section all references to the municipal committee shall be construed as referring to the trust. Penalty for offence. 89. If any person, without lawful authority— (a) removes any fence, or any timber used for etc., in street, propping or supporting any building, wall or other thing or extinguishes any light set up at any place where the surface of a street or other ground has been opened or broken up by the trust for the purpose of carrying out any work, or (b) infringes any order given, or remove any bar, chain or post fixed by the trust for the purpose of closing any street to traffic; he shall be punishable with

fine which may extend to fifty rupees. If any person Without' the permission Of eower to 'trust, erects, re-erects, add; to or alters any building building in coa- so as to make the same project beyond a street align-
 travenUon ment or building line prescribed by the trust or erectst sections so and re-erects, adds to or alters
 any building in contra. vention of sections 30 or 31 the chairman of the trust may, by a written notice,—
 (a) direct that' the building, alteration or ad, dition be stopped, and (b) require such building, alteration or
 addition to be altered or demolished as he may deem necessary. Penalty for 91. any person— structing
 eon- (a) obstructs or molests any person with whom tractor or remov the trust has entered into a contract in
 the in: performance or execution by such person of his duty or of anything which he is em- powered or
 required to do under this Act, or (b) removes any mark set up for the purpose of indicating any level or
 direction necessary to the execution of works authorized under this Act, he shall be punishable with fine
 which may extend to two hundred rupees or with imprisonment for a term which may extend to two
 months, 066 92. 93, TOWN tStPltnvr.MFaNT li922 : jib. Act TV CHAPTER X. PROVISIONS. F,vety
 trustee, and every officer and servant of the t rust, and every member and officer and servant of the
 Tribunal. shali be dectnd to be a public servant With-RLV in the meaning of section 21 of the Indian
 Penal Codee 91. The trust shall be liable to pay such contribu- tity tions for the leave, allowances and
 pension of any vant of the Government) J employed as chairman or as the offcer or servant of the trust, or
 as a member or officer o:- servant of the tribunal, as may be '[required by the conditions of his service
 under the '(Government] to be paid by hint or on his behalf]. LEGAL PROCEEDINGS, 95. Vnless
 otherwise expressly provided, no Court Auth,Eity shall take cognizance of any offence punishable under
 this Act. except on the complaint of or upon information received from the trust or some person authorized
 by the trust by general or special order in this behalf. 96, The chairman may, subject to the control of the
 W•wers as to ms%tution ot legal proceed. and obtnjh. advice. (i) institute, defend or withdraw from legal
 pro- eeedings under this Act, (ii) compound any offence against this Act, (iii) admiq compromise or
 withdraw any claim made under this Act, and (it;) obtain such legal advice and assistance as he Inay from
 time to time deem it necessary oc expedient to obtain, or as he may be desired 92 vas omitted by the
 Govertunent of India (AdapiaU0tl of Indian Laws) Order, 1937. ZSubstituted by ibid, for 'Government
 servant". fot {he vcord • 'Ct'Owu" by ot Order, 1950, for words 'ipres€•ribei in any general or special
 orders Of the Governrneit" by tire Governownt Indiu Laws) Order, 1937, 1922 • Pb, Act I VVI TOWN
 IMPROVEMENT 667 by the trust to obtain, for any of the purposes referred to in the foregoing clause of
 this sce- tion, or for securing tho lawful exercise or discharge of any povcer or duty vested in or imposed
 upon the trust or any officer or ser- vant of the trust. 97, Not suit shall be maintainable against the trust
 •trust, etc. or eny trustee. or any officer or servant of the trust, or any person acting under the direction of
 the trust or of the chairman or of any officer or servant of the trust in respect of anything lawfully and in
 good faith and with • due care and attention done under this Act. Notice *ult 98. (1) No suit shall be
 instituted against the trust ame,lngt trust'J, or any trustee, or any person associated with the trustet0c. voder
 section 13 or any member of a committee appoint- under section i4 or any offeer or servant of the trust, or
 any person acting under the direction of the trust or of the chairman or of any offeer or servant of the trust,
 in respect of an act purporting to be done under this Act, until the expiration of two months next after
 notice in writing has been, in the case of a trust, left at its office, and in any other case delivered to or left at
 the office or place of abode Of the pe?son to be sued, explicitly stating the cause of action, the nature of
 the relief sought, the amount of compensation claimed and the name and place of abode of the intending
 plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left. (2) Tf the
 trust or other person referred to in sub- section (1) shall. before the action i; eornnronced. have tendered
 sufficient amends to the plaintiff the plaintiff *hail not recover anv sum in excesg Of the amount so ton-
 doped and pay all costs incurred by the defen- dant after Yueh tender. (3) No action such as is described in
 sub-section i I) shell, unlegg it is an action for the recovery of im- movable property or for a declaration of
 the title thereto, be commenced otherwise than within six months next after the accrual of the cawe of
 action. 668 11922 15b. TOWN IMPROVEMENT (4) Provided that nothing in sub-section (I) shall be
 construed to apply to a suit wherein the only relief claimed is an injunction ot which the object would bQ
 defeated by the giving of the notiee or the postpone. ment of the commencement of the suit or proceedings.
 Evidence. Mode pmoe 99. A copy of any receipt, application, plan, notice trust records entry in a register,
 or Other documents in the possession of the trust shall if duly certified by the legal keeper thereof, or other
 person authorized by the trust in this behalf, be received as prima facie eviden- ce of the existence of the

entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent, as the original entry or document would, if produced, have been admissible to prove such matters

100. No trustee or officer or servant of the trust the in any legal proceeding to which the trust is not of trust servants to proeuee docu. a party be required to produce any register or document the contents of which can be proved under the preced- menu. ing section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the court made for special cause.

101. (1) No act done or proceeding taken under acts and Pro-this Act shall be questioned on the ground merely of— ceedings. @) the existence Of any vacancy in, or any defect in the constitution of, the trust or any committee, or (b) any person having ceased to be a trustee, or (c) any trustee or any person associated with the trust under section 13 or any other member Of a committee appointed under this Act, having voted or taken any part in any proceeding in contravention of section 16, or (d) the failure to serve a notice on any person, where no substantial injustice has* resulted from such failure, or (e) any omission, defect or irregularity not affecting the merits of the case. 1922 : Pb. Act IV,J TOWN IMPROVEMENT 669 (2) Every meeting of the trust, the minutes of the proceedings of which have been duly signed as pres- cribed in clause sub-section of section 12, shall be taken to have been duly convened and to be free from all defects and irregularities. Compensatio General power 102. In any case not otherwise expressly pro- to pay vided for in this act, the trust may pay reasonable eompe,nntaaa. compensation to any person who sustain damage by reason of the exercise of any of the powers vested under this Aet in the trust or the chairman or any OEcer or servant of the trust. Dissolution of Trust. 103. (1) When all such schemes sanctioned under this UltLatRt. Act have been executed or have been so far executed eoluUan Of t.ru.ut@ and transfer Ot as to render the continued existence of the trust, in the and opinion oi the t Central Government], unnecessary, Uebilities the or when in the opinion of the Government] it is expedient that the trust shall cease to exist, the J[Central Government) may by notification declare that the trust shall be dissolved from such date as may be specified in this behalf in such notification ; and the trust shall be deemed to be dissolved accordingly. (2) From the said date— (a) all properties, funds and dues which aro vested in or realisable by the trust and the chairman respectively shall vest in and be realisable by 'the municipal committee ; and (b) all liabilities which are enforceable against the trust shall be enforceable only against the municipal committee ; and (c) for the purpose of completing the execution of any scheme, sanctioned under this Act which has not been fully executed by the trust, and of realizing properties, funds and dues referred to in clause (a) the functions 'Substitute2 for the words 'State Government" bv the Punjab Rmrgan,isation (Chandigarh) (AdeptaUon Laws on State Coa- Order 070 IMPROVEMENT 11922 • .Pb.Acqv of the trust and the chairman under Act snan be Chscharged by municipal committee and lhe pcesauent of the munact. pai commil'ee, respectively ; and (d) the municipal committee shall keep Separate accounts or all moneys reßpeetiveay revqvca and expended by it under this Act, until au loans raised hereunder have been re and until all other Liabilities reterred clause (b) have been -duly met. THE SCHEDULE. (Referred to in section 59.) Further modifications in the Acquisition Act: 1894, hereinafter calked "the said Act". i. After clause (e) of section 3 of the said Act Amendment ot following shall be deemed to be inserted, na;nely eeeUen;g, "(ee) the expression, "local authority" includesa trust constituted under the Punjab Improvement Act, 1922." Notification 2. (I) The first publication of a notice of anyim. der section 4 end declaration un.provemnt scheme under section 36 oi this Act shall g to substituted for and have the same effect as publi. by cation in the ILOfücial Gazettee] and in the locality notification un• der aooi a notification under sub-section (1) Of section 4 oi u the said Act, except where a declaration under section 4 or section 6 of the said Act has previously been made arid is still in force. (2) Subject to the provisions of clauses 10 and 11 of this Schedule, the iSSUe of a notice under sub-section (I) of section 32 in the Case of land acquired under that sub-section, and in any other case the publica- tion of a notification under section 42 shall be substitut ted for and have the same effect as a declaration by iSub;tited for the word by the Government ot of Indian Order. : Art '[Central Government I 6 of the said Act, unless declaration under the Inst mentioni'ti sec• tien has previously made and is still in force. 3. at the end of clause 11 of the said Act shall to he changed to n semi-enlnn and the follovt-inc be deemed to be added, namelv in his opinion, to to ontitled to is entitled tn re- additional of fifteen per centum montinnod in (2) sertinn 23. been and incurred his claim and pvt• tint- his case the Collector. "The mty or in costs persnn if he considers thnt the person for eom- pensation is 4. Tn sertinn 15 the said Act. the vord and ot

94" "he and letter "24 and by shall be deemed to be substituted- A,menā.meat Tn sec{inn 17 Of the 17. the "24" the words. figures and letter "or section 24.A" shall be deemed to be inserted. (2) To the said section 17 the following shall be deem. eddo be added' namely Sub-sec\$ions (n and t 3) sh911 anoly also to env area eertified to be unhealthy by anv Marrisfrate of the first class. (5) Before rprantnr anv such certificate. the *race nnfice be rrt9v be on the referred to In sub-section (3) of section 9, and shall hear the Government" Reorganisation (Adaptation of Stat. current Subjecte) Order TOWN IMPROVEMENT (1922 : tv utith011t any avoidable delay any which may bc urged by them, (6) When proceedings have been taken under thlt section for the acquisition of any land, and person sustains damage in consequence Of suddenly dispossessed Of such land* compensa, lion shall bc paid to such person for such possession," •t 6. After section 17 of the said Act the followngahall be deemed to be inserted, namely In every case referred to in section 16 or section 17, the Collector shall, upon payment of the cost of acquisition, make over charge ot the land to the trust; and the land shall thereupon vest in the trust subject to the liability of the trust to pay any further costs which may incurred on account of its acquisition." 7. The fullstop at the end of sub-section (I) of fion 18 of the said Act shall be deemed to be changed to comma, and the words "or the amount Of the costs allow. ed" be deemed to be added

8. After the words "amount of compensation," clause (c) of section 19 of the said Act, the words "and of costs (if any)" shall be deemed to be inserted. 9. After the words "amount of the compensation," h n clause (e) of section 20 of said Aeti the words "or coste shall be deemed to be inserted. ot IO. (I) In clause first and clause sixthly of gub-gee tion (1) of section 23 of the said Act, for the words "pub seedeā Ze licatlon of the declaration relating thereto under section 6" and the words "publication of the declaration under gee tion 6" shall be deemed to be substituted— (a) if the land is being acquired under sub-section (3) of section 32 of this Act the words of the notice under sub-section (3) of section 32 of the Punjab Town Improvement Act, 1922," and 1922 : Pb. Act IV.J TOWN IMPROVEMENT 673 (b) in any other ease, the words I first publication Of the notification under section 36 of the Punjab Town Improvement Act* 1922." (2) The fullstop at the end of the sub-section (2) of section 23 Of the said Act shall be deemed to be changed to a colon and the following proviso shall be deemed to be 'Qrovided that this sub-.section shall not apply to any land acquired under the Punjab Toum lm. provement Act, 1922." (3) At the end of section 23 of the said Act, the fol- lowing Shall be deemed to be added, namely • For the purposes of clause first of sub-section (I) of this section— (a) the market-value of the land shall be the market-value according to the use to which the land was put at the date With reference to which the market-value is to be determined under that clause ; (b) if it be shown that before such date, the ovmer of the land had in good faith taken active steps and incurred expenditure to secure a more profitable use ot the same, further compensation based on his actual loss may be paid to him (c) 'if any person without the permission of the trust required by sub-section (I) of section 31 of the Punjab Town Improvement Act, 1922* has erected, re-erected, added to or altered any building or wall so as to make the same project beyond a street alignment or building line duly prescribed by the trust then any increase in the market-value resulting from such erection, re-erec tionv addition or alteration shall be disregarded; (d) if the market-value has been increased by means of any improvement made by the owner or his predecessor-in-interest with- in two years before the aforesaid date, such increase shall be disregarded unless it be proved that the improvement so made 674 (1922 : Act tv made in good faith ond not in contorn. plation of proceedings for tho acquisition of the land being taken under tho Punjab Town Improvement Act 1922 ; (e) if the market-value is specinlly high in eon. sequence of the Innd being put to n which is tttnlawful or contrnry to public policy, that use shall be disregarded, and the market-value shall be deemed to be the market.valuc of the land if put to ordi. nary use; and (f) When thc owner of the land or building after the passing of the Punjab Town lm. provement Act. 1922. nnd within two years preceding the date with reference to which the market-value is to be determined, made a return under any enactment in force Ot the rent of the land or building, the rent ot the land or building shall not in any case be deemed to be greater than the rent shovn in the latest return so made, save as the Court may otherwise direct, and the market-value may be determined on the basis of such rent : Provided that where any addition to or improve. ment of the land or building has been made after the date of such latest return and prB vious to the date with reference•to which the market-value is to be determined the Court may take into consideration any increase in the letting-value of the land due to such addition or improvement." 11. For clause seventhly of section 24 of the said Act, the following shall be deemed to be substituted, namely : —

"Seventhly, any outlay on additions or improvements to land acquired, which was incurred after the date with reference to which the market-value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair." 1922 : Pb. Act IViJ 675

Further provi• 12. After section 24 of the said Act the following Elan Cor deter• shall be deemed to be inserted, namely mining compen- "24-A. determining the amount of compensation to be awarded for any land acquired for the trust under this Act, the tribunal shall also have regard to the following provisions, namely (a) When any interest in any land acquired under this Act has been acquired after the date with reference to which the market- value is to be determined, no separate esti- mate oi the value oi such interest shall be made so as to increase the amount oi com. pensation to be paid for such land. (b) in the opinion of the' tribunal, any build- ing is in a defective state, from a sanitary point of view, or is not in a reasonably good state Of repair, the amount of compensation for such building shall not exceed the sum which the tribunal considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, minus the esti- mated cost of putting it into such condition or state. (c) If, in the opinion of the tribunal, any build- ing which is used or is intended or is likely to be used for human habitation, is not reasonably capable of being made fit for human habitation, the amount of compen- sation for such building shall not exceed the value of the materials of the building, minus the cost Of demolishing the building," 13. (1) After the words "the compensation" in sub-section (1) of section 31 of the said Act, and after the words athe amount of compensation" in sub-section (2) of that section, the words "and cost (if any)" shall be dcemed to be inserted. (2) After the Words "any compensation" in the concluding proviso to sub-section (2) of section 31 ot the said Act, the words "or cost" shall be deemed to be inserted. 676 TOWN IMPROVEMENT 11922 ot 14. After section 48 of the said Act, the following shall be deemed to be inserted, namely;— t'48-A. (1) If within a period of one year, from the to be date of the publication of the declaration under section .equred in respect of any land, the Collector has not mad. an award under section 11 with respect to such la the owner of the land shall, unless he has been material extent responsible for the delay, be entitled to receive compensation for the damage suffered by him in consequence of the delay." The provisions of Part 111 of this Act shall apply so far as may be, to the determination Of the compensation' payable under this section." 15. After sub-section (1) of section 49 of the said Act, the following shall be deemed to be inserted, namely . '[Explanation.— For the purposes of this sub-section land which is held with and attached to a house and ig reasonably required for the enjoyment and use ot the house shall be deemed to be part of the house."