

**THE TRIVANDRUM CITY IMPROVEMENT TRUST  
ACT, 1960 .**

**ACT 1 OF 1961**

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**THE SCHEDULE**

# THE TRIVANDRUM CITY IMPROVEMENT TRUST

ACT, 1960 \*

(ACT I OF 1961)

*An Act to provide for the improvement and expansion of the City of Trivandrum and the constitution of an Improvement Trust therefor.*

*Preamble.*—WHEREAS it is expedient to make provision for the improvement and expansion of the City of Trivandrum by opening up congested areas, clearing slums, laying out or altering streets, providing open spaces for purposes of ventilation or recreation, demolishing or constructing buildings, acquiring land for the said purposes and for the rehousing of persons displaced by the execution of improvement schemes and otherwise as hereinafter appearing ;

AND WHEREAS it is expedient that a Board of Trustees should be constituted and invested with special powers for carrying out the objects aforesaid ;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

## CHAPTER I

### PRELIMINARY

1. *Short title, application and commencement.*—(1) This Act may be called the Trivandrum City Improvement Trust Act, 1960.

(2) It applies to the City of Trivandrum, but the Government may, subject to the provisions of section 143, by notification in the Gazette and from such date as may be specified therein, apply all or any of the provisions of this Act to any specified area in the neighbourhood of the said City.

(3) It shall come into force at once.

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

(1) “betterment fee” means the fee declared to be payable under section 80 in respect of an increase in the value of land resulting from the execution of an Improvement Scheme;

(2) “Board” means the Board of Trustees for the Improvement of the City of Trivandrum, constituted under section 3;

(3) “Chairman” means the Chairman of the Board;

(4) “Corporation” means the Corporation of Trivandrum constituted under the Trivandrum City Municipal Act (Travancore Act IV of 1116) ;

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\*Received the assent of the President on 13th January, 1961 and published in the Gazette Extraordinary dated 24th January 1961.



(5) "land" has the same meaning as in clause (a) of section 3 of the Land Acquisition Act (Travancore Act XI of 1089) ;

(6) "notification" means a notification published in the Gazette ;

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

(8) "Secretary to the Board" means the person for the time being appointed by the Board to discharge the functions of the Secretary to the Board ;

(9) "Tribunal" means the Tribunal constituted under section 72, and until it is constituted, the court having jurisdiction to perform the functions of the court under the Land Acquisition Act (Travancore Act XI of 1089), and all reference to the Tribunal shall be construed accordingly ;

(10) "Trustee" means a member of the Board and "*ex-officio* Trustee" means the District Collector of Trivandrum or the Commissioner of the Corporation of Trivandrum or the Chief Town Planner or the Director of Health Services ;

(11) all words and expressions not defined in this Act but defined in the Trivandrum City Municipal Act (Travancore Act IV of 1116), shall have the meanings respectively assigned to them by the said Municipal Act.

## CHAPTER II

### THE BOARD OF TRUSTEES

#### Constitution of the Board

3. *Creation and incorporation of Board.*—The duty of carrying out the provisions of this Act shall, subject to the restrictions, conditions and limitations therein contained, be vested in a Board to be called "The Board of Trustees for the Improvement of the City of Trivandrum"; and such Board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

4. *Constitution of the Board.*—The Board shall consist of ten Trustees, as follows:—

(a) a Chairman with such qualifications as may be prescribed who shall be appointed by the Government ;

(b) the District Collector, Trivandrum, *ex-officio*;

(c) the Commissioner of the Corporation of Trivandrum, *ex-officio* ;

(d) the Chief Town Planner, *ex-officio* ;

(e) the Director of Health Services, *ex-officio* ;

(f) two members of the Council of the Corporation of Trivandrum, elected by the Council ;

(g) three persons appointed by the Government.

5. *Appointment and election of Trustees to be notified.*—The appointment or election of the Chairman and the other Trustees shall be notified in the Gazette.

6. *Appointment in default of election.*—If the Council of the Corporation of Trivandrum does not, within such time as may be prescribed by the Government, elect one or both of the Trustees referred to in clause (f) of section 4, the Government shall, by notification, appoint a member or two members, as the case may be, of the said Council to be a Trustee or Trustees ; and every member so appointed shall be deemed to be a Trustee duly elected by the Council.

7. *Disqualifications for election or appointment as Trustee.*—(1) A person shall be disqualified for election or appointment as a Trustee, if he—

(a) has been sentenced by a criminal court to imprisonment for a period of not less than two years, such sentence not having been reversed or the offence pardoned ;

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

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

(c) holds any office or place of profit under the Board ;

(d) has, directly or indirectly by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by, or on behalf of, the Board ; or

(e) is a director, or a secretary manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board.

(2) A person shall not however be disqualified under clause (d) or clause (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of those clauses, by reason only of his, or the incorporated company of which he is a director, secretary, manager or other salaried officer, having a share or interest in—

(i) any sale, purchase, lease, or exchange of immovable property or any agreement for the same ;

(ii) any agreement for the loan of money, or any security for the payment of money only ;

(iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted ;

(iv) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one financial year, of any article in which he or the incorporated company regularly trades ;

or by reason only of his having a share or interest, otherwise than as director, or secretary, manager or other salaried officer, in any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board.

8. *Chairman to be whole-time officer.*—The Chairman shall be a whole-time officer of the Board and shall not undertake any work unconnected with his office without the sanction of the Government.

9. *Remuneration of the Chairman.*—The Chairman shall be paid such salary and allowances as may be fixed by the Government.

10. *Leave of absence for the Chairman.*—(1) The Government may grant leave of absence to the Chairman for such period as they think fit.

(2) The allowance, if any, to be paid to the Chairman while absent on leave, shall be such amount, not exceeding his salary, as may be fixed by the Government :

Provided that, if the Chairman is a servant of the Central or State Government, the amount of the allowance shall be such as he may be entitled to under the conditions of his service under the Central or State Government relating to transfer to foreign service.

11. *Appointment etc., of acting Chairman.*—(1) (a) When the Chairman is granted leave of absence or when the post of Chairman falls vacant either by the resignation or death of the Chairman or otherwise, the Government may appoint a person to act as Chairman.

(b) A person so appointed shall be entitled to hold office as Chairman only for such period as may be fixed by the Government.

(c) The Government may, from time to time, extend the period fixed under clause (b).

(2) Any person so appointed—

(a) shall be paid such salary and allowances as may be fixed by the Government ; and

(b) shall exercise the powers conferred, and perform the duties imposed, by or under this Act on the Chairman, and shall be subject to the same liabilities, restrictions and conditions as the Chairman.

12. *Leave of absence to other Trustees.*—The Board may permit any Trustee, other than the Chairman or an *ex-officio* Trustee, to absent himself from meetings of the Board for any period not exceeding such limit (which shall not be less than four consecutive months) as may be prescribed by the Government.

13. *Removal of Chairman and other Trustees.*—(1) If at any time it appears to the Government that the Chairman has shown himself to be unsuitable for his office, or has been guilty of any misconduct or neglect which renders his removal expedient, they may, by notification, remove the Chairman from office.

(2) The Government may, by notification, remove any Trustee (other than the Chairman or an *ex-officio* Trustee) from office—

(a) if, in the opinion of the Government, he has contravened the provisions of section 20, or

(b) if he has without the permission of the Board, been absent from the meetings of the Board for any period exceeding three consecutive months, or

(c) if he has been absent from the meetings of the Board for any period exceeding the limit prescribed under section 12, or

(d) if he is a salaried servant of the Government and his continuance in office as a Trustee is, in the opinion of the Government, undesirable, or

(e) if he, being a legal practitioner, acts or appears on behalf of any person in any suit or other legal proceeding against the Board or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person, or

(f) if, in the opinion of the Government, he is unsuitable or has become incapable of acting as a Trustee or has so abused his position as a Trustee as to render his continuance as such detrimental to the public interest :

Provided that when the Government propose to take action under this sub-section, an opportunity of explanation shall be given to the Trustee concerned, and, when such action is taken, the reasons therefor shall be placed on record.

(3) The Government shall, by notification, remove any Trustee (other than an *ex-officio* Trustee) from office—

(i) if he has become disqualified for election or appointment as a Trustee for any of the reasons mentioned in section 7 ; or

(ii) if he, having been elected or appointed as being a member of the Council of the Corporation of Trivandrum, ceases to be a member of such Council.

(4) A Trustee removed under any of the provisions of clauses (a) to (e) of sub-section (2) shall be disqualified for election or appointment as a Trustee for a period of three years from the date of his removal unless otherwise ordered by the Government.

(5) A Trustee removed under clause (f) of sub-section (2) shall not be eligible for re-appointment or re-election until he is declared by an order of the Government to be no longer ineligible.

14. *Filling of casual vacancies in certain cases.*—If any Trustee, other than an *ex-officio* Trustee, is permitted by the Board to absent himself from its meetings for any period exceeding three months, or if any such Trustee dies, or resigns his office, or is removed from office under section 13, the vacancy shall be filled within two months by a fresh appointment or election, as the case may be.

15. *Term of office of Chairman and other Trustees.*—(1) Subject to the provisions of sections 11 and 13, the term office of Trustees including the Chairman but not including the *ex-officio* Trustees shall be as follows :—

(a) the Chairman—such period as may be fixed by the Government not being less than three years and commencing on the date on which his appointment is notified.

(b) a Trustee appointed or elected in pursuance of section 14 in the place of a Trustee who has been permitted to absent himself from meetings of the Board—the period of the absence of the latter Trustee ;

(c) other Trustees—three years commencing on the date on which their election or appointment, as the case may be, is notified.

(2) A Trustee shall, if not disqualified for any of the reasons mentioned in section 7, be eligible for re-appointment or re-election at the end of his term of office.

### **Conduct of Business**

16. *Meetings of Board.*—The Board shall meet, and shall from time to time make such arrangements with respect to the place, day, hour, notice, management and adjournment of its meetings as it may think fit, subject to the following provisions, namely :—

(a) an ordinary meeting shall be held once at least in every month ;

(b) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two other Trustees, call a special meeting ;

(c) the Chairman shall attend every meeting of the Board unless absent on leave or prevented by sickness or other reasonable cause ;

(d) no business shall be transacted at any meeting unless there be present at least one-half of the number of the Trustees then in office ;

(e) every meeting shall be presided over by the Chairman and in his absence by a Trustee chosen by the meeting to preside for the occasion ;

(f) all questions at any meeting shall be decided by a majority of the Trustees present and voting at the meeting, and in every case of equality of votes, the person presiding shall have and exercise a second or casting vote ;

(g) if a poll be demanded, the names of the Trustees voting, and the nature of their votes, shall be recorded by the person presiding ;

(h) minutes of the proceedings at each meeting (together with the names of the Trustees present) shall be recorded in a book to be provided for the purpose, and such minutes shall be read at the next ensuing meeting and signed by the person presiding at such meeting. The minutes book shall be open to inspection by any Trustee during office hours.

17. *Power of Board to co-opt members for particular purposes.*—(1) The Board may associate with itself, in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person so associated shall not be deemed to be a member of the Board and shall have no right to vote at any meeting thereof, but he may take part in the discussions of the Board relating to the purpose or purposes for which he was associated with the Board.

18. *Constitution and functions of Committees.*—(1) The Board may from time to time, appoint Committees consisting of such persons of any of the following classes as it may think fit, namely:—

- (i) Trustees,
- (ii) persons associated with the Board under section 17,
- (iii) other persons whose assistance or advice the Board may desire as members of Committees:

Provided that no Committee shall consist of less than three persons.

(2) The Board may—

(a) refer to any such Committee, for inquiry and report any matter relating to any of the purposes of this Act, and

(b) delegate to any such Committee, by specific resolution and subject to any rules made in this behalf, any of the powers or duties of the Board.

(3) The Board may, at any time, dissolve, or, subject to the provisions of sub-section (1), alter the constitution of any such Committee.

(4) Every such Committee shall conform to any instructions from time to time given to it by the Board.

(3) All proceedings of every such Committee shall be subject to confirmation by the Board.

19. *Meetings of Committees.*—(1) A Committee appointed under section 18 may meet and adjourn as it thinks proper; but the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two members thereof, call a special meeting of such Committee.

(2) Every meeting of a Committee shall be presided over by the Chairman if he is a member of the Committee, and, if he is not a member or is absent from the meeting, by a member chosen by the meeting to preside for the occasion.

(3) No business shall be transacted at any meeting of a Committee unless there be present at least one-half of the number of the members constituting the Committee.

(4) All questions at any meeting of a Committee shall be decided by a majority of the members present and voting at the meeting, and in every case of equality of votes the person presiding shall have and exercise a second or casting vote.

20. *Trustees and associated members of Board or Committee not to take part in proceedings in which they are personally interested.*—(1) A Trustee who—

(a) has directly or indirectly, by himself or by any partner, employer or employee, any such share or interest as is described in sub-section (2) of section 7 in respect of any matter, or

(b) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid,

shall not vote or take any other part in any proceeding of the Board or any Committee relating to such matter.

(2) If any Trustee or any person associated with the Board under section 17, or any other member of a Committee appointed under section 18, has, directly or indirectly, any beneficial interest in any land situated in an area comprised in any improvement scheme framed under this Act, or in an area in which it is proposed to acquire land for any of the purposes of this Act.—

(i) he shall, before taking part in any proceeding at a meeting of the Board or any Committee relating to such area, inform the person presiding at the meeting of the nature of such interest;

(ii) he shall not vote at any meeting of the Board or any Committee upon any resolution or question relating to such land; and

(iii) he shall not take any other part in any proceeding relating to such area at a meeting of the Board or any Committee, if the person presiding at the meeting considers it inexpedient that he should do so.

21. *Power to make and perform contracts.*—The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

22. *Execution of contracts and approval of estimates.*—(1) With respect to the making of such contracts, the following provisions shall apply, namely:—

(a) every contract shall be made on behalf of the Board by the Chairman;

(b) no contract for any purpose which, in accordance with any provision of this Act, the Chairman may not carry out without the sanction of any other authority or authorities shall be made by him unless such sanction has been given;

(c) no contract involving an expenditure exceeding ten thousand but not exceeding fifty thousand rupees shall be made by the Chairman unless it has been sanctioned by the Board;

(d) no contract involving an expenditure exceeding fifty thousand rupees shall be made by the Chairman unless it has been sanctioned both by the Board and by the Government;

(e) every contract made by the Chairman involving an expenditure exceeding one thousand but not exceeding ten thousand rupees shall be reported to the Board within fifteen days after it has been made.

(2) Every estimate for the expenditure of any sum for carrying out any of the purposes of this Act shall be subject to the approval of the authority or authorities empowered under sub-section (1) to make, or, as the case may be, to sanction the making of, a contract for a like purpose and involving the expenditure of a like sum.

(3) Sub-sections (1) and (2) shall apply to every variation or abandonment of a contract or estimate, as well as to an original contract or estimate.

23. *Further provisions as to execution of contracts.*—(1) Every contract made by the Chairman on behalf of the Board shall be entered into in such manner and form as would bind the Chairman if such contract were made on his own behalf, except that the common seal of the Board shall be used where necessary; and every such contract may in the like manner and form be varied or discharged.

(2) Every contract for the execution of any work, or the supply of any materials or goods, which involves an expenditure exceeding one thousand rupees, shall be in writing, and shall be sealed.

(3) The common seal of the Board shall remain in the custody of the Secretary to the Board, and shall not be affixed to any contract or other instrument except in the presence of a Trustee (other than the Chairman), who shall attach his signature to the contract or instrument in token that the same was sealed in his presence.

(4) The signature of the said Trustee shall be in addition to the signature of any witness to the execution of such contract or instrument.

(5) A contract not executed as provided in this section shall not be binding on the Board.

24. *Tenders.*—(1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods, which involves an expenditure exceeding five thousand rupees, the Chairman shall give notice by advertisement in local newspapers, inviting tenders for such contract.

(2) In every such case the Chairman shall place before the Board the specifications, conditions and estimates and all the tenders received specifying the particular tender, if any, which he proposes to accept.

(3) In every case in which the acceptance of a tender would involve an expenditure exceeding fifty thousand rupees, the Board shall submit to the Government the specifications, conditions and estimates, and all the tenders received, specifying the particular tender, if any, the acceptance of which it proposes to sanction.

(4) Neither the Board nor the Government shall be bound to sanction the acceptance of any tender which has been made; but the Board within the pecuniary limits of the powers as laid down in clause (c) of sub-section (1) of section 22 and the Government in the cases referred to in clause (d) of the said sub-section, may sanction the acceptance of any of such tenders which appears to it or them, upon a consideration of all the circumstances, to be the most advantageous, or may direct the rejection of all the tenders received.

25. *Security for due performance of contract.*—The Chairman shall take sufficient security for the due performance of every contract involving an expenditure exceeding three thousand rupees.



26. *Supply of documents and information to the Government.*—(1) The Chairman shall forward to the Government a copy of the minutes of the proceedings of each meeting of the Board, within three days from the date of the meeting.

(2) The Chairman shall, if so directed by the Government, forward to them a copy of all papers which were laid before the Board for consideration at any meeting.

(3) The Government may require the Chairman to furnish them with—

(a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Board, or

(b) a report on any such matter, or

(c) a copy of any document in the charge of the Chairman.

### **Officers and Servants**

27. *Statement of strength and remuneration of staff.*—(1) The Board shall from time to time prepare, and shall maintain, a statement showing—

(a) the number, designations and grades of the officers and servants (other than employees who are paid by the day or whose pay is charged to temporary work) whom it considers it necessary and proper to employ for the purposes of this Act,

(b) the amount and nature of the salary, fees and allowances to be paid to each such officer or servant, and

(c) the contributions payable under section 141, in respect of each such officer or servant.

(2) All statements prepared under sub-section (1) shall, so far as they relate to post the monthly salary or the maximum monthly salary of which exceeds two hundred rupees, be subject to the previous sanction of the Government.

28. *Service rules.*—The Board shall with the previous sanction of the Government make rules—

(a) fixing the amount and nature of the security to be furnished by any officer or servant of the Board from whom it may be deemed expedient to require security ;

(b) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Board :

Provided that a servant of the Central or State Government employed as an officer or servant of the Board shall not be entitled to leave or leave allowances otherwise than as may be laid down in the conditions of his service under the Central or State Government relating to transfer to foreign service ;

(c) for establishing and maintaining a provident fund, for compelling all or any of the officers or servants of the Board (other than any servant of the Central or State Government in respect of whom a contribution is paid under section 141) to subscribe to the fund at such

rates and subject to such conditions as may be prescribed by such rules, and for supplementing such subscriptions out of the funds of the Board,

(d) for determining the conditions under which the officers and servants of the Board or any of them shall on retirement receive gratuities or compassionate allowances and the amount of such gratuities and compassionate allowances :

Provided that it shall be at the discretion of the Board to determine whether all such officers and servants or any and, if so, which of them, shall become entitled on retirement to any such gratuities or compassionate allowances as aforesaid.

29. *Appointing authorities.*—(1) Subject to any rules made under section 28 and for the time being in force, the power of making appointments and promotions to posts in the service of the Board, of granting leave to officers and servants holding such posts, of censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct, and of discharging such officers and servants from the service of the Board for any other reason, shall be exercised by the undermentioned authorities :—

(a) In the case of posts the monthly salary or the maximum monthly salary of which does not exceed one hundred and twenty rupees and officers and servants holding such posts—the Chairman.

(b) In the case of posts the monthly salary or the maximum monthly salary of which exceeds one hundred and twenty but does not exceed two hundred rupees and officers and servants holding such posts—the Board.

(c) In the case of posts the monthly salary or the maximum monthly salary of which exceeds two hundred rupees and officers and servants holding such posts—the Board subject to the previous sanction of the Government :

Provided that a servant of the Central or State Government or of a local authority whose services have been lent to the Board, shall not be so punished except by an authority which would have been competent to do so, if his services had not been so lent, and the Chairman or the Board, as the case may be, shall be entitled only to make a recommendation in that behalf to such authority.

(2) Against any order under sub-section (1) imposing any punishment on him, an officer or servant of the Board may appeal—

(a) to the Board, if the order was passed by the Chairman, and

(b) to the Government, if the order was passed by the Board.

30. *Control by Chairman.*—The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Board; and, subject to the foregoing sections, and subject also to such control and revision as may be prescribed, shall dispose of all questions relating to the service of the said officers and servants, and their salaries, allowances and privileges.

31. *Delegation of certain of Chairman's functions.*—(1) The Chairman may, by general or special order in writing, delegate to any officer of the Board any of the Chairman's powers, duties or functions under this Act or any rule made thereunder, except those conferred or imposed upon or vested in him by sections 16, 19, 26, 107, 114, 116, 150 and 155:

Provided that—

(a) the Chairman shall not delegate his power under section 22 to make on behalf of the Board any contract involving an expenditure exceeding three thousand rupees;

(b) the Chairman shall not delegate his power under section 29 to make appointments.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such restrictions, conditions and limitations (if any) as may be laid down by the Chairman, and shall also be subject to his control and revision.

*Explanation.*—Against any order of the nature referred to in sub-section (2) of section 29 passed by a person to whom the Chairman's power in that behalf has been delegated, an appeal shall lie to the Board, unless the Chairman has himself revised the order of such person, in which case an appeal shall lie to the Board against the order of the Chairman.

## CHAPTER III

### IMPROVEMENT SCHEMES

32. *Power of Board to undertake works and incur expenditure for improvement, etc.*—The Board may, subject to the provisions of this Act, undertake any works and incur any expenditure for the improvement or development of any area to which this Act applies, and for the framing and execution of such improvement schemes as may be necessary from time to time.

33. *Matters to be provided for by improvement scheme.*—An improvement scheme may provide for all or any of the following matters, namely:—

(a) the acquisition by purchase, exchange or otherwise of any property necessary for or affected by the execution of the scheme;

(b) the re-laying out of any land comprised in the scheme;

(c) the re-distribution of sites belonging to owners of property comprised in the scheme;

(d) the closure or demolition of dwellings or portions of dwellings unfit for human habitation;

(e) the demolition of obstructive buildings or portions of buildings;

(f) the construction and re-construction of buildings;

(g) the sale, lease, or exchange of any property comprised in the scheme;

(h) the construction and alteration of streets and back lanes, bridges, causeways and culverts;

(i) the draining, water-supply and lighting of streets so constructed or altered;

(j) the provision of open spaces for the benefit of any area comprised in the scheme or any adjoining area, and for the enlargement of existing open spaces and approaches;

(k) the provision of sanitary arrangements required for the area comprised in the scheme, including the conservation of and prevention of injury or contamination to rivers or other sources and means of water-supply;

(l) the provision of accommodation for any class of the inhabitants;

(m) the advance of money for the purposes of the scheme;

(n) the provision of facilities for communication;

(o) the reclamation or reservation of land for market, gardens, afforestation, the provision of fuel and grass-supply and other needs of the population;

(p) any other matter for which, in the opinion of the Government, it is expedient to make provision with a view to the improvement of any area comprised in the scheme or of any adjoining area or the general efficiency of the scheme.

34. *Types of improvement schemes.*—An improvement scheme shall be of one of the following types, or a combination of any two or more of such types, or of any special features thereof, that is to say—

(a) a general improvement scheme including slum clearance;

(b) a re-building scheme;

(c) a re-housing scheme;

(d) a street scheme;

(e) a deferred street scheme;

(f) a development scheme

(g) a housing accommodation scheme; and

(h) a town-expansion scheme.

35. *Provision of alternate site to displaced Kudikidappukaran:*—(1) Where, on account of the execution of any improvement scheme under section 34, any kudikidappukaran is displaced and rendered homeless, the Board shall provide such kudikidappukaran an alternate site for the location of the Kudikidappu.

(2) Where any such kudikidappukaran is displaced and rendered homeless on account of the acquisition of any land under the provisions of the Land Acquisition Act (Travancore Act XI of 1089), the Board

shall, from out of the amount of compensation payable in respect of such land, deduct an amount not exceeding the sum which, under any law for the time being in force, the kudikidappukaran would be entitled to towards his share of compensation, and adjust such amount towards the cost of the alternate site provided for under sub-section (1).

*Explanation:—*The term “Kudikidappukaran” shall have the same meaning as has been assigned to it under the law for the time being in force providing for the protection of the rights of such persons.

36. *General improvement scheme.*—Whenever it appears to the Board—

(a) that, in any area, any buildings used or intended or likely to be used as dwelling-places are unfit for human habitation, or

(b) that danger to the health of the inhabitants of buildings in any area, or of buildings in the neighbourhood of such area is caused by—

(i) the narrowness, closeness, or bad arrangement or condition of streets or buildings or groups of buildings in such area, or

(ii) the want of light, air, ventilation or proper conveniences in such area, or

(iii) any other sanitary defects in such area,  
the Board may pass a resolution to the effect that such area is an insanitary area, and that a general improvement scheme ought to be framed in respect of such area, and shall then proceed to frame such a scheme.

37. *Re-building scheme.*—(1) Whenever it appears to the Board that any area is an insanitary area within the meaning of the preceding section and that, having regard to the comparative value of the buildings in such area and of the sites on which they are erected, the most satisfactory method of dealing with the area or any part thereof is a re-building scheme, the Board may pass a resolution to that effect, and shall then proceed to frame a scheme in accordance with the provisions of this section.

(2) A re-building scheme may provide for—

(a) the reservation of streets, lanes and open spaces and the enlargement of existing streets, lanes and open spaces to such an extent as may be necessary for the purposes of the scheme;

(b) the re-laying out of the sites of the area upon streets, lanes or open spaces so reserved or enlarged;

(c) the payment of compensation in respect of any such reservation or enlargement, and the construction of the streets, lanes and open spaces, so reserved or enlarged;

(d) the re-construction, alteration or demolition of the existing buildings and their appurtenances by the owners, or by the Board in default of the owners, and the erection of buildings in accordance with the scheme by the said owners or by the Board in default of the owners, upon the sites as defined under the scheme;

(e) the advance to the owners, upon such terms and conditions as to interest, sinking fund and otherwise as may be provided under the scheme, of such sums as may be necessary to assist them to reconstruct or alter existings building or to erect new buildings in accordance with the scheme;

(f) the acquisition by the Board of any site or building comprised in the area included in the scheme.

38. *Re-housing scheme*.—The Board may frame schemes (herein called re-housing schemes) for the construction, maintenance and management of such and so many dwellings and shops as it may consider necessary for persons who—

(a) are displaced by the execution of any improvement scheme sanctioned under this Act, or

(b) are likely to be displaced by the execution of any improvement scheme which it is intended to frame, or to submit to the Government for sanction, under this Act.

39. *Street scheme*—(1) Whenever the Board is of opinion that, for the purpose of—

(a) providing building sites, or

(b) remedying defective ventilation, or

(c) creating new or improving existing means of communication and facilities for traffic, or

(d) affording better facilities for conservancy,  
it is expedient to lay out new streets or alter existing streets (including bridges, causeways and culverts) in any area, the Board may pass a resolution to that effect, and shall then proceed to frame a street scheme for such area.

(2) A street scheme may, within the limits of the area comprised in the scheme, provide for the following matters, namely:—

(a) the acquisition of any land which will, in the opinion of the Board, be necessary for its execution;

(b) the re-laying out of all or any of the lands so acquired including the construction and reconstruction of buildings by the Board or by persons authorized by the Board in that behalf and the laying out, construction and alteration of streets and thoroughfares;

(c) the draining, water-supply and lighting of streets and thoroughfares so laid out, constructed or altered;

(d) the raising, lowering or reclamation of any land vested in, or to be acquired by, the Board for the purposes of the scheme;

(e) the provision of open spaces for the better ventilation of the area comprised in the scheme;

(f) the acquisition of any land adjoining any street, thoroughfare or open space to be formed under the scheme.

40. *Deferred street scheme.*—(1) Whenever the Board is of opinion that it is expedient for any of the purposes mentioned in section 39 to provide for the ultimate widening of any street by altering the existing alignments of such street to improved alignments to be prescribed by the Board, but that it is not expedient immediately to acquire all or any of the properties lying within the proposed improved alignments, the Board, if satisfied as to the sufficiency of its resources, may pass a resolution to that effect, and shall proceed to make a scheme to be called a “deferred street scheme” prescribing an alignment on each side of the street.

(2) A deferred street scheme shall provide for—

(a) the acquisition of the whole or any part of any property lying within the prescribed street alignments within the time-limit specified in the scheme, which may be extended by the Government :

Provided that such time-limit including the extensions granted by the Government shall in no case exceed twenty years from the date of the sanction of the scheme by the Government ;

(b) the re-laying out of all or any such property, including the construction and reconstruction of buildings by the Board or by any other person, and the formation and alteration of the street ;

(c) the draining, water-supply and lighting of the streets so formed or altered.

(3) After a deferred street scheme has been sanctioned by the Government—

(a) no person shall, except with the written permission of the Board, erect, re-erect, add to or alter any building or wall so as to make the same project into the prescribed alignment of the street ;

(b) if the Board fails to acquire or to institute proceedings for the acquisition of any property within the prescribed alignment of any street, within the time-limit specified in the scheme or extended by the Government, the owner of such property may, at any time thereafter, give the Board notice requiring it to acquire or to institute proceedings for the acquisition of such property before the expiration of six months from the date of such notice, and thereupon the Board shall acquire, or institute such proceedings and acquire the property accordingly ; and if the Board fails to do so it shall pay reasonable compensation to the owner for any damage sustained by him in consequence of such failure ;

(c) before proceeding to acquire any property lying within the prescribed alignment of the street [other than property regarding which it has received a notice under clause (b)], the Board shall give six months' notice to the owner of its intention to acquire such property ;

(d) notwithstanding anything contained in the Trivandrum City Municipal Act, the Corporation shall not have power to prescribe any alignment of the street within the limits of the scheme, and any such alignment previously prescribed within such limits shall cease to be the alignment of the street.

**41. Development scheme.**—(1) In regard to any area to which this Act applies, the Board may, from time to time, prepare a scheme of proposed public streets with plans showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) When any such scheme has been notified under section 53, the street to which it refers shall be deemed to be a projected public street.

(3) No person shall, without the permission of the Board, erect, re-erect, add to, or alter any building or wall so as to make the same project into the street alignment or beyond the building line shown in any plan so adopted.

(4) If the Board refuses to grant permission to any person to erect on his land any building or wall to project as aforesaid and if it does not proceed to acquire such land within one year from the date of such refusal, the Board shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

(5) When any building or wall projecting into or beyond, or adjacent, to the street alignment or building line shown in any plan adopted as aforesaid has fallen, or been demolished or burnt down, the Chairman may, by written notice, require or permit the same to be set back, or set forward, as the case may be, from or towards such street alignment or building line.

(6) When any building or wall is set back or set forward in pursuance of a requisition made under sub-section (5), the Board shall make full compensation to the owner of the building or wall for any damage that he may sustain thereby.

(7) If the requisition or permission under sub-section (5) to set forward any building or wall involves the inclusion within the premises of the owner of the building or wall, of any land belonging to the Board, the requisition or permission shall operate as a conveyance of such land to the said owner on the terms and conditions specified therein.

(8) If the owner is dissatisfied with any of the terms and conditions aforesaid, he may, within thirty days after the communication to him of such terms and conditions, apply to the Chairman in writing for a reference of his case to the Tribunal. On receipt of such application, the Chairman shall refer the case to the Tribunal and its decision shall be final.

(9) When any scheme under this section is sanctioned by the Government, notwithstanding anything contained in the Trivandrum City Municipal Act, the Corporation shall not have power to prescribe the alignment of any street within the limits of the scheme, and any alignment previously prescribed within such limits shall cease to be the alignment of the street.

**42. Housing accommodation scheme.**—Whenever the Board is of opinion that it is expedient and for the public advantage to provide housing accommodation for any class of persons in any area, the Board may frame a scheme, to be called a "housing accommodation scheme".



**43. Town expansion scheme.**—(1) Whenever the Board is of opinion that it is expedient and for the public advantage to control and provide for the future expansion or development of the City, the Board may frame a scheme to be called a "town expansion scheme".

(2) Such scheme shall ordinarily be framed in respect of an area wholly without the limits of the City, but may, in special circumstances and with the previous sanction of the Government, be framed in respect of an area which lies wholly within, or partly within and partly without the City:

Provided that the Government shall, before giving their sanction to any such scheme, satisfy themselves that a development scheme under section 41 in respect of the area would not be suitable.

(3) Such scheme shall specify the proposed lay-out of the area to be developed and the purposes for which particular portions thereof are to be utilized.

(4) The provisions of clause (a) of sub-section (2) of section 51 shall not apply to a town expansion scheme under this section, but the Board shall be required to supply to the Government such details as they may consider necessary.

(5) After any such scheme has been notified under section 53, no person shall, without the permission of the Board, erect, re-erect, add to or alter any building or wall within the area comprised in the scheme.

(6) If the Board refuses to grant permission to any person to erect, re-erect, add to, or alter any building or wall on his land in the area aforesaid and does not proceed to acquire such land within one year from the date of such refusal, the Board shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

(7) Nothing contained in this section shall be deemed to authorize the framing of a town expansion scheme in respect of any area without the limits of the City unless the provisions of this section have been applied to such area in pursuance of section 1, sub-section (2).

#### **Procedure to be followed in framing an improvement scheme**

**44. Official representation.**—(1) An improvement scheme may be framed by the Board on its own motion, or on an official representation by the Corporation.

(2) The official representation referred to in sub-section (1) may be made by the Corporation—

- (a) on its own motion, or
- (b) on a written application by its Commissioner, or

(c) in respect of any area comprised in any division of the City, on a written application signed by twenty-five or more residents of such division who are liable to pay property tax under the Trivandrum City Municipal Act.

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

45. *Consideration of such representation.*—(1) The Board shall consider every official representation made under section 44 and, if satisfied as to the necessity for an improvement scheme on the lines recommended therein and as to the sufficiency of its resources for executing such a scheme, shall decide whether the scheme should be framed forthwith or not, and shall intimate its decision to the Corporation.

(2) If the Board decides that it is not necessary or expedient either to frame an improvement scheme or to frame the scheme forthwith, it shall inform the Corporation of the reasons for its decision.

(3) If the Board fails, for a period of twelve months after the receipt of any official representation made under section 44, to intimate its decision thereon to the Corporation, or if the Board intimates to the Corporation its decision that it is not necessary or expedient to frame an improvement scheme forthwith or decides to frame a scheme of a type other than that recommended by the Corporation, the Corporation may, if it thinks fit, refer the matter to the Government.

(4) The Government shall consider every reference made to them under sub-section (3), and—

(a) if they consider that the Board ought, in all the circumstances, to have passed a decision within the period mentioned in sub-section (3), shall direct the Board to pass a decision within such further period as the Government may think reasonable, or

(b) if they consider that it is, in all the circumstances, expedient that a scheme should forthwith be framed, shall direct the Board to proceed forthwith to frame a scheme. Such a direction may prescribe the type of scheme to be framed.

(5) The Board shall comply with every direction given by the Government under sub-section (4).

46. *Matters to be considered when framing improvement schemes.*—When framing an improvement scheme in respect of any area, regard shall be had to—

(a) the nature and the conditions of neighbouring areas and of the City as a whole ;

(b) the direction in which the expansion of the City appears likely to take place ; and

(c) the likelihood of improvement schemes being required for other parts of the City.

**47. Preparation, publication and transmission of notice as to improvement schemes, and supply of documents to applicants.**—(1) When any improvement scheme has been framed, the Board shall prepare a notice stating that fact and specify—

- (a) the boundaries of the area comprised in the scheme, and
- (b) the places (including at least one place in the area comprised in the scheme) at which particulars of the scheme, a map of the area comprised in the scheme, and a statement of the land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee, may be seen at reasonable hours.

(2) The Board shall—

- (a) cause the said notice to be published weekly for three consecutive weeks in the Gazette and in local newspapers specifying the period within which objections will be received, and
- (b) send a copy of the notice to the Commissioner of the Corporation.

(3) The Chairman shall cause copies of all documents referred to in clause (b) of sub-section (1) to be delivered to any applicant on payment of the fee prescribed by the Board.

**48. Transmission to Board of representation by Corporation as to improvement scheme.**—The Commissioner of the Corporation to whom a copy of a notice has been sent under clause (b) of sub-section (2) of section 47 shall, within a period of ninety days from the receipt of the said copy, forward to the Board any representation which the Corporation may think fit to make with regard to the scheme.

**49. Notice of proposed acquisition of land.**—(1) Within the thirty days following the day on which any notice is first published under section 47 in respect of any improvement scheme, the Board shall serve a notice on—

- (a) every person whose name appears in the assessment list of the Corporation or the municipality or the panchayat concerned as being primarily liable to pay property tax on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, and
- (b) the occupier (who need not be named) of each premises entered in the assessment list of the Corporation or the municipality or panchayat concerned which the Board proposes to acquire in executing the scheme.

(2) A copy of the notice shall also be affixed in each such premises.

(3) Such notice shall—

(a) state that the Board proposes to acquire such land or to recover such betterment fee for the purpose of carrying out an improvement scheme, and

(b) require such person, if he objects to such acquisition or to the recovery of such betterment fee, to state his reasons in writing within a period of sixty days from the service of the notice.

(4) Every such notice shall be signed by the Chairman or by a person authorized by him in that behalf.

50. *Furnishing of copies or extracts from the assessment book of the Corporation.*—The Commissioner of the Corporation or the executive authority of any municipality or panchayat in which the area was previously included shall furnish the Chairman, at his request, with a copy of, or extracts from, the assessment list of the Corporation or of the municipality or panchayat, as the case may be, on payment of such fees as may be prescribed by the Government in that behalf.

51. *Abandonment of improvement scheme, or application to Government to sanction it.*—(1) After considering the objections and representations, if any, received in pursuance of sub-section (2) of section 47, section 48 and clause (b) of sub-section (3) of section 49, and after hearing all persons making any such objection or representation who may desire to be heard, the Board may either abandon the scheme or apply to the Government for sanction to the scheme, with such modifications, if any, as the Board may consider necessary.

(2) Every application for sanction under sub-section (1) shall be accompanied by—

(a) a description of, and full particulars relating to, the scheme and complete plans and estimates of the cost of executing the scheme ;

(b) a statement of the reasons for any modifications made in the scheme as originally framed ;

(c) a statement of the objections, if any, received under section 47 ;

(d) any representation received under section 48 ;

(e) a list of the names of all persons, if any, who have objected under clause (b) of sub-section (3) of section 49, to the proposed acquisition of their land or to the proposed recovery of a betterment fee and a statement of the reasons given for such objection ;

(f) a statement of the arrangements, if any, made or proposed by the Board for the re-housing of persons who are likely to be displaced by the execution of the scheme ; and

(g) such other particulars as may be prescribed by the Government.

(3) When any application has been submitted to the Government under sub-section (1), the Board shall cause notice of the fact to be published weekly for two consecutive weeks in the *Gazette* and in local newspapers.

52. *Power to sanction reject or return improvement scheme.*—(1) The Government may sanction, either with or without modification, or may refuse to sanction, or may return for reconsideration, any improvement scheme submitted to them under section 51.

(2) If a scheme returned for reconsideration under sub-section (1) is modified by the Board, it shall be republished in accordance with section 47—

(a) in every case in which the modification affects the boundaries of the area comprised in the scheme, or involves the acquisition of any land not previously proposed to be acquired, and

(b) in every other case, unless the modification is, in the opinion of the Government, not of sufficient importance to require republication.

53. *Notification of sanction of improvement scheme.*—(1) Whenever the Government sanction an improvement scheme, they shall announce the fact by notification and except in the case of a deferred street scheme, development scheme or town expansion scheme, the Board shall forthwith proceed to execute the same.

(2) The publication of a notification under sub-section (1) in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

54. *Alteration of improvement scheme after sanction.*—At any time after an improvement scheme has been sanctioned by the Government and before it has been carried into execution, the Board may alter or cancel it:

Provided that—

(a) if any alteration is considered likely to increase the estimated net cost of executing a scheme by more than five per cent or by more than Rs. 50,000, such alteration shall not be made without the previous sanction of the Government;

(b) if any alteration involves the acquisition, otherwise than by agreement, of any land the acquisition of which has not been sanctioned by the Government, the procedure prescribed in the foregoing sections of this Chapter shall, so far as it may be applicable, be followed as if the alteration were a separate scheme;

(c) if, owing to any alteration, any land not previously liable under the scheme to the payment of a betterment fee becomes liable to such payment, the procedure prescribed in sections 47, 49 and 51 shall, so far as it may be applicable, be followed in regard to such land:

Provided further that no scheme shall be cancelled under this section without the previous sanction of the Government.

55. *Combination of such scheme.*—The Board may, at any time, include in a combined scheme the improvement schemes framed or proposed to be framed for two or more areas.

56. *Width of streets and levelling etc., thereof*—(1) No street laid out or altered by the Board shall be less than forty feet wide, if it is intended for carriage traffic, or less than twenty feet wide, if it is intended for pedestrian traffic only:

Provided that—

(i) the width of an existing street need not be increased to the minimum required by this sub-section if, in the opinion of the Board, such increase is impracticable;

(ii) nothing in this sub-section shall apply to service passages for sanitary purposes.

(2) In every street laid out or altered by the Board, the Board shall make provision for the levelling, paving, metalling, flagging, channelling, sewerage and draining of the street, and the provision therein of lighting, water and other sanitary conveniences ordinarily provided in a municipality.

57. *Transfer to Board for purposes of improvement scheme of building or land vested in the Corporation or in a municipality or in a Panchayat.*—(1) Whenever any building, or any street, square, or other land, or any part thereof, which—

(a) is situated in the City of Trivandrum and is vested in the Corporation, or

(b) is situated in any part of a municipality constituted under the Travancore District Municipalities Act, 1116, in which this section is for the time being in force, and is vested in that municipality, or

(c) is situated in any area included within the jurisdiction of a panchayat constituted under the Travancore-Cochin Panchayats Act, 1950, in which this section is for the time being in force, and is vested in that panchayat,

is within the area of any improvement scheme and is required for the purposes of such scheme, the Board shall give notice accordingly to the Commissioner of the Corporation or the executive authority of such municipality or panchayat, as the case may be, and such buildings, street, square, other land or part thereof shall thereupon vest in the Board.

(2) Where any land situated in the City vests in the Board under the provisions of sub-section (1) and the Board makes a declaration that such land will be retained by the Board only until it reverts in the Corporation as part of a street or an open space under section 67, no compensation shall be payable by the Board to the Corporation in respect of that land.

(3) Where any land or building vests in the Board under sub-section (1) and no declaration is made under sub-section (2) in respect of the land, the Board shall pay to the Corporation, the municipality, or the panchayat, as the case may be, as compensation a sum equal to the market value of such land or building as on the date of the publication of the notification under section 53; and where any building situated on land in respect of which a declaration has been made by the Board under sub-section (2) is vested in the Board under sub-section (1), like compensation shall be payable in respect of such building by the Board.

(4) if, in any case where the Board has made a declaration in respect of any land under sub-section (2), the Board retains or disposes of the land contrary to the terms of the declaration, so that the land does not revert in the Corporation, the Board shall pay to the Corporation compensation in respect of such land in accordance with the provisions of sub-section (3).

(5) If any question or dispute arises—

(a) as to whether compensation is payable under sub-section (3) or sub-section (4), or

(b) as to the amount of the compensation paid or proposed to be paid under sub-section (3) or sub-section (4), or

(c) as to whether any building or street, or square or other land, or any part thereof, is required for the purposes of the scheme, the matter shall be referred to the Government whose decision shall be final.

58. *Transfer of private street or square to Board for purpose of improvement scheme.*—(1) Whenever any street or square or part thereof which is not vested in the Board or in the Corporation or in any municipality or in any panchayat is required for executing any improvement scheme, the Board shall cause to be affixed in a conspicuous place in or near such street, square or part, a notice signed by the Chairman, and—

(a) stating the purpose for which the street, square or part is required ; and

(b) declaring that the Board will, on or after a date to be specified in the notice, take over charge of such street, square or part from the owner thereof ;

and shall simultaneously send a copy of such notice to the owner of such street, square or part.

(2) After considering the objections (if any) received in writing before the date specified under clause (b) of sub-section (1), the Board may take over charge of such street, square or part, and the same shall thereupon vest in the Board.

(3) When the Board alters or closes any street or square or part thereof which has vested in it under sub-section (2), it shall pay reasonable compensation to the previous owner for the loss of his right therein.

(4) If the alteration or closing of any such street, square or part causes damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, the Board—

(i) shall forthwith provide some other reasonable means of access for the use of persons who were entitled to use such street, square or part as a means of access to any property or place, and

(ii) if the provision of such means of access does not sufficiently compensate any such owner or resident for such damage or inconvenience, shall also pay him reasonable compensation in money.

59. *Provision of drain or water-work to replace another situated on land vested in Board under section 57 or section 58.*—(1) Where in any building, or street, square or other land, or part thereof, referred to in section 57 or section 58, there is any municipal or panchayat drain, water-work, electric main or installation, such drain, water-work, electric main or installation shall not vest in the Board until the Board has provided, if such provision is necessary, another drain, water-work, electric main or installation to the satisfaction of the Corporation or the municipality or panchayat concerned, as the case may be.

(2) If any question or dispute arises as to whether another drain, water-work, electric main or installation is necessary, or as to the sufficiency of any drain, water-work, electric main or installation provided by the Board under sub-section (1), such question or dispute shall be referred to the Government, whose decision thereon shall be final.

60. *Bar to application of certain sections of the Trivandrum City Municipal Act to streets.*—(1) Section 206, clause (c) of sub-section (1) of section 207 and section 208 of the Trivandrum City Municipal Act shall not apply to any street which is vested in the Board.

(2) Sections 216, 227 and 228 of the said Act shall not apply when any drain or premises vested in the Corporation is opened or broken up by the Board or when any public street is under construction by the Board.

61. *Repair and watering of streets vested in Board.*—Whenever the Board allows any street vested in it to be used for public traffic, it shall—

(a) keep the street in good repair, as far as practicable, and do all things necessary for the safety and convenience of persons using it, and

(b) cause the street to be watered, if it considers it necessary to do so for the public convenience.

62. *Guarding and lighting when street vested in Board is opened or broken up, or when street is under construction, and speedy completion of work.*—Whenever any drain in, or the pavement or surface of any street vested in the Board is opened or broken up by the Board for the purpose of carrying on any work, or whenever the Board allows any street which it has under construction to be used for public traffic, the Board shall cause the place to be fenced and guarded and to be sufficiently lighted during the night, and shall take proper precautions for guarding against accident by shoring up and protecting adjoining buildings; and shall, with all convenient speed, complete the said work, fill in the ground, and repair the said drain, pavement or surface, and carry away the rubbish occasioned thereby or complete the construction of the said street, as the case may be.

63. *Prevention or restriction of traffic in street vested in Board, during progress of work.*—(1) When any work referred to in section 62 is being executed by the Board in any public street vested in it, or when any other work which may lawfully be done is being executed by the Board in any street vested in it, the Board may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally, or to traffic of any specified description.

(2) When any such direction has been given, the Board shall, after notifying in local newspapers its intention to do so, set up in a conspicuous position in or near the street an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as it may think proper for preventing or restricting traffic therein.

64. *Provision of facilities, and payment of compensation when work is executed by Board in public street vested in it.*—(1) When any work is being executed by the Board in any public street vested in it, the Board shall, so far as may reasonably be practicable, make adequate provision for—

(a) the passage or diversion of traffic;

(b) securing access to all premises approached from such street; and

(c) any drainage, water-supply or means of lighting which is interrupted by reason of the execution of the work.



(2) The Board shall pay reasonable compensation to any person sustains special damage by reason of the execution of any such work.

65. *Power of Board to turn or close public street or square vested in it.*—

(1) The Board may—

(a) turn, divert, discontinue the public use of, or permanently close, any public street vested in it, or any part thereof, or

(b) discontinue the public use of, or permanently close, any public square vested in it, or any part thereof.

(2) Whenever the Board discontinues the public use of, or permanently closes, any public street vested in it, or any part thereof, it shall pay reasonable compensation to every person who was entitled, otherwise than as a mere member of the public, to use such street or part as a means of access and has suffered damage from such discontinuance or closing,

(3) Whenever the Board discontinues the public use of, or permanently closes, any public square vested in it, or any part thereof, it shall pay reasonable compensation to every person—

(a) who was entitled, otherwise than as a mere member of the public, to use such square or part as a means of access, or

(b) whose immovable property was ventilated by such square or part,

and who has suffered damage—

(i) in case (a), from such discontinuance or closing, or

(ii) in case (b), from the use to which the Board has put such square or part.

(4) In determining the compensation payable to any person under sub-section (2) or sub-section (3), the Board shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other public street or square at or about the same time that the public street or square or part thereof, on account of which the compensation is paid, is discontinued, or closed.

(5) When any public street or square vested in the Board or any part thereof, is permanently closed under sub-section (1), the Board may sell, or lease so much of the same as is no longer required.

66. *Reference of disputes to Tribunal.*—(1) If any question or dispute arises—

(a) between the Board and the previous owner of any street or square or part thereof which has vested in the Board under section 58 and has been altered or closed by it, as to the sufficiency of the compensation paid or proposed to be paid under sub-section (3) of that section, or

(b) between the Board and any person who was entitled, otherwise than as a mere member of the public, to use as a means of access any street or square or part thereof which has vested in the Board under section 58—

(i) as to whether the alteration or closing of such street, square or part causes damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, or

(ii) as to whether the other means of access provided or proposed to be provided under sub-section (4) of the said section 58 are reasonably sufficient, or

(iii) as to the sufficiency of any compensation paid or proposed to be paid under the said sub-section (4), or

(c) between the Board and any person, as to the sufficiency of any compensation paid or proposed to be paid to him under section 37, 40, 41, 43, 64, 65 or 157,

the matter shall be determined by the Tribunal if referred to it either by the Board or by the claimant, within a period of three months from—

in case (a) or case (b)—the date on which the street or square or part thereof was altered or closed by the Board, and

in case (c)—the date on which the said person was informed of the decision of the Board fixing the amount of compensation to be paid to him or rejecting his claim to compensation;

and the determination of the Tribunal shall be final.

(2) If a reference to the Tribunal be not made within the period prescribed by sub-section (1), the decision of the Board shall be final.

(3) For the purpose of determining any matter referred to it under sub-section (1), the Tribunal shall have all the powers with regard to witnesses, documents and costs which it would have if the Land Acquisition Act (Travancore Act XI of 1089), as modified by section 73 of this Act, were applicable to the case.

67. *Vesting in Corporation of streets laid out or altered, and open space provided, by the Board under an improvement scheme.*—(1) Whenever the Corporation is satisfied—

(a) that any street laid out or altered by the Board has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the plans sanctioned by the Government under section 52, and

(b) that such lamps, lamp-posts and other apparatus as the Corporation considers necessary for the lighting of such street and as ought to be provided by the Board have been so provided, and

(c) that water and other sanitary conveniences ordinarily provided in the City have been duly provided in such street, the Corporation shall, after informing the Board of its intention to do so by written notice affixed in some conspicuous position in such street, declare the street to be a public street; and the street shall thereupon vest in the Corporation, and shall thenceforth be maintained, kept in repair, lighted and cleansed by the Corporation.

(2) When any open space for purposes of ventilation or recreation has been provided by the Board in executing any improvement scheme, it shall, on completion, be transferred to the Corporation by resolution of the Board, and shall thereupon vest in, and be maintained at the expense of, the Corporation:

Provided that the Corporation may require the Board, before any such open space is so transferred, to enclose, level, turf, drain and lay out such space and provide footpaths therein, and, if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the Board and the Corporation in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the Government whose decision shall be final.

68. *Application of section 67 to municipalities or panchayats.*—If section 67 be applied, by notification under sub-section (2) of section 1, to any municipality or panchayat in the neighbourhood of the City, it shall be construed as if the references therein to the Corporation were references to such municipality or panchayat.

69. *Power of Board to retain service passages.*—Notwithstanding anything contained in section 67 or section 68, the Board may retain any service passage which it has laid out for sanitary purposes, and may enter into an agreement with the Corporation or any other person for the supervision, repair, lighting and general management of any passage so retained.

## CHAPTER IV

### ACQUISITION AND DISPOSAL OF LAND

70. *Power to purchase or lease by agreement.*—The Board may enter into an agreement with any person for the acquisition from him by purchase lease or exchange of any land or interest in land, which the Board is authorised to acquire for any of the purpose of this Act.

71. *Power to acquire land under the Land Acquisition Act.*—The Board may, with the previous sanction of the Government, acquire land under the provisions of the Land Acquisition Act (Travancore Act XI of 1089) for carrying out any of the purposes of this Act.

72. *Tribunal to be constituted.*—The Government may, if they think fit constitute a Tribunal as provided in section 74 for the purpose of performing the functions of the Court in reference to the acquisition of land for the Board under the Land Acquisition Act (Travancore Act XI of 1089).

73. *Modification of the Land Acquisition Act.*—For the purpose of acquiring land for the Board under the Land Acquisition Act (Travancore Act XI of 1089)

(a) the said Act shall be subject to the modifications specified in the Schedule; and

(b) in case a Tribunal is constituted under section 74,—

(i) the Tribunal shall (except for the purposes of section 38 of that Act) be deemed to be the Court and the President of the Tribunal shall be deemed to be the Judge thereof;

(ii) The President of the Tribunal shall have power to summon and enforce the attendance of witnesses, and to compel the production of documents by the same means, and (so far as may be) in the

same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908; and

(iii) the award of the Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act (Travancore Act XI of 1089), and shall be final.

74. *Constitution of Tribunal.*—(1) The Tribunal shall consist of three members, namely, a President and two assessors.

(2) The President of the Tribunal shall be an officer who has held a judicial office not inferior in rank to that of a District Judge.

(3) The President of the Tribunal and one of the assessors shall be appointed by the Government and the other assessor shall be appointed by the Corporation:

Provided that if the Corporation fails to make an appointment within one month after it is required so to do by the Government, the appointment shall be made by the Government.

(4) No person shall be eligible for appointment as a member of the Tribunal if he is a Trustee or is, for any of the reasons mentioned in in section 7, disqualified for appointment as a Trustee.

(5) The term of office of each member of the Tribunal shall be three years; but any member shall, subject to sub-section (4), be eligible for re-appointment at the end of that term.

(6) The Government may, on the ground of incapacity or misbehaviour, or for any other good and sufficient reason, remove any member of the Tribunal from office.

(7) Every vacancy, whether permanent or temporary, in the office of a member of the Tribunal shall be filled in accordance with the provisions of sub-section (3).

(8) All appointments made under this section shall be notified in *Gazette*.

75. *Remuneration of members of Tribunal.*—A member of the Tribunal shall be entitled to receive such remuneration, by way of salary or fees or both, as the Government may prescribe.

76. *Officers and servants of Tribunal.*—(1) The President of the Tribunal shall from time to time, prepare a statement showing—

(a) the number and grades of the clerks and other officers and servants whom he considers should be employed for carrying on the business of the Tribunal,

(b) the amount of the salary to be paid to each such officer or servant, and

(c) the contributions payable under section 141 in respect of each such officer or servant who is a servant of the Central or State Government.

(2) All statements prepared under sub-section (1) shall be subject to the previous sanction of the Government.

(3) The President of the Tribunal shall, with the previous sanction of the Government, make rules—

(i) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Tribunal:

Provided that a servant of the Central or State Government employed as an officer or servant of the Tribunal shall not be entitled to leave or leave allowances otherwise than as may be laid down in the conditions of his service under the Central or State Government relating to transfer to foreign service;

(ii) for establishing and maintaining a provident fund, for compelling all or any of the officers or servants of the Tribunal (other than any servant of the Central or State Government in respect of whom a contribution is paid under section 141) to subscribe to the fund, at such rates and subject to such conditions as may be prescribed, and, with the sanction of the Board, for supplementing such subscriptions out of the funds of the Board ;

(iii) for determining the conditions under which the officers and servants of the Tribunal, or any of them, shall, on retirement, receive gratuities or compassionate allowances and the amount of such gratuities and compassionate allowances

Provided that it shall be at the discretion of the Tribunal to determine whether all such officers and servants or any and, if so, which of them, shall become entitled, on retirement to any such gratuities or compassionate allowances as aforesaid.

(4) Subject to any rules made under sub-section (3) and for the time being in force, the power of making appointments and promotions to posts in the service of the Tribunal, of granting leave to officers and servants holding such posts, of censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct and of discharging such officers and servants from the service of the Tribunal for any other reason, shall be exercised by the President of the Tribunal.

77. *Payments by Board on account of Tribunal.*—The amount necessary for the payment of remuneration, salaries, leave allowances and acting allowances in accordance with sections 75 and 76 shall be provided by the Board.

78. *Power to make rules for Tribunal.*—(1) The President of the Tribunal may, from time to time, with the previous sanction of the Government, make rules, not repugnant to the Code of Civil Procedure, 1908 (Central Act 5 of 1908), for the conduct of business by the Tribunal.

(2) All such rules shall be published in the Gazette.

79. *Award of Tribunal how to be determined.*—(1) In any proceeding before the Tribunal, the decision on all questions of law and procedure (including questions as to whether anything is a question of law or procedure) shall rest solely with its President, and on all other questions in the event of disagreement between the members, the opinion of the majority shall prevail.

(2) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by the Court of the Subordinate Judge exercising jurisdiction over the area as if it were a decree of that Court.

80. *Payment of betterment fee.*—(1) When by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme :

Provided that the Government may, subject to such restrictions and conditions as may be prescribed and after consulting the Board, exempt any person or class of persons from the liability to pay betterment fee under the provisions of this Act, if they are satisfied that having regard to the economic conditions of such person or class of persons, their ability to pay such fee, and such other considerations as may be prescribed, such person or class of persons should be so exempted.

(2) Such increase in value shall be the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner; and the betterment fee shall be one-third of such increase in value.

81. *Assessment of betterment fee by Board.*—(1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall by a resolution passed in this behalf declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed has been served under clause (a) of sub-section (1) of section 49, or to the successor in interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 80.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required by sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

82. *Settlement of betterment fee by arbitrator.*—(1) If the Government are satisfied after such inquiry as they think fit that any arbitrator appointed under sub-section (4) of section 81 has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, is removed, or refuses to perform or in the opinion of the Government neglects to perform or becomes disqualified for or incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board, and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award may, within three months from the date of the communication thereof, appeal to the District Court exercising jurisdiction in the City, and the decision of the Judge of the said District Court shall be final and conclusive and binding on all persons.

83. *Fee for arbitrator.*—The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilized.

84. *Powers and duties of arbitrator.*—(1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate his award to the parties concerned :

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorized agent.

(2) The arbitrator shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

85. *Board to give notice to persons liable to payment of betterment fee.*—When the amount of all betterment fees payable in respect of land in the area comprised in the scheme has been determined under section 81 or section 82, as the case may be, the Board shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four and a half per cent per annum upon any amount outstanding shall be payable from that date :

Provided that any person liable as aforesaid may make payment, if he so chooses, in such number of equal annual instalments not exceeding ten as the Board may determine, the amount of each instalment being fixed by the Board in such a manner that the total sum recovered from such persons is equivalent to the amount due from him together with interest calculated at the rate of four and a half per cent per

annum on the amount or so much thereof as may, from time to time, remain unpaid.

86. *Agreement to make betterment fee a charge on land.*—(1) Any person liable to pay a betterment fee in respect of any land may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of six per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 85.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land, subject to the prior payment of land revenue, if any, due to the Government on such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1) be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with the interest due up to the date of such payment.

(5) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (1), no suit with respect to such agreement shall be brought against the Board by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land.

87. *Recovery of money payable in pursuance of section 81, 82, 85 or 86.*—All money payable in respect of any land by any person in respect of a betterment fee under section 81, section 82 or section 85 or by any person under an agreement executed in pursuance of sub-section (1) of section 86, shall be recoverable by the Board (together with interest due up to the date of realization at the rate of four and a half per cent per annum), from the said person or his successor in interest in such land, in the manner provided by the Trivandrum City Municipal Act for the recovery of taxes and, if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

88. *Board to appoint persons for enforcement of processes for recovery of dues.*—The Board may direct by what authority any powers or duties incident under the Trivandrum City Municipal Act to the enforcement of any process for the recovery of taxes shall be exercised and performed when that process is employed under section 87.



89. *Agreement or payment not to bar acquisition under fresh declaration.*—If any land in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 81 or has been made after its determination under section 82 or section 85 or in respect of which an agreement regarding the betterment fee has been executed under section 86, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act (Travancore Act XI of 1089).

90. *Power to dispose of land.*—(1) The Board may retain, or may lease, sell, exchange, or otherwise dispose of, any land vested in or acquired by it under this Act.

(2) Whenever the Board decides to lease or sell any land acquired by it under this Act from any person, it—

(a) shall give notice by advertisement in the local newspapers, and

(b) shall offer to the said person, or his heirs, executors or administrators, a prior right to take on lease or to purchase such land for an amount or at a rate to be fixed by the Board, if the Board considers that such an offer can be made without detriment to the carrying out of the purposes of this Act.

(3) If in any case two or more persons claim to have the prior right referred to in clause (b) of sub-section (2), preference shall be given to the person who agrees to pay the higher or the highest amount or rate for the land not being less than the amount or rate fixed by the Board under that clause.

## CHAPTER V

### FINANCE

91. *Annual grants and contributions.*—(1) The Government shall, till such time as they may determine, pay to the Board an annual grant of such amount as may be fixed by the Government from time to time.

(2) The Corporation shall contribute to the Board on the first day of April every year a sum equal to two per cent of its gross annual revenue:

Provided that the Corporation shall pay the contribution for the financial year 1960-61, on such date as may be fixed by Government by notification in that behalf.

(3) The annual payment due from the Corporation under sub-section (2) shall be made in priority to all other payments due from it, except those referred to in section 157 of the Trivandrum City Municipal Act (Travancore Act IV of 1116).

92. *Board to be a local authority within the meaning of the Local Authorities Loans Act.*—(1) The Board shall be deemed to be a local authority, as defined in the Travancore-Cochin Local Authorities Loans Act, 1951,

for the purpose of borrowing money under that Act, but the provisions of that Act and of the rules made thereunder shall have effect subject to the provisions contained in this Act.

(2) The Board shall also have power to borrow money from the Government on such terms as may be approved by them.

93. *Loans from banks.*—Whenever the borrowing of any sum of money has been approved by the Government, the Board may, instead of borrowing such sum or any part thereof from the public, take credit from any bank, on a cash account to be kept in the name of the Board to the extent of such sum or part and, with the previous sanction of the Government, may grant mortgages of all or any property vested in the Board by way of security for such credit.

94. *Diversion of borrowed money to purposes other than those first approved.*—Whenever any sum of money has been borrowed by the Board for the purpose of meeting particular expenditure or of repaying a particular loan, no portion thereof shall be applied to any other purpose without the previous sanction of the Government.

95. *Form, signature, exchange, transfer and effect of debentures.*—(1) Whenever money is borrowed by the Board on debentures, the debentures shall be in such form as the Board may, with the previous sanction of the Government, determine.

(2) All debentures shall be signed by the Chairman and one other Trustee.

(3) The holder of any debenture in any form prescribed under sub-section (1) may obtain in exchange therefor a debenture in any other form so prescribed, upon such terms as the Board may determine.

(4) Every debenture issued by the Board shall be transferable by endorsement, unless some other mode of transfer is specified therein.

96. *Signature of coupons attached to debentures.*—All coupons attached to debentures issued under this Act shall bear the signature of the Chairman; and such signature may be engraved, lithographed or impressed by any mechanical process.

97. *Payments to survivors of joint payees*—When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything contained in section 45 of the Indian Contract Act, 1872 (Central Act 9 of 1872), the debenture or security shall be payable to the survivor or survivors of such persons:

Provided that nothing in this section shall affect any claim by the representative of the deceased person against such survivor or survivors.

98. *Receipt by joint holder for interest or dividend.*—Where two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Board by any other of such persons.

99. *Priority of payments for interest and repayment of loans.*—All payments due from the Board for interest on, or the repayment of loans, shall be made in priority to all other payments due from the Board.

100. *Repayment of loans taken under section 95.*—Every loan taken by the Board shall be repaid within the period approved by the Government and, subject to the provisions of sub-section (2) of section 123, by such of the following methods as may be so approved, namely:—

(a) from a sinking fund established under section 101 in respect of the loan, or

(b) by paying equal yearly or half-yearly instalments of principal, or of principal and interest, throughout the said period, or

(c) if the Board has, before borrowing money on debentures, reserved by public notice a power to pay off the loan by periodical instalments and to select by lot the particular debentures to be discharged at particular periods then, by paying such instalments at such periods, or

(d) from money borrowed for the purpose, or

(e) partly from the sinking fund established under section 101 in respect of the loan, and partly from money borrowed for the purpose.

101. *Establishment and maintenance of sinking funds.*—(1) Whenever the Government have approved the repayment of a loan from a sinking fund, the Board shall establish such a fund, and shall pay into it every year, until the loan is repaid, a sum so calculated that if regularly paid throughout the period approved by the Government, it would, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the end of that period.

(2) The rate of interest on the basis of which the sum referred to in sub-section (1) shall be calculated shall be such as may be prescribed by the Government.

102. *Power to discontinue payments into sinking fund.*—Notwithstanding anything contained in section 101, if at any time the sum standing at credit of the sinking fund established for the repayment of any loan is of such amount that, if allowed to accumulate at the rate of interest prescribed under sub-section (2) of that section, it will be sufficient to repay the loan at the end of the period approved by the Government, then, with the permission of the Government, further annual payments into such funds may be discontinued.

103. *Investment of sinking funds.*—(1) All money paid into any sinking fund shall as soon as possible be invested, under the orders of the Board, in—

(a) Government securities, or

(b) securities guaranteed by the Central or any State Government, or

(c) debentures issued by the Corporation, or

(d) debentures issued by the Board, in the joint names of the Secretary to the Government of Kerala in the Finance Department and the Member, Board of Revenue, in charge of Housing, to be held by them as trustees for the purpose of repaying from time to time the debentures issued by the Board.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (1).

(3) Any investment made under this section may, from time to time, subject to the provisions of sub-section (1), be varied or transposed.

104. *Application of sinking funds.*—The two trustees referred to in sub-section (1) of section 103 in whose names any sinking fund is invested may, from time to time, apply the same, or any part thereof, in or towards the discharge of the loan or any part of the loan for which such fund was established; and until such loan is wholly discharged, shall not apply the same for any other purpose.

105. *Annual statements by trustees.*—(1) The two trustees aforesaid shall, at the end of every financial year, transmit to the Chairman a statement showing—

(a) the amount which has been invested during the year under section 103,

(b) the date of the last investment made previous to the transmission of the statement,

(c) the aggregate amount of the securities held by them,

(d) the aggregate amount which has, up to the date of the statement, been applied under section 104 in or towards repaying loans, and

(e) the aggregate amount already paid into each sinking fund.

(2) Every such statement shall be laid before the Board and published in the *Gazette*.

106. *Annual examination of sinking funds.*—(1) The Examiner of Local Fund Accounts, Kerala, shall examine the said sinking funds every year and ascertain whether the cash and the current value of the securities at credit of such funds are actually equal to the amount which would have accumulated had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2) The Board shall forthwith pay into any sinking fund any amount which the Examiner of Local Fund Accounts may certify to be the deficiency therein after examination as aforesaid, unless the Government specially sanction a gradual readjustment.

107 *Estimates of income and expenditure to be laid annually before the Board.*—(1) The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and expenditure of the Board for the next ensuing financial year.

(2) Every such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of this Act.

(3) Every such estimate shall differentiate capital and revenue funds, and shall be prepared in such form, and shall contain such details, as the Government or the Board may, from time to time, direct.

(4) Every such estimate shall be completed and printed and a copy thereof sent, by post or otherwise, to each Trustee at least ten clear days before the date of the meeting at which the estimate is to be laid before the Board.

108. *Sanction of Board to estimates.*—The Board shall consider every estimate so laid before it and shall sanction the same, either without alteration or with such alteration as it may think fit.

109. *Approval of Government to estimates.*—(1) Every such estimate, as sanctioned by the Board, shall be submitted to the Government who may, at any time within two months after receipt of the same,—

(a) approve the estimate, or

(b) disallow the estimate or any portion thereof, and return the estimate to the Board for amendment.

(2) If any estimate is so returned to the Board, it shall forthwith proceed to amend it and shall resubmit the estimate as amended to the Government who may then approve it.

110. *Transmission of copy of estimate to the Commissioner.*—A copy of every such estimate shall, when approved by the Government, be sent by the Board to the Commissioner of the Corporation of Trivandrum.

111. *Supplementary estimates.*—(1) The Board may, at any time during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and laid before it at a special meeting.

(2) The provisions of sub-sections (3) and (4) of section 107 and of sections 108 to 110 shall apply to every supplementary estimate.

112. *Adherence to estimate and maintenance of closing balance.*—(1) No sum shall be expended by or on behalf of the Board unless the expenditure of the same is covered by a current budget grant or can be met by reappropriation or by drawing on the closing balance.

(2) The closing balance shall not be reduced below such limit as may be fixed in this behalf by the Government from time to time.

(3) The following items shall be exempted from the provisions of sub-sections (1) and (2), namely:—

(a) repayments of moneys belonging to contractors or other persons and held in deposit, and of moneys collected by, or credited to, the Board by mistake;

(b) payments due under a decree or order of a court or under an award of the Tribunal;

(c) sums payable under a compromise of any suit or other legal proceeding or claim effected under this Act;

(d) sums payable under this Act by way of compensation; and

(e) Payments required to meet any pressing emergency.

(4) Whenever any sum exceeding five thousand rupees is expended under clause (e) of sub-section (3), the Chairman shall forthwith report the circumstances to the Government explaining how the Board proposes to cover the expenditure.

113. *Receipt of moneys and deposit in bank.*—All moneys payable to the Board shall be received by the Chairman, and shall forthwith be paid into such bank as may be approved by the Government in this behalf to the credit of an account which shall be styled "The Account of the Trustees for the Improvement of the City of Trivandrum".

114. *Investment of surplus money.*—(1) Surplus moneys at the credit of the said account may from time to time be—

(a) deposited at interest in the bank aforesaid; or

(b) invested in such securities or debentures as may be approved by the Government.

(2) All such deposits and investments shall be made by the Chairman on behalf of, and with the sanction of, the Board; and, with the like sanction, the Chairman may at any time withdraw any deposit so made, or dispose of any securities, and re-deposit or re-invest the money so withdrawn or the proceeds of the disposal of such securities.

115. *Payments by cheques.*—(1) No payment shall be made by the bank out the account referred to in section 113, except upon a cheque.

(2) Payment of any sum due by the Board exceeding one hundred rupees in amount shall be made by means of a cheque and not in any other way.

116. *Signature of orders under section 114 and cheques.*—All orders for making any deposit, investment, withdrawal or disposal under section 114, and all cheques referred to in section 115, must be signed—

(a) by the Chairman and the Secretary to the Board, or

(b) in the event of the illness or absence from the City of the Chairman or the Secretary, then by the Secretary or the Chairman, as the case may be, and by a Trustee other than the Chairman.

117. *Duty of chairman and others before signing cheque.*—Before the Chairman or any other Trustee or the Secretary to the Board signs a cheque under section 116, he must satisfy himself that the sum for which such cheque is drawn is required for a purpose or work specifically sanctioned by the Board or is an item of payment specified in sub-section (3) of section 112.

118. *Definition of "cost of management".*—(1) The expression "cost of management" as used in the following sections in this Chapter, means—

(a) the salary and house-rent and conveyance allowance (if any) of the Chairman or acting Chairman, and any other allowances and any contributions payable to or in respect of the Chairman or acting Chairman;

(b) the salaries, fees and allowances of, and the contributions paid under section 141 in respect of, officers and servants of the Board referred to in section 27;

(c) the remuneration of other employees of the Board except employees who are paid by the day or whose pay is charged to temporary work;

(d) all payments made under sections 77 and 141 on account of the Tribunal; and

(e) all office expenses incurred by the Board or the Tribunal.

(2) The expression "office expenses" in clause (c) of sub-section (1) means expenses incurred for carrying on office work, and includes the rent of offices, the provision of furniture therefor, and charges for printing and stationery.

119. *Keeping of capital account and revenue account*—(1) The Board shall keep a capital account and a revenue account.

(2) The capital account shall show separately all expenditure incurred by the Board on each improvement scheme.

120. *Credits to capital account*.—There shall be credited to the capital account—

(a) all sums (except interest) received by way of betterment fees under this Act;

(b) all moneys received on account of loans taken by the Board in pursuance of this Act;

(c) the proceeds of the sale of any land belonging to the Board which was purchased out of any such loan;

(d) where land was purchased out of an advance from the revenue account, the portion of the proceeds of the sale of such land which remains after crediting to the revenue account the amount of such advance;

(e) the proceeds of the sale of any movable property (including securities for money invested from the capital account) belonging to the Board;

(f) all lump sums received from the Government in aid of the capital account;

(g) all premia received by the Board in connexion with leases for any term exceeding forty years;

(h) all sums (if any) which the Government direct under sub-section (2) of section 123 to be credited to the capital account; and

(i) all moneys resulting from the sale of securities by direction of the Government under section 124.

121. *Application of capital account*.—The moneys credited to the capital account shall be held by the Board in trust, and shall be applied to—

(a) meeting all costs of framing and executing improvement schemes;

(b) meeting the cost of acquiring land for carrying out any of the purposes of this Act,

(c) meeting the cost of constructing buildings required for carrying out any of the purposes of this Act;

(d) the repayment of loans from money borrowed in pursuance of this Act,

(e) making payments in pursuance of section 146, otherwise than for interest or for expenses of maintenance or working;

(f) making, or contributing towards the cost of surveys in pursuance of section 163;

(g) meeting such proportion of the cost of management as may be prescribed by the Board;

(h) temporarily making good the deficit (if any) in the revenue account at the end of any financial year.

122. *Credits to revenue account.*—There shall be credited to the revenue account—

- (a) all interest received in pursuance of section 86 or section 87;
- (b) all sums contributed by the Government and by the Corporation under section 91;
- (c) all annually recurring sums received from the Government in aid of the funds of the Board;
- (d) all damages received by the Board under section 158;
- (e) all premia received by the Board in connexion with leases for any term not exceeding forty years;
- (f) all rents of land vested in the Board; and
- (g) all other receipts by the Board which are not required by section 120 to be credited to the capital account.

123. *Application of revenue account.*—(1) The moneys credited to the revenue account shall be held by the Board in trust, and shall be applied to—

- (a) meeting all charges for interest and sinking fund due on account of any loan taken in pursuance of this Act, and all other charges incurred in connexion with such loans;
- (b) paying all sums due from the Board in respect of rates and taxes imposed under the Trivandrum City Municipal Act, upon land vested in the Board;
- (c) paying the cost (if any) of maintaining a separate establishment for the collection of the rents and other proceeds of land vested in the Board;
- (d) paying the fees determined for arbitrators under section 83,
- (e) paying all sums which the Government may direct to be paid to any auditor under section 130,
- (f) making payments in pursuance of section 146 for interest or for expenses of maintenance or working;
- (g) paying the cost of management, excluding such proportion thereof as may be debited to the capital account under clause (g) of section 121;
- (h) paying all other sums due from the Board other than those which are required by section 121 to be disbursed from the capital account.

(2) The surplus (if any) remaining after making the payments referred to in sub-section (1) shall, subject to the maintenance of a closing balance as required by sub-section (2) of section 112, be invested in the manner prescribed in section 103 towards the service of any loans outstanding after the expiry of sixty years from the commencement of this Act, unless the Government otherwise direct.



124. *Power to direct sale of securities in which any surplus of the revenue account is invested.*—If at any time after any surplus referred to in subsection (2) of section 123 has been invested, the Government are satisfied that the investment is not needed for the service of any loan referred to in that sub-section, they may direct the sale of the securities held under the investment.

125. *Advances from revenue account to capital account.*—(1) Notwithstanding anything contained in section 123, the Board may advance any sum standing at the credit of the revenue account for the purpose of meeting capital expenditure.

(2) Every such advance shall be refunded to the revenue account as soon as may be practicable.

126. *Advances from capital account to revenue account.*—(1) Any deficit in the revenue account at the end of any financial year may be made good by an advance from the capital account.

(2) Every such advance shall be refunded to the capital account in the following financial year.

127. *Submission of abstracts of accounts to Government.*—At the end of each half of every financial year, the Board shall submit to the Government an abstract of the accounts of its receipts and expenditure for such half-year.

128. *Annual audit of accounts*—The accounts of the Board shall be examined and audited once in every financial year by such auditor as the Government may appoint in this behalf.

129. *Powers of auditors.*—The said auditor may—

(a) by summons in writing require production of any document, the perusal or examination of which he believes necessary for the elucidation of the accounts;

(b) by summons in writing require any person who has the custody or control of any such document or who is accountable therefor to appear in person before him;

(c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

130. *Remuneration of auditor.*—The Board shall pay to the said auditor such remuneration as the Government may direct.

131. *Reports and information to be furnished by auditor to the Board.*—(1) The said auditor shall—

(a) report to the Board and to the Government any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the Board, or in the accounts;

(b) furnish to the Board such information as it may from time to time require concerning the progress of his audit;

(c) report to the Chairman any loss or waste of money or other property owned by or vested in the Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste; and

(d) submit to the Chairman a final statement of the audit and a duplicate copy thereof to the Government within a period of three months from the end of the financial year, or within such other period as the Government may allow in that behalf.

(2) (a) The said auditor may disallow every item contrary to law and surcharge the same on the person making or authorizing the making of the illegal payment; and may charge against any person responsible therefor, the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

*Explanation.*—It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss, to contend that notwithstanding his negligence or misconduct, the deficiency or loss would not have occurred but for the negligence or misconduct of some other person.

(b) The said auditor shall state in writing the reasons for his decision in respect of every disallowance, surcharge or charge and furnish a copy thereof by registered post to the person against whom it is made.

(c) If the person to whom a copy of the decision is so furnished refuses to receive it, he shall nevertheless be deemed to have been duly furnished with the copy, within the meaning of clause (b); and the period of fourteen days fixed in sub-sections (3) and (4) shall be calculated from the date of such refusal.

(3) Any person aggrieved by a disallowance, surcharge or charge made under sub-section (2) may, within fourteen days after he has been furnished with a copy of the decision of the auditor, either (a) apply to the District Court exercising jurisdiction in the city, to set aside such disallowance, surcharge, or charge in which case the Court may after taking such evidence as it thinks necessary, confirm, modify or remit such disallowance, surcharge or charge, with such orders as to costs as it may think proper in the circumstances; or (b) in lieu of such application, appeal to the Government who shall pass such orders as they think fit.

(4) Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the Board within fourteen days after he has been furnished with a copy of the decision of the auditor unless within that time such person has applied to the Court or appealed to the Government against the decision under sub-section (3); and such sum if not so paid, or such sum as the Court or the Government shall declare to be due, shall be recoverable on an application made by the Board to the Court in the same way as an amount decreed by it.

(5) Notwithstanding anything contained in this section, the Government may at any time direct that the recovery of the whole or any part of the amount certified to be due from any person by the auditor under this Act shall be waived if in their opinion such a course is necessary, considering all the circumstances of the case.

132. *Auditor's report to be sent to each Trustee and considered by Board.*—The Chairman shall cause the report mentioned in clause (d) of subsection (1) of section 131 to be printed and shall forward a printed copy thereof to each Trustee and shall bring such report before the Board for consideration at its next meeting.

133. *Board to remedy defects pointed out by auditor.*—It shall be the duty of the Board forthwith to remedy any defects or irregularities that may be pointed out by the auditor.

134. *Publication and transmission of an abstract of the accounts.*—As soon as practicable after the receipt of the said report, the Board shall prepare an abstract of the accounts to which it relates, and shall publish such abstract in the *Gazette* and send a copy of the abstract to the Commissioner and to the Government.

## CHAPTER VI

### RULES

135. *Power of the Government to make rules.*—The Government may make rules consistent with this Act—

(a) with regard to all matters expressly required or allowed by this Act to be prescribed by the Government ;

(b) for regulating elections to the Board in respect of all matters relating to such elections which are not expressly provided for in this Act ;

(c) for regulating the proceedings of the arbitrator referred to in section 82 ;

(d) for prescribing the fees payable for copies of, or extracts from, the assessment books of the Corporation or of any other local authority, furnished to the Chairman ;

(e) as to the conditions on which officers and servants of the Board or of the Tribunal may be appointed, reduced, suspended, discharged, removed or dismissed ;

(f) as to the intermediate office or offices (if any) through which correspondence between the Board and the Government or their officers shall pass ;

(g) as to the accounts to be kept by the Board ,

(h) as to the returns, statements, reports and accounts to be submitted by the Board ,

(i) prescribing and defining the mutual relations to be observed between the Board and other local authorities in any matter in which they are jointly interested ;

(j) generally for the guidance of the Board and public officers in all matters connected with the carrying out of the provisions of this Act.

136. *Powers of the Board to make rules.*—The Board may, from time to time with the previous sanction of the Government, make rules consistent with this Act and with any rules made thereunder by the Government.—

(a) in regard to all matters expressly required or allowed by this Act to be prescribed by the Board ;

(b) for associating members with the Board under section 17,

(c) for appointing persons other than Trustees and persons associated with the Board under section 17 to be members of Committees under section 18 ;

(d) for regulating the delegation of powers or duties of the Board to Committees or to the Chairman ;

(e) for the guidance of persons employed by it under this Act,

(f) for prescribing the fees payable for copies of documents delivered by any of its officers and servants under this Act;

(g) for the management, use and regulation of dwellings constructed under any improvement scheme,

(h) generally for carrying out the purposes of this Act.

137. *Rules to be subject to previous publication and to be published in Gazette.*—(1) The power to make rules conferred by sections 135 and 136 is subject to the condition of previous publication and no such rules shall take effect until they have been published in the Gazette.

(2) All rules made under this Act shall be laid for not less than fourteen days before the Legislative Assembly as soon as possible after they are made and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or in the session immediately following.

138. *Printing and sale of copies of rules.*—(1) The Chairman shall from time to time cause all rules made under section 135 or section 136 to be printed and shall make such printed copies available for sale to the public.

(2) The Chairman shall cause a notice to be published in local newspapers specifying the place where and the person from whom and the price at which a copy of the rules may be obtained.

139. *Power of Government to cancel rules made under section 136.*—The Government may, after previous publication of their intention, rescind any rule made by the Board under section 136 and thereupon such rule shall cease to have effect.

## CHAPTER VII

### SUPPLEMENTAL PROVISIONS

140. *Trustees, etc., deemed to be public servants.*—Every trustee, every officer and servant of the Board, and every member, officer and servant of the Tribunal, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. (*Central Act 45 of 1860*)

141. *Contributions by Board towards leave allowances and pensions of servants of the Central or State Government employed under this Act.*—The Board shall be liable to pay such contributions for the leave allowances and pensions of any servant of the Central or State Government employed as Chairman or as an officer or servant of the Board, or as a member, officer or servant of the Tribunal, as may be required by the conditions of his service under the Central or State Government, to be paid by him or on his behalf.

142. *Power to extend the Trivandrum City Municipal Act to areas near the City to which provisions of the present Act have been applied.*—(1) When all or any provisions of this Act have been applied to any area in the neighbourhood of the City under sub-section (2) of section 1, the Government may, by notification, declare that all or any of the provisions of the Trivandrum City Municipal Act shall be extended to and be in force in, such area.

(2) The provisions so notified shall be construed with such alterations not affecting the substance as may be necessary or proper for the purpose of adapting them for such area.

(3) Without prejudice to the generality of the foregoing provision, except in so far as the notification issued under sub-section (1) may otherwise direct, all references in the provisions so extended to the Corporation or the Council or a standing committee thereof shall be construed as references to the Board, all references to the Commissioner as references to the Chairman, all references to any other officer or servant of the Corporation as references to the corresponding officer or servant of the Board, and all references to the limits of the City as references to the limits of such area—

(4) When all or any of the provisions of the Trivandrum City Municipal Act are extended under sub-section (1) to any area—

(a) the Travancore District Municipalities Act, 1116, or the Travancore-Cochin Panchayats Act, 1950, as the case may be, in so far as the same may be in force in such area, shall be deemed to be repealed therein, and

(b) except in so far as the notification issued under sub-section (1) may otherwise direct, the rules, by-laws, regulations, orders, directions and powers, made, issued or conferred under the provisions of the Trivandrum City Municipal Act, which have been so extended and are in force on the date of such extension, shall apply to the said area, in supersession of the corresponding rules, by-laws, regulations,

orders, directions and powers (if any) made, issued or conferred under the Travancore District Municipalities Act, 1116, or the Travancore-Cochin Panchayats Act, 1950, as the case may be.

143. *Publication of notifications under sections 1 (2) and 142 (1) in draft for criticism.*—(1) Before publishing a notification under sub-section (2) of section 1, or sub-section (1) of section 142, in respect of any area, the Government shall publish a draft of the same in the Gazette.

(2) Any rate-payer or inhabitant of such area may, if he objects to the draft, submit his objection in writing to the Government within six weeks from its publication, and the Government shall take such objection into consideration.

144. *Board and Chairman to exercise powers and functions under the Travancore Town Planning Act, 1108.*—In any area to which this Act applies, the Government may, by notification, declare that from such date as may be specified therein, the Corporation or a standing committee thereof or the Commissioner of the Corporation shall not exercise or discharge any powers or functions under the Travancore Town Planning Act, 1108, and that subject to such restrictions and modifications, if any, as may be specified in the notification.

(i) the powers and functions of the Corporation or a standing committee thereof under the said Act shall be exercised and discharged by the Board; and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act shall be exercised and discharged by the Chairman.

145. *Board and Chairman to exercise powers and functions under the Trivandrum City Municipal Act.*—(1) In any area in respect of which an improvement scheme is in force, the Government may, by notification, declare that, for the period during which such scheme remains in force and subject to such restrictions and modifications, if any, as may be specified in the notification.

(i) the powers and functions of the Corporation or a standing committee thereof under the Trivandrum City Municipal Act shall be exercised and discharged by the Board, and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act shall be exercised and discharged by the Chairman.

(2) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(3) The exercise or discharge of any of the powers or functions delegated under sub-section (2) shall be subject to such limitations, conditions and control as may be laid down by the Board or the Chairman, as the case may be.

146. *Powers of the Board for facilitating movement of the population.*—With a view to facilitating the movement of the population in and around the City of Trivandrum, the Board may, from time to time.

(1) subject to any condition it may think fit to impose.

(a) guarantee the payment, from the funds at its disposal, of such sums as it may think fit, by way of interest on capital expenditure on the construction, maintenance or working of means of locomotion;

(b) make such payments as it may think fit from the said funds, by way of subsidy to persons undertaking to provide, maintain and work means of locomotion; or

(2) either singly or in combination with any other person, construct, maintain and work any means of locomotion, under the provisions of any law applicable thereto; or

(3) construct or widen, strengthen or otherwise improve, bridges.

Provided that no guarantee or subsidy shall be made under clause (1), and no means of locomotion shall be constructed, maintained or worked under clause (2), without the sanction of the Government.

147. *Saving of Telegraph, Railways and Electricity Acts.*—Nothing in this Act shall be deemed to affect the provisions of the Indian Telegraph Act, 1885, or the Indian Railways Act, 1890, or the Indian Electricity Act, 1910, or the Electricity (Supply) Act, 1948.

148. *Cognizance of offences.*—No court other than that of a Magistrate of the First Class shall try any offence against this Act or any rule made thereunder.

149. *Limitation of time for prosecution.*—No person shall be tried for any offence against this Act or any rule made thereunder unless complaint of such offence is made before a Magistrate of the First Class within three months next after the commission thereof.

150. *Powers of Chairman as to institution, composition, etc., of legal proceedings and obtaining legal advice.*—The Chairman may, subject to the control of the Board—

(a) institute, defend or withdraw from legal proceedings under this Act or any rule made thereunder;

(b) compound any offence against this Act or any rule made thereunder which, under any law for the time being in force or the rules prescribed by the Government, may lawfully be compounded;

(c) admit, compromise or withdraw any claim made under this Act or any rule made thereunder; and

(d) obtain such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain or as he may be desired by the Board to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Board or any officer or servant of the Board.

151. *Indemnity to Board, etc.*—No suit shall be maintainable against the Board, or any Trustee, or any officer or servant of the Board or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board, in respect of anything lawfully and in good faith done under this Act or any rule made thereunder.

152. *Notice of suit against Board, etc.*—No suit shall be instituted against the Board, or any Trustee, or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board, in respect of any act purporting to be done under this Act or any rule made thereunder until the expiration of one month next after within notice has been delivered or left at the Board's office or the place of abode of such officer, servant or person, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, and the plaint must contain a statement that such notice has been so delivered or left.

153. *Co-operation of the Police.*—(1) The Inspector General of Police and his subordinates shall be bound to co-operate with the Chairman for carrying into effect and enforcing the provisions of this Act.

(2) It shall be the duty of every police officer—

(i) to communicate without delay to the proper officer or servant of the Board any information which he receives of a design to commit or of the commission of any offence against this Act or any rule made thereunder, and

(ii) to assist the Chairman or any officer or servant of the Board reasonably demanding his aid for the lawful exercise of any power vesting in the Chairman or in such officer or servant under this Act or any rule made thereunder.

154. *Arrest of offenders.*—(1) Any police officer not below the rank of a head constable may arrest any person who commits, in his presence, any offence against this Act or any rule made thereunder, if the name or address of such person be unknown to him, and if such person, on demand, declines to give his name or address, or gives a name or address with such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or for any longer time than is necessary for bringing him before a Magistrate. In no case shall such detention exceed twenty-four hours from the time of arrest without the orders of a Magistrate.

155. *Proof of consent, etc., of Board or Chairman or officer or servant of Board.*—Whenever under this Act or any rule made thereunder, the doing or the omission to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(a) the Board or the Chairman, or—

(b) any officer or servant of the Board, a written document, signed in case (a) by the Chairman, and in case (b) by the said officer or servant, conveying or setting forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction.

156. *Validation of acts and proceedings.*—(1) No act done or proceeding taken under this Act shall be questioned on the ground merely of—



(a) the existence of any vacancy in, or any defect in the constitution of, the Board or any Committee; or

(b) any person having ceased to be a Trustee; or

(c) any Trustee, or any person associated with the Board under section 17, or any other member of a Committee appointed under this Act, having voted or taken any other part in any proceeding in contravention of section 20; or

(d) the failure to serve a notice under section 49 on any person, where no substantial injustice has resulted from such failure; or

(e) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board, the minutes of the proceedings of which have been duly signed as prescribed in clause (h) of section 16, shall be deemed to have been duly convened and to be free from all defect and irregularity.

157. *General power of Board to pay compensation.*—In any case not otherwise expressly provided for in this Act, the Board may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested by or under this Act in the Board or the Chairman or any officer or servant of the Board.

158. *Compensation to be paid by offenders for damage caused by them.*—  
(1) If, on account of any act or omission, any person has been convicted of any offence against this Act or any rule made thereunder and, by reason of the same act or omission of the said person, damage has occurred to any property of the Board, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate by whom he was convicted of the said offence.

(3) If the amount of any compensation due under this section be not paid the same shall be recovered under a warrant from the said Magistrate, as if it were a fine imposed by him on the person liable therefor.

159. *Public notices how to be made known.*—Every public notice given under this Act or any rule made thereunder shall be in writing over the signature of the Chairman, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspapers, or by any two or more of these means, and by any other means that the Chairman may think fit. Every such notice shall also be published by affixture in the notice board of the Board's office.

160. *Newspapers in which advertisements or notices are to be published.*—Whenever it is provided by this Act or any rule made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or any information shall be published in local newspapers, such notice, notification or information shall be inserted in at least two newspapers published in any language or languages of the State.

161. *Stamping signature on notices or bills.*—Every notice or bill, which is required by this Act or by any rule made thereunder to bear the signature of the Chairman or of any other Trustee or of any officer or servant of the Board, shall be deemed to be properly signed if it bears a facsimile of the signature of the Chairman or of such other Trustee or of such officer or servant, as the case may be, stamped thereupon.

162. *Service how to be effected.*—When any notice, bill or other document is required by this Act or any rule made thereunder to be served upon or issued or presented to any person, such service, issue or presentation shall be effected—

(a) by giving or tendering such document to such persons ; or  
(b) if such person is not found, by leaving such document at his last known place of abode in the City of Trivandrum, or by giving or tendering the same to some adult male member or servant of his family; or

(c) if such person does not reside in the City of Trivandrum, and his address elsewhere is known to the Chairman, by forwarding such document to him by registered post under cover bearing the said address ; or

(d) if none of the means aforesaid be available, by causing a copy of such document to be affixed on some conspicuous part of the building or land (if any) to which the document relates.

163. *Power to make surveys or contribute towards their cost.*—The Board may—

(a) cause a survey of any land to be made, whenever it considers that a survey is necessary or expedient for carrying out any of the purposes of this Act, or

(b) contribute towards the cost of any such survey made by any other local authority.

164. (1) *Power of entry.*—The Chairman or any person either generally or specially authorised by the Chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order—

(a) to make any inspection, survey, measurement, valuation or inquiry,

(b) to take levels,

(c) to dig or bore into the sub-soil,

(d) to set out boundaries and intended lines of work,

(e) to mark such levels, boundaries and lines by placing marks and cutting trenches, or

(f) to do any other thing,  
whenever it is necessary to do so for any of the purposes of this Act or any rule made or scheme sanctioned thereunder or any scheme which the Board intends to frame thereunder :

Provided as follows:—

(a) no such entry shall be made between sunset and sunrise

(b) no dwelling house, and no public building or hut which is used as a dwelling place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry ;

(c) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove themselves to some part of the premises where their privacy will not be disturbed ;

(d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(2) Whenever the Chairman or a person authorised under sub-section (1) enters into or upon any land in pursuance of that sub-section, he shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Board, whose decision shall be final.

165. *Punishment for acquiring share or interest in contract, etc., with the Board.*—If any Trustee, or any officer or servant of the Board, knowingly acquires, directly or indirectly, by himself or by any partner employer or employee, otherwise than as such Trustee, officer or servant, any share or interest in any contract or employment with, by or on behalf of, the board [not being a share or interest which, under sub-section (2) of section 7, it is permissible for a Trustee to have without being thereby disqualified for being appointed a Trustee], he shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code (*Central Act 45 of 1860*).

166. *Penalty for removing fence, etc., in street.*—If any person, without lawful authority,—

(a) removes any fence or shoring timber, or removes or extinguishes any light, set up under section 62, or

(b) infringes any order given, or removes any bar, chain or post fixed, under sub-section (2) of section 63,—  
he shall be punishable with fine which may extend to fifty rupees.

167. *Penalty for building within street alignment or building line.*—(1) If any person, without the permission of the Board, erects, re-erects, adds to or alters any wall or building so as to make the same project into the street alignment or beyond the building line prescribed by any deferred street scheme, development scheme or town expansion scheme, he shall be punishable—

(a) with fine which may extend in the case of a wall or masonry building to five hundred rupees and in any other case to fifty rupees; and

(b) with further fine which may extend in the case of a wall or masonry building to one hundred rupees and in any other case to ten rupees, for each day after the first during which the projection continues.

(2) (a) The owner for the time being of the wall or building so erected, re-erected, added to or altered, may be required by a written notice issued by the Chairman to stop further work on such wall or building and to alter or demolish the same in such manner and within such time as may be specified in the notice.

(b) Where the alteration or demolition directed by any such notice is not carried out as directed therein the Chairman may cause the wall or building or portion thereof to be altered or demolished, as the case may be, and he may recover the expenses incurred in so doing from the owner for the time being in such manner as may be prescribed by the Government.

168. *Penalty for failure to comply with requisition made by auditor*—If any person fails to comply with any requisition made under section 129, he shall be punishable—

(a) with fine which may extend to one hundred rupees; and

(b) in case of a continuing failure, with fine which may extend to fifty rupees for each day after the first during which the failure continues.

169. *Penalty for obstructing contractor or removing mark*.—If any person—

(a) obstructs or molests any person with whom the Chairman has entered into a contract on behalf of the Board, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act or any rule made thereunder, or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act or any rule made or scheme sanctioned thereunder, he shall be punishable with fine which may extend to two hundred rupees.

170. *Penalty for breach of the provisions of the Act, etc.*—Whoever contravenes any provision of this Act or of any rule made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable—

(a) with fine which may extend to one hundred rupees; and

(b) in case of a continuing contravention, with fine which may extend to fifty rupees for each day after the first during which the contravention continues.

171. *Dissolution of Board and transfer of its assets and liabilities to the Government and the Corporation*—(1) When all schemes sanctioned under this Act have been executed or have been so far executed as to render the continued existence of the Board in the opinion of the Government unnecessary, the Government may, by notification, declare that the Board shall be dissolved on such date as may be specified in such notification; and the Board shall be deemed to be dissolved accordingly.

(2) On and from the said date—

(a) (i) all properties, funds and dues placed at the disposal of the Board by the Government, and

(ii) all properties, funds and dues exchanged for, derived from, or otherwise attributable to, the properties, funds and dues referred to in sub-clause (i), which, immediately before the said date, were held by or realizable by the Board, shall vest in, and be realizable by the Government.

(b) all properties, funds and dues, other than those referred to in clause (a), which, immediately before the said date, were vested in or were realizable by the Board and the Chairman respectively shall vest in and be realizable by the Corporation and the Commissioner respectively ;

(c) if any question arises as to whether any properties, funds or dues vest in the Government under clause (a) or in the Corporation under clause (b), the question shall be referred to the Government whose decision thereon shall be final ;

(d) all liabilities which, immediately before the said date, were enforceable against the Board shall be enforceable against the Government or the Corporation. The Government shall determine which of such liabilities shall be enforceable against them and which against the Corporation ;

(e) for the purpose of completing the execution of schemes sanctioned under this Act, which have not been fully executed by the Board, the Government may, by order, decide which of such schemes shall be completed by the Corporation and which by the Government, and the decision of the Government thereon shall be final, and the functions of the Board and the Chairman shall be discharged in respect of those schemes by the Corporation or the Government, as the case may be.

(f) the Corporation shall keep separate accounts of all moneys respectively received and expended by it under this Act, until all loans raised thereunder have been repaid and until all other liabilities referred to in clause (d) have been duly met

172. *Submission of administration report to Government.*—(1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Board shall submit to the Government a detailed report of the administration during the preceding year in such form as the Government may direct.

(2) The Chairman shall prepare such report and the Board shall consider the report and forward the same to the Government with its resolutions thereon, if any, and copies of such report and resolutions shall be laid before the Legislative Assembly at the first meeting thereof held after their receipt by the Government.

(2) Copies of the administration report shall be kept for sale at the office of the Board.

## THE SCHEDULE

[See SECTION 73 (a) ]

Modifications in the Land Acquisition Act (Travancore  
Act XI of 1089.)

1. In clause (C—1) of section 3 of the Land Acquisition Act (Travancore Act XI of 1089), hereinafter in this Schedule referred to as “the said Act”, the following words and figures shall be deemed to be inserted at the end, namely :—

“and includes the Board of Trustees for the Improvement of the City of Trivandrum, constituted under section 3 of the Trivandrum City Improvement Trust Act, 1960”.

2. (1) The first publication of a notice of an improvement scheme under section 47 of the Trivandrum City Improvement Trust Act, 1960, shall be substituted for and have the same effect as publication in the Gazette and in the locality of a notification under sub-section (1) of section 4 of the said Act, except where a notification under sub-section (1) of section 4 or a declaration under section 6 of the said Act has been previously made and is in force.

(2) Subject to the provisions of paragraphs 6 and 7 of this Schedule, the issue of a notice under clause (c) of sub-section (3) of section 40 of the Trivandrum City Improvement Trust Act, 1960, in the case of land proposed to be acquired in pursuance of that clause, and in any other case the publication of a notification under section 53 of that Act shall be substituted for and have the same effect as a declaration under section 6 of the said Act, except where a declaration under the last mentioned section has been previously made and is in force.

3 In section 14 of the said Act, for the word and figures “and 23”, the figures, word and letter “23 and 23A” shall be deemed to be substituted.

4. In sub-section (2) of section 17 of the said Act, after the word and figures “section 23”, the words, figures and letter “or section 23A” shall be deemed to be inserted.

5. After section 17 of the said Act, the following section shall be deemed to be inserted, namely :—

“17A. *Transfer of land to Board.*—In every case referred to in section 16 or section 17, the District Collector shall, upon payment of the cost of acquisition, make over charge of the land to the Board ; and the land shall thereupon vest in the Board, subject to the liability of the Board to pay any further costs which may be incurred on account of its acquisition”.

6. (1) In sub-section (1) of section 22 of the said Act, for clauses *first* and *sixthly*, the following clauses shall respectively be deemed to be substituted, namely :—

“*first*, the market value of the land—

(a) at the date of the issue of the notice under clause (b) of sub-section (3) of section 40 of the Trivandrum City Improvement Trust Act, 1960, in case the land is proposed to be acquired in pursuance of that clause ; and

(b) at the date of the first publication of the notice under section 47 of that Act, in any other case ;”

“*sixthly*, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the date referred to in paragraph (a) or paragraph (b), as the case may be, of clause *first*, and the date on which the District Collector takes possession of the land ;”

(2) In the same section, sub-section (2) shall be omitted and in lieu thereof the following sub-section shall be deemed to have been substituted, namely :—

“(2) For the purposes of clause *first* of sub-section (1) of this section—

(a) if the market value of the land has been increased or decreased owing to the land falling within or near to the alignment of a projected public street, so much of the increase or decrease as may be due to such cause shall be disregarded ;

(b) if any person, otherwise than in accordance with the provisions of this Act, erects, re-erects, adds to, or alters any wall or building so as to make the same project into the street alignment or beyond the building line prescribed by any scheme made under this Act, then, any increase in the market value resulting from such erection, re-erection, addition or alteration shall be disregarded.”

7. For clause *seventhly* of section 23 of the said Act, the following clause shall be deemed to be substituted, namely :—

“*Seventhly*, any outlay on additions or improvements to land acquired, which was incurred after the date with reference to which the market value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair.”

8. After section 23 of the said Act, the following section shall be deemed to be inserted, namely :—

“23A. *Further provisions for determining compensation.*—In determining the amount to be awarded for any land acquired for the Board under this Act, regard shall also be had to the following provisions, namely:—

(1) When any interest in any land acquired under this Act has been required after the date with reference to which the market value is to be determined no separate estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land.

(2) If, in the opinion of the court, any building is in a defective state from a sanitary point of view, or is not in a reasonably good state of repair, the amount of compensation shall not exceed the sum which

the Court considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, *minus* the estimated cost of putting it into such condition or state:

(3) If, in the opinion of the court, any building, which is used or is intended or is likely to be used for human habitation, is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials of the building, *minus* the cost of demolishing the building."

9. After section 34 of the said Act, the following section shall be deemed to be inserted, namely :—

"34A. *Compensation to be awarded when land not acquired within two years.*—(1) Where the District Collector has not made an award under section 11 in respect of any land within a period of two years from the date of the publication of the declaration under section 6 or of the issue of a notice under clause (c) of sub-section (3) of section 40 of the Trivandrum City Improvement Trust Act, 1960, or of the publication of a notification under section 53 of the Act, as the case may be, the owner of the land shall, unless he has been responsible for the delay to a material extent, be entitled to receive compensation for the damage suffered by him in consequence of the delay.

(2) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section."

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