

# The Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Act, 1980

Act 16 of 1980

Keyword(s): Competent Authority, Cultivating Tenant, Cyclone and Flood Affected Area, Landlord, Pay, Public Trusts Act

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# 54 Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief)

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# TAMIL NADU ACT NO. 16 OF 1980.\*

# THE TAMIL NADU CYCLONE AND FLOOD AFFECTED AREAS CULTIVATING TENANTS ARREARS OF RENT (RELIEF) ACT, 1980.

[Received the assent of the President on the 22nd April 1980, first published in the Tamil Nadu Government Gazette Extraordinary on the 26th April 1980 (Chitharthi 14, Rowthiri-2011-Thiruvalluvar Aandu).]

# An Act to provide relief to cultivating tenants in the cyclone and flood affected areas in the State in respect of certain arrears of rents.

WHEREAS by the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Temporary Relief) Act, 1978 (Tamil Nadu Act 17 of 1978), cultivating tenants in the cyclone and flood affected areas were given protection from eviction on the ground of arrears of rent;

AND WHEREAS the said protection will apply only up to and inclusive of the 15th July 1980;

AND WHEREAS after the said protection ceases to apply, it will be difficult for the cultivating tenants to pay the entire arrears outstanding on the 16th July 1980;

AND WHEREAS due to default in the payment of arrears of rent, landlords may take action against cultivating tenants in the said areas for eviction and for recovery of arrears of rent;

AND WHEREAS in the interests of the general public, the said cultivating tenants should, at the present time, be spared the distractions and expenditure involved in such action in order that the maximum possible advantage may result to the State in the matter of production of food crops;

AND WHEREAS it is considered necessary, as part of agrarian reform, to give relief to the cultivating tenants from the heavy burden of discharging arrears of rent, on certain conditions specified;

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<sup>\*</sup> For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 7th February 1980, Part IV-Section 1, page 64.

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# Cyclone and Flood Affected 55 Areas Cultivating Tenants Arrears of Rent (Relief)

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Tamil Nadu Cyclone Short title and and Flood Affected Areas Cultivating Tenants Arrears application. of Rent (Relief) Act, 1980.

. (2) It applies to all cultivating tenants in the cyclone and flood affected areas.

2. It is hereby declared that this Act is for giving Declaration. effect to the policy of the State towards securing the principles laid down in Part IV, and in particular clause (c) of Article 39 and Article 46 of the Constitution.

3. In this Act, unless the context otherwise requires, - Definitions.

(a) "competent authority" means the Revenue Divisional Officer or authorised officer having jurisdiction to entertain a proceeding for the eviction of a cultivating tenant under the Tenants Protection Act or the Public Trusts Act, as the case may be;

(*b*) " court " means—

(i) any court in which any suit or proceeding for the recovery of any arrears of rent from a cultivating terant is pending on the date of the publication of this Act; or

(ii) any court which has passed a decree or order for such recovery; or

(iii) any court to which such decree or order has been sent for execution ;

(c) "cultivating tenant" means-

(i) a cultivating tenant as defined in clause (aa) of section 2 of the Tenants Frotection Act : or

(ii) a cultivating tenant as defined in clause (5) of section 2 of the Public Trusts Act;

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(d) "cyclone and flood affected areas" mean the areas specified in the Schedule to the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Temporary Relief) Act, 1978 (Tamil Nadu Act 17 of 1978);

(e) "date of the publication of this Act" means the date of the publication of this Act in the Tamil Nadu Government Gazette;

(f) "landlord" means a landlord as defined in clause (e) of section 2 of the Tenants Protection Act and includes a public trust as defined in clause (25) of section 2 of the Public Trusts Act;

(g) "pay" with its grammatical variations, includes deliver; 1[ \*\*\* \*\*\* ]

(i) "Public Trusts Act" means the Tamil Nadu Public Trusts (Regulation of Admiristration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961);

(j) "Tenants Protection Act" means the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955);

(k) all other words and expressions used, but not defined in this Act and defined in the Tenants Protection Act or in the Public Trusts Act shall have the same meaning as in the Tenants Protection Act or in the Public Trusts Act, as the case may be.

<sup>1</sup>The following claure (h) was omitted by section 3 of the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1980 (Tamil Nadu Act 40 of 1980), which was deemed to have come into force on the 26th April 1980 :--

"(h) "previous arrears" means the total amount of arrears of rent accured due to the landlord before the 30th June 1973 and outstanding on the date of publication of this Act without interests." **1980 : T.N.** Act 16]

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<sup>1</sup>[4. (1) All arrears of rent payable by a cultivating tenant Relief for payto the landlord for the fasli year ending with the 30th June 1972 and for any previous fasli year and outstanding on the date of the publication of this Act, shall be deemed to be discharged, whether or not a decree or order has been obtained therefor, if such cultivating tenant,—

(i) has, before the date of the publication of this Act, paid to the landlord or deposited in the court or before the competent authority, to the account of the landlord ; or

(ii) pays to the landlord or deposits in the court or before the competent authority, to the account of the landlord in the manner specified in sub-sections (2) and (5); or

(iii) is deemed to have paid or deposited under this Act,—

<sup>1</sup>These sections were substituted for the following original sections by section 4 of the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1980 (Tamil Nadu Act 40 of 1980), which was deemed to have come into force on the 26th April 1980 :--

"4. Relief for payment of arrears of rent.—(1) All arrears of rent payable by a cultivating tenant to the landlord for the fasli year ending with the 30th June 1978 and for any previous fasli year (hereinafter referred to as the said years) and outstanding on the date of the publication of this Act, shall be deemed to be discharged, whether or not a decree or order has been obtained therefor, if such cultivating tenant,—

(i) has, before the date of the publication of this Act, paid to the landlord or deposited in the court or before the competent authority, to the account of the landlord; or

(ii) pays to the landlord or deposits in the court or before the competent authority, to the account of the landlord in the manner specified in sub-sections (2) and (3); or

(iii) is deemed to have paid or deposited under this Act,-

(a) the previous arrears; and

(b) one-fifth of the rent for each fash year during the period commencing on the 1st July 1973 and ending with the 30th June 1978 without interest (hereinafter referred to as the reduced rent):

Provided that where the cultivating tenant deposits in the court or before the competent authority under this Act the previous arrears or the instalments of the reduced rent, and in case where the rent is payable in kind, such deposit shall be the market value thereof on the date of such deposit.

(2) Any cultivating tenant may pay to the landlord or **deposit** in the court or before the competent authority to the account of the landlord,—

(a) the previous arrears, on or before the 30th June 1980; d

and

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the rent for the fasli year commencing on the 1st July 197I and ending with the 30th June 1972 without interest (hereinafter referred to as the rent for the fasli year 1381).

(2) Any cultivating tenant may pay to the landlord or deposit in the court or before the competent authority to the account of the landlord the rent for the falsi year 1381 in three equal instalments as specified below :---

(b) the reduced rent in three annual instalments as specified below :---

(i) the first instalment being the one-fourth of the reduced rent, on or before the 30th June 1980;

(ii) the second instalment being the one-half of the remainder of the reduced rent, on or before the 30th June 1981; and

(iii) the third instalment being the balance of the reduced rent, on or before the 30th June 1982.

(3) The court in which or the competent authority before which the deposit is made under sub-section (2) shall cause notice of the deposit to be issued to the landlord and determine after a summary enquiry, whether the amount deposited represents the correct amount of the previous arrears and the instalment of the reduced rent due from the cultivating tenant. If the court or the competent authority finds that any further sum is due towards such previous arrears or any instalment of the reduced rent, it shall allow the cultivating tenant to deposit the further sum within the periods specified in that sub-section or within such further time as the court or competent authority may allow which shall not in any case exceed thirty days from the respective date specified in the said sub-section. If the court or the competent authority adjudges that no further sum is due or if the cultivating tenant deposits within the time referred to above such further sum as is ordered by the court or the comp tent authority, the cultivating tenant shall be deemed to have paid the previous arrears and the instalment of the reduced rent within the due date for the purposes of this Act. If having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the court or the competent authority the landlord may proceed against such cultivating tenant under the Public Trusts Act or the Tenants Protection Act, as the case may be, for arrears of rent.

(4) In any suit or proceeding pending on the date of the publication of this Act for the recovery of any arrears of rent payable by a cultivating tenant to the landlord for any fasli year in the said years, or for the eviction of a cultivating tenant for non-payment of any such arrears of rent, the court or competent authority shall, if the cultivating tenant pays or deposits, or has paid or deposited, or is deemed to have paid or deposited, under this Act, the previous arrears and the reduced rent, and on the application of the cultivating tenant, pass an order dismissing, without costs, the suit or proceeding in so far as such suit or proceeding relates to such recovery or eviction.

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(5) If, before the date of the publication of this Act, any decree or order has been passed in any suit or proceeding—

(i) for the recovery of any arrears of rent referred to in sub-section (4); or

(ii) for the eviction of a cultivating tenant for non-payment of any such arrears of rent,

the court or the competent authority shall, if the cultivating tenant pays or deposits, or has paid or deposited, or is deemed to have paid or deposited, under this Act, the previous amears and the reduced rent, and on the application of any person affected by such decree or order whether or not he was a party thereto, vacate the decree or order in so far as such decree or order relates to such recovery or eviction.

5. Payment or deposit of rent on or after 1st July 1973 deemed to be payment towards previous arrears or reduced rent.—(1) If, on or after the 1st July 1973, any cultivating tenant has,—

(i) made any payment, by way of rent, to the landlord :

or

(ii) deposited, by way of rent, in the court or before the competent authority, to the account of the landlord :

whether or not such payment or deposit was towards the discharge of any arrears of rent payable by a cultivating tenant to the landlord for any fasli year in the said years, such payment or deposit shall be deemed to have been made towards the previous arrears or the instalments of the reduced rent in the order specified in subsection (2) of section 4, notwithstanding anything to the contrary contained in any document or receipt, and in cases of payment through, or deposit before, the court or the competent authority, it shall, on the application of the cultivating tenant, re-open the proceeding and pass an order that the rent so paid or deposited shall be deemed to have been paid or deposited towards the previous arrears or the instalments of the reduced rent in the order specified in the said sub-section (2).

(2) If, or or after the 1st July 1973, any cultivating tenant has paid or deposited any amount towards full or part satisfaction of a decree or order for the recovery of any arrears of rent referred to in sub-section (1), such amount shall be deemed to have been paid or deposited towards the previous arrears or the instalments of the reduced rent and the court or the competent authority shall, on the application of any person affected by such decree or order, whether or not he was a party thereto, reopen the proceeding and pass an order that the amount so paid or deposited shall be deemed to have been paid or deposited towards the previous arrears or the instalments of the reduced rent in the order specified in sub-section (2) of section 4.

*Explanation.*—For the removal of doubts, it is hereby declared that where after adjustment of any payment to the landlord or deposit in the court or before the competent authority to the account of the landlord made by the cultivating tenant under this section, such payment or deposit falls short of the previous arrears or the reduced rent payable under sub-section (1) of

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(i) the first instalment, on or before the '[30th June 1981];

(ii) the second instalment, on or before the [31st March 1982];

(iii) the third instalment, on or before the 30th June 1982.

section 4, the cultivating tenant shall be liable to pay the balance of the previous arrears or the reduced rent in accordance with the provisions of sub-section (2) of section 4:

Provided that the provisions of this section shall not apply to,-

(i) any payment made to the landlord; or

(ii) any deposit made in the court or before the completent aumority to the account of the landlord,

by the cultivating tenant by way of rent for the fasli year commencing on the 1st July 1978 and for any subsequent fasli year.

(3) Nothing in this section or in any other provision of this Act shall entitle any cultivating tenant to claim any refund from the landlord on the ground that the payment or deposit made on or after the 1st July 1973, to vards the discharge of any arrears of rent referred to in sub-section (1) or towards full or part satisfaction of a decree or order for the recovery of any such arrears of rent, is in excess of the rent due as previous arrears or reduced rent.

6. Bar of proceedings for eviction or recovery of arrears of rent.— (1) No application shall be made for the eviction for non-payment of any arrears of rent payable to the landlord for any fashi year in the said years, and no suit shall be filed for the recovery of such arrears,—

(i) against any cultivating tenant till the 30th June 1980:

(ii) against the cultivating tenant who has paid or deposited the previous arrears and the first instalment of the reduced rent, until the expiry of the period specified for the payment or deposit of the second instalment in sub-section (2) of section 4;

(iii) against the cultivating tenant who has paid or deposited the second instalment of the reduced rent, until the expiry of the per od specified for the payment or deposit of the third instalment in the said sub-section (2); and

(iv) against the cultivating tenant in favour of whom further time has been granted by the court or the competent authority under sub-section (3) of section 4 until the expiry of such time.

<sup>1</sup> This expression was substituted for the expression "31st December 1980" by sub-section (1) (a) of section 3 of the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981 (Tamil Nadu Act 32 of 1981), which was deemed to have come into force on the 26th April 1980.

\* This expression was substituted for the expression "20th June 1981" by sub-section (1) (b) ibid.

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(3) All arrears of rent payable by a cultivating tenant to the landlord for the period commencing on the 1st July 1972 and ending with the 30th June 1978 and outstanding on the date of the publication of this Act, shall be deemed to be discharged, whether or not a decree or order has been obtained therefor, if such cultivating tenant, —

(i) has, before the date of the publication of this Act, paid to the landlord or deposited in the court or before the competent authority, to the account of the landlord; or

(ii) pays to the landlord or deposits in the court or before the competent authority, to the account of the landlord in the manner specified in sub-sections (4) and (5); or

(iii) is deemed to have paid or deposited under this Act,—

(a) the rent for the fasli year commencing on the 1st July 1972 and ending with the 30th June 1973 without interest (hereinafter referred to as the rent for the fasli year 1382); and

(2) Subject to the provisions of sub-section (4) of section 4, all applications for the eviction of a cultivating tenant for nonpayment of any arrears of rent referred to in sub-section (1) and all suits, proceedings in execution of decrees or orders and other proceedings pending before a court or competent authority for the recovery of any such arrears of rent or for such eviction, shall stand stayed,—

(a) till the 30th June 1980;

(b) till the 30th June 1981, if the cultivating tenant has paid the previous arrears and the first instalment of the reduced rent within the time specified in sub-section (2) of section 4;

(c) till the 30th June 1982, if the cultivating tenant has paid the second instalment of the reduced rent within the time specified in the said sub-section (2); and

(d) till the expiry of further time granted by the court or the competent authority under sub-section (3) of section 4.

(3) All applications and all suits and proceedings stayed under this section shall, after the expiration of the time limit specified therein, be proceeded with against any cultivating tenant who has not paid or deposited, or who is not deemed to have paid or deposited under this Act the previous arrears and the reduced rent, within the said time limit specified in sub-section (2) of section 4 subject to the provision of any law which may be then in force, from the stage which had been reached when the application, suit or proceeding was stayed.

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(b) one-fifth of the rent for each fasli year during the period commencing on the 1st July 1973 and ending with the 30th June 1978 without interest (hereinafter referred to as the reduced rent);

Provided that where the cultivating tenant deposits in the court or before the competent authority under this Act, the instalments of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent, and in case where the rent is payable in kind, such deposit shall be the market value thereof on the date of such deposit.

(4) Any cultivating tenant may pay to the landlord or deposit in the court or before the competent authority to the account of the landlord, —

(a) the rest for the fasli year 1382 in three equal instalments as specified below:—

(i) the first instalment, on or before the <sup>1</sup>[30th June 1981];

(ii) the second instalment, on or before the <sup>2</sup>[31st March 1982];

(iii) the third instalment, on or before the 30th June 1982; and

(b) the reduced rent in three instalments as specified below: —

(i) the first instalment being the one-fourth of the reduced rent, on or before the <sup>8</sup>[30th June 1981].

(ii) the second instalment being the one-half of the remainder of the reduced rent, on or before the 4[31st March 1982].

(iii) the third instalment being the balance of the reduced rent, on or before the 30th June 1982.

<sup>2</sup> This expression was substituted for the expression "30th June 1981" by sub-section (2)(a) (ii), *ibid*.

<sup>3</sup> This expression was substituted for the expression "31st December 1980" by sub-section (2) (b) (i), *ibid*.

<sup>4</sup> This expression was substituted for the expression "30th June 1981" by sub-section (2) (b) (ii), *ibid.* 

<sup>&</sup>lt;sup>1</sup> This corression was substituted for the expression "31st December 1980" by sub-section (2) (a) (i) of section 3 of the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981 (Tamil Nadu Act 32 of 1981) which was deemed to have come into force on the 26th April 1980.

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(5) The court in which or the competent authority before which the deposit is made under sub-sections (2) and (4) shall cause notice of the deposit to be issued to the landlord and determine after a summary enquiry, whether the amount deposited represents the correct amount of the instalments, of the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent. due from the cultivating tenant. If the court or the competent authority finds that any further sum is due towards such instalments, it shall allow the cultivating tenant to deposit the further sum within the period specified in those sub-sections or within such further time as the court or competent authority may allow which shall not in any case exceed thirty days from the respective date specified in the said sub-sections. If the court or the competent authority adjudges that no further sum is due or if the cultivating tenant deposits within the time referred to above such further sum as is ordered by the court or the competent authority, the cultivating tenant shall be deemed to have paid the instalments, of the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent, within the due date for the purposes of this Act. If having to deposit a further sum, the cultivating tenant feils to do so within the time allowed by the court or the competent authority the landlord may proceed against such cultivating tenant under the Public Trusts Act or the Tenants Protection Act, is the case may be, for arrears of rent.

(6) <sup>1</sup>[In any suit or proceeding pending on the date of the publication of the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent

<sup>1</sup> This expression was substituted for the expression " If any suit or proceeding pending on the date of publication of the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1980" by subsection (3) of section 3 of the Tamil Nadu Cyclone and Flood Affected Arrears of Rent (Relief) Amendment Act, 1981 (Tamil Nadu Act 32 of 1981), which was deemed to have come into force on the 26th April 1980.

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(Relief) Amendment Act, 1981], for the recovery of any arrears of rent payable by a cultivating tenant to the landlord for the fasli year ending with the 30th June 1978 and for any previous fasli year, or for the eviction of a cultivating tenant for non-payment of any such arrears of rent, the court or competent authority snall, if the cultivating tenant pays or deposits, or has paid or deposited, or is deemed to have paid or deposited under this Act, the rent for the fasli year 1331, the rent for the fasli year 1382 and the reduced rent, and on the application of the cultivating tenant, pass an order dismissing, without costs, the sut or proceeding in so far as such suit or proceeding relates to such recovery or eviction.

(7) <sup>1</sup>[If, before the date of the publication of the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981] any decree or order has been passed in any suit or proceeding—

(i) for the recovery of any arrears of rent referred to in sub-section (6); or

(ii) for the eviction of a cultivating tenant for nonpayment of any such arrears of rent,

the court or the competent authority shall, if the cultivating tenant pays or deposits, or has paid or deposited, or is deemed to have paid or deposited, under this Act, the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent and on the application of any person affected by such decree or order whether or not he was a party thereto, vacate the decree or order in so far as such decree or order relates to such recovery or eviction.

1 This expression was substituted for the expression "If, before the date of the publication of the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1980" by sub-section (4) of section 3 of the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981 (Tami) Nadu Act 32 of 1981), which was deemed to have come into force on the 26th April 1980.

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5. (1) If, on or after the 12th February 1973, any Payment or deposit of

(i) made any payment, by way of rent, to the February 1973 lendlord; or deemed to be

rent on or after 12th February 1973 deemed to be payment towards rent for fasli year 1381 rent for fasli year 1382 or

(ii) deposited, by way of rent, in the Court or fasli year 1381, before the competent authority, to the account of the rent for fasli landlord year 1382 or reduced rent.

whether or not such payment or deposit was towards the discharge of any arrears of rent payable by a cultivating tenant to the landlord for the fasli year ending with the 30th June 1978 and for any previous fasli year, such payment or deposit shall be deemed to have been made towards the instalments, of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent, in the order specified in sub-sections (2) and (4) of section 4, notwithstanding anything to the contrary contained in any cocument or receipt, and in cases of payment through, or deposit before, the court or the competent authority, it shall, on the application of the cultivating tenant. reopen the proceeding and pass an order that the rent so paid or deposited shall be deemed to have been paid or deposited towards the instalments, of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent. in the order specified in the said sub-sections (2) and (4) of section 4.

(2) If, on or after the 12th February 1973, any cultivating tenant has paid or deposited any amount towards full or part satisfaction of a decree or order for the recovery of any arrears of rent referred to in sub-section (1), such amount shall be deemed to have been paid or deposited towards the instalments, of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent and the court or the competent authority shall, on the application of any person affected by such decree or order, whether or not he was a party thereto, reopen the proceeding and

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pass an order that the amount so paid or deposited shall be deemed to have been paid or deposited towards the instalments, of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent in the order specified in sub-sections (2) and (4) of section 4.

Explanation.--For the removal of doubts, it is hereby declared that where after adjustment of any payment to the landlord or deposit in the court or before the competent authority to the account of the landlord made by the cultivating tenant under this section, such payment or deposit falls short of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent payable under sub-sections (1) and (3) of section 4, the cultivating tenant shall be liable to pay the balance of, the rent for the tasli year 1381, the rent for the fasli year 1382 or the reduced rent in accordance with the provisions of sub-sections (2) and (4) of section 4:

Provided that the provisions of this section shall not apply to,—

(i) any payment made to the landlord ; or

(ii) any deposit made in the court or before the competent authority to the account of the landlord, by the cultivating tenant by way of rent for the fasli year commencing on the 1st July 1978 and for any subsequent fasli year.

(3) Nothing in this section or in any other provision of this Act shall entitle any cultivating tenant to claim any refund from the landlord on the ground that the payment or deposit made on or after the 12th February 1973, towards the discharge of any arrears of rent referred to in sub-section (1) or towards full or part satisfaction of a decree or order for the recovery of any such arrears of rent, is in excess of the rent due as the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent.

Bar of proceedings for eviction or recovery of any previous fasli year ending with the 30th June 1978 arrears of rent. or for any previous fasli year, and no suit shall be filed for the recovery of such arrears, —

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(i) against any cultivating tenant till the <sup>1</sup>[30th June 1981] :

(ii) against the cultivating tenant who has paid or deposited the first instalment, of the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent, until the expiry of the period specified for the payment or deposit of the second instalment in sub-sections (2) and (4) of section 4 ;

(iii) against the cultivating tenant who has paid or deposited the second instalment, of the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent, until the expiry of the period specified for the payment or deposit of the third instalment in the said sub-sections (2) and (4); and

(iv) against the cultivating tenant in favour of whom further time has been granted by the court or the competent authority under sub-section (5) of section 4. until the expiry of such time.

(2) Subject to the provisions of sub-section (6) of section 4, all applications for the eviction of a cultivating tenant for non-payment of any arrears of rent referred to in sub-section (1) and all suits, proceedings in execution of decrees or orders and other proceedings pending before a court or competent authority for the recovery of any such arrears of rent or for such eviction, shall stand stayed, -

(a) till the 2[30th June 1981];

(b) till the<sup>8</sup>[31st March 1982], if the cultivating tenant has paid the first instalment, of the rent for the fasli year 1381. the rent for the fasli year 1382 and the reduced rent within the time specified in the said sub-sections (2) and (4);

This expression was substituted for the expression "31st December 1980" by sub-section (1) of section 4 of the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981 (Tamil Nadu Act 32 of 1981) which was deemed to have come into force on the 26th April 1980.

This expression was substituted for the expression "31st December 1980" by sub-section (2) (a) of section 4, ibid.

• This expression was substituted for the expression "30th June 1981" by sub-section (2) (b) of section 4, Ibid.

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# [1980 : T.N. Act 16

# 68 Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief)

(c) till the 30th June 1982, if the cultivating tenant has paid the second instalment, of the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent within the time specified in the said sub-sections (2) and (4); and

d) till the expiry of further time, if any, granted by the court or the competent authority under sub-section (5) of section 4.

(3) All applications and all suits and proceedings stayed under this section shall, after the expiration of the time limit specified therein, be proceeded with against any cultivating tenant who has not paid or deposited or who is not deemed to have paid or deposited, under this Act the rent for the fasli year 1381, the rent for the fasliyear 1382 and the reduced rent, within the said time limit specified in sub-sections (2) and (4) of section 4, subject to the provisions of any law which may be then in force, from the stage which had been reached when the application, suit or proceeding was stayed.

Exclusion of time for limitation.

7. In computing the period of limitation prescribed for a suit for the recovery of any arrears of rent payable by him to the landlord for <sup>1</sup>[the fasli year ending with the 30th June 1978 and for any previous fasli year] or a proceeding for the eviction of a cultivating tenant for non-payment of any such arrears of rent, or an application for the execution of a decree or order for such recovery or eviction, the time during which he was protected by section 6 from such recovery or eviction shall be excluded.

Explanation.—In this section and in section 6, a decree or order for the recovery of any such arrears of rent or for the eviction of a cultivating tenant for non-payment of any such arrears of rent, shall be deemed to be a decree or order for such recovery or eviction, notwithstanding that any other relief is also granted by such decree or order.

<sup>1</sup> These words were substituted for the words "any fasli year in the said years" by section 5 of the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1980 (Tamil Nadu Act 40 of 1980) which was deemed to have come into force on the 26th April 1980. 1980: T.N. Act 16]

# Cyclone and Flood Affected 69 Areas Cultivatin; Tenants Arrears of Rent (Relief)

8. Except as otherwise provided in this Act, no civil Bar of jurisdiccourt shall have jurisdiction to decide or deal with any tion of civil question which is by or under this Act required to be courts. decided or dealt with by the competent authority or other authority.

9. The competent authority shall be deemed to be a Revision by court subordinate to the High Court for the purposes of High Court. section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908) and its orders shall be liable to revision by the High Court under the provisions of that section.

10. Nothing in this Act shall be construed as reviving Arrears barred any claim for arrears of rent for any period before the date by limitation of the publication of this Act if such claim is barred by not to be relimitation on the said date under any law for the time being in force.

11. The provisions of this Act shall have front not- Act to override other laws, conwithstanding anything inconsistent therewith contained tracts, et c. in the Tenants Protection Act, Public Trusts Act or in the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972) or in the Code of Civil Procedure, 1908 (Central Act V of 1908), or in any other law for the time being in force, or any custom, usage or contract, or decree or order of a court or other authority.

12. (1) The State Government may make rules to Power to make rules.

(2) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every rule made under this Act shall, as soon as possible after it is made, be placed on the Table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule

# Cyclone and Flood Affected [1980 : T.N. Act 16 Areas Cultivating Tenants Arrears of Rent (Relief)

or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal.

13. The Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Temporary Relief) Act, 1978 (Tamil Nadu Act 17 of 1978) is hereby repealed.

# 108 Cyclone and Flood affected [1980 : T. N. Act 40 Areas Cultivating Tenants Arrears of Rent (Rclief) Amendment

### TAMIL NADU ACT NO. 40 OF 1980.\*

THE TAMIL NADU CYCLONE AND FLOOD AFFECTED AREAS CULTIVATING TENANTS ARREARS OF RENT (RELIEF) AMENDMENT ACT, 1980.

[Received the assent of the President on the 21st November 1980, first published in the Tamil Nadu Government Gazette Extraordinary on the 26th November 1980 (Karthigai 11, Rowthiri—2011—Thiruvalluvar Aandu).]

An Act to amend the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Act, 1980.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first Year of the Republic of India as follows :---

Short title anu 1. (1) This Act may be called the Tamil Nadu Cyclone commencement. and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1980.

(2) The provisions of this Act, except section 6, shall be deemed to have come into force on the 26th April 1980.

Declaration.

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2. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles laid down in clause (c) of Article 39 of the Constitution.

3-5. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 16 of 1980).]

Right to restoration of possession. 6. Notwithstanding anything contained in any judgment or decree or order of the court or any competent authority, every cultivating tenant who was in possession of any land on the 30th June 1980 but who has been

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<sup>\*</sup> For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 24th July 1980, Part IV-Section 1, pages 180-181.

# 1980 : T.N. Act 40]

# Cyclone and Flood affected 109 Areas Cultivating Tenants Arrears of Rent (Relief) Amendment

evicted before the date of the publication of this Act in the *Tamil Nadu Government Gazette* from the land on the ground that he has not paid the arrears of rent for the fasli year ending with the 30th June 1973 and for any previous fasli year or the first instalment of the reduced rent referred to in section 4 of the principal Act, on or before the 30th June 1980, shall, on application to the court or competent authority, be entitled to be restored to such possession on the same terms as those applicable to the possession of the land on the 30th June 1980.

# 1980: T.N. Act 32]

# Local Authorities' Laws (Amendment)

# **TAMIL NADU ACT NO. 32 OF 1980.\***

# THE TAMIL NADU LOCAL AUTHORITIES' LAWS (AMENDMENT) ACT, 1980.

**[Received the assent of the Governor on the 8th September** 1980, first published in the Tamil Nadu Government Gazette Extraordinary on the 11th September 1980 (Aavani 26, Rowthiri-2011-Thiruvalluvar Aandu).]

An Act further to amend the Tamil Nadu Local Authorities' Laws.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first Year of the Republic of India as follows:---

## PART I.

#### PRELIMINARY

1. (1) This Act may be called the Tamil Nadu Local Short title Authorities' Laws (Amendment) Act, 1980.

and commencement.

(2) It shall come into force at once.

# PART II.

#### AMENDMENTS OF THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In the Madras City Municipal Corporation Act, Substitution of new section 47, 1919 (Tamil Nadu Act IV of 1919) (hereinafter in this Tamil Nadu Part referred to as the 1919 Act), for section 47, the follow- Act IV of 1919. ing section shall be substituted, namely :--

<sup>\*</sup>For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 5th August 1980, Part IV-Section 1, pages 247-248.

"47. Electoral rolls for divisional seats and qualification for inclusion therein.—(1) For each of the territorial divisions referred to in section 45, there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the State Government may, from time to time, issue in this behalf.

(2) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of section 71 or any law relating to corrupt practices and other offences in connection with elections.

(3) No person shall be entitled to be registered in the electoral roll for more than one territorial division or in the electoral roll for any territorial division in more than one place.

(4) No person registered in the electoral roll for a territorial division shall be entitled to be registered in the electoral roll for any other territorial division or ward, as the case may be, of any City (other than the City of Madras), municipality or panchayat.

*Explanation.*—For the purpose of this sub-section, the expressions 'City', 'municipality' and 'panchayat' shall have the meanings respectively assigned to them in the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or in any other law for the time being in force, the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V cf 1920) and the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

# 1980 : T.N. Act 327

# Local Authorities' Laws 81 (Amendm nt)

(5) Subject to the provisions of sub-sections (1) to (4), every person who-

(a) is not less than eighteen years of age on the qualifying date; and

# (b) is ordinarily resident in the City.

shall be entitled to be registered in the electoral roll for any one of the territorial divisions referred to in section 45.

Explanation.—For the purpose of this section, " qualifying date" in relation to the preparation or revision of an electoral roll under this Act, means the first day of January of the year in which it is so prepared or revised.

(6) (a) A person shall not be deemed to be ordinarily resident in the City on the ground only that he owns, or is in possession of, a dwelling house thereas

(b) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(c) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(d) If in any case a question arises as to whether a person is ordinarily resident in the City at any relevant time, the question shall be determined by the State Government in accordance with such rules as may be prescribed.".

3. In section 48 of the 1919 Act, in sub-section (1) Amendment of 48, for the Explanation, the following shall be substituted, Tamil namely :---

"Explanation .-- The power conferred by this subsection on the person so authorised, shall include the power to omit, in the manner and at the times aforesaid from the electoral roll for any such division published under this sub-section, the name of any person who is dead or who incurs any of the disqualifications specified in sub-section (2) of section 47:

48, Nadu Act 1V of 1919.

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# 82 Local Authorities' Laws (Amendment)

Provided that the name of any person omitted from the ele oral roll for the territorial division by reason of a disqualification under clause (c) of sub-section (2) of section 47 shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force removed under any law authorising such removal.".

"48-A. Jurisdiction of civil courts barred.—No civil court shall have jurisdiction,—

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for the territorial divisions referred to in section 45; or

(b) to question the legality of any action taken by any authority under section 47 or section 48.

48-B. Making false declaration.—If any person makes in connection with—

(a) the preparation, revision or correction of an electoral roll for the territorial division, or

(b) the inclusion or exclusion of any entry in or from an electoral roll for the territorial division, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.".

is of unsound mind and declared so by the competent

Substitution of<br/>new section for<br/>section 50, shall5. For section 50 of the 1919 Act, the following section<br/>substituted, namely:---Tamil<br/>Act IV of 1919Nadu<br/>\* 50. Disqualification of voters.---No<br/>person who

# 1980 : T.N. Act 32]

# Local Authorities' Laws (Amendment)

court shall be qualified to vote and no person who is disqualified under section 71 shall be qualified to vote so long as the disqualification subsists.".

6. For sub-section (1) of section 51 of the 1919 Act, Amendment of the following sub-section shall be substituted, namely :---

Ĵí, section Tamil Nadu Act IV of 1919.

"(1) No person shall be qualified for election or co-option as a councillor unless-

(a) his name is included in the electoral roll of any one of the territorial divisions of the City:

(b) he has completed his twenty-first year of age : and

(c) in the case of co-option under section 5, such person is a member of the Scheduled Caste or the Scheduled Tribe or a woman, as the case may be. ".

# PART III.

# AMENDMENTS OF THE TAMIL NADU DISTRICT **MUNICIPALITIES ACT, 1920.**

7. In the Tamil Nadu District Municipalities Act, Amendment of 1920 (Tamil Nadu Act V of 1920) (hereinafter in this section 44. Part referred to as the 1920 Act), in section 44. Tamil Nadu Act V of 1920.

(i) for sub-section (1), including the proviso and Explanations (1) and (?) thereto, the following sub-sections shall be substituted, namely :---

"(1) For every municipality there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the State Government may, from time to time, issue in this behalf.

(1-A) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of section 60 or any law relating to corrupt practices and other offences in connection with elections.

(1-B) No person shall be entitled to be registered in the electoral roll for any municipality more than once.

(1-C) No person registered in the electoral roll for a municipality shall be entitled to be registered in the electoral roll for another municipality, panchayat or City.

Explanation.—For the purpose of this sub-section, the expressions 'panchayat' and 'City' shall have the meanings respectively assigned to them in the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or in any other law for the time being in force.

(1-D) Subject to the provisions of sub-sections (1), (1-A), (1-B) and (1-C), every person who—

(a) is not less than eighteen years of age on the qualifying date; and

(b) is ordinarily resident in a municipality.

shall be entitled to be registered in the electoral roll for that municipality.

Explanation.—For the purpose of this section "qualifying date" in relation to the preparation or revision of an electoral roll under this Act, means the first day of January of the year in which it is so prepared or revised.

# Local Authorities' Laws 85 (Amendment)

(1-E) (a) A person shall not be deemed to be ordinarily resident in a municipality on the ground only that he owns, or is in possession of, a dwelling house therein.

(b) A person, absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(c) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(d) If in any case a question arises as to whether a person is ordinarily resident in a municipality at any relevant time, the question shall be determined by the State Government in accordance with such rules as may be prescribed.":

(ii) in sub-section (2), for the Explanation, the following shall be substituted, namely :--

"Explanation.—The power conferred by this sub-section on the person so authorised shall include the power to omit, in the manner and at the times aforesaid, from the electoral roll for the municipality published under this sub-section, the name of any person who is dead or who incurs any of the disqualifications specified in sub-section (1-A):

Provided that the name of any person omitted from the electoral roll for the muncipality by reason of a disqualification under clause (c) of sub-section (1-A) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.";

(iii) the Explanation, occurring at the end, shall be omitted.

8. After section 44 of the 1920 Act, the following

"44-A. Jurisdiction of civil courts barred.—No civil court shall have jurisdiction-

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a municipality; or

(b) the inclusion or exclusion of any entry in or from an authority under section 44.

44-B. Making false declaration.—If any person makes in connection with---

(a) the preparation, revision of correction, of an electoral roll, or

(b) the inclusion of exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both. ".

9. For section 47 of the 1920 Act, the following section new section for shall be substituted, namely :--

> "47. Disqualification of voters.-Notwithstanding anything contained in sub-section (6) of section 44, no person who is of unsound mind and declared so by the competent court shall be qualified to vote and no person who is disqualified under section 60 shall be qualified to vote so long as the disqualification subsists.".

10. For sub-section (1) of section 48 of the 1920 Act, Amendment of 48, the following sub-section shall be substituted, namely ;-section Nadu Tamil Act V of 1920.

"(1) No person shall be qualified for election as a chairman or as a councillor, unless-

(a) his name is included in the electoral roll of the municipality; and

(b) he has completed his twenty-first year of age.".

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Insertion of new Act V of 1920.

> Substitution of 47, section Nadu Tamil Act V of 1920.

# PART IV.

# AMENDMENTS OF THE TAMIL NADU PANCHAYATS ACT, 1958.

11. In sub-section (1) of section 12 of the Tamil Nadu Amendment of section Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) Tamil (hereinafter in this Part referred to as tre 1958 Act), after Act XXXV of the proviso, the following proviso shall be inserted, 1958. namely:-

"Provided further that no person shall be co-opted under this sub-section unless he has completed his twentyfirst year of age.".

12. In sub-section (4) of section 15 of the 1958 Act, for Amendment of the words "whose name appears in the electoral roll for the section 15, panchayat", the words "whose name appears in the Act XXXV electoral roll for the panchayat and who has completed of 1958. her twenty-flist year of ace" shall be substituted.

13. In section 20 of the 1958 Act,-

Amendment of section 20. Nadu

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(i) for sub-section (1) including the proviso Act XXXV and the Explanation thereto, the following sub-section of 1958. shall be substituted, namely :---

"(1) For every panchayat there shall be an electrol roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the Government may, from time to time, issue in this behalf.

(1-A) A person shall be disqualified for registration in an electoral roll if he-

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court ; or

(c) is for the time being disqualified from voting under the provisions of section 24 or any law relating to corrupt practices and other offences in connection with elections.

(1-B) No person shall be entitled to be registered in the electoral roll for any panchayat more than once.

(1-C) No person registered in the electoral roll for a panchayat shall be entitled to be registered in the electoral roll for another panchayat, municipality or City.

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# 88 Local Authorities' Laws (Amendment)

Explanation.—For the purpose of this sub-section, the expressions 'municipality' and 'City' shall have the meanings respectively assigned to them in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu ActV of 1920), the Madras City Municipal Corporation Act,1919 (Tamil Nadu Act IV of 1919), or the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), or in any other law for the time being in force.

(1-D) Subject to the provisions of sub-sections (1), (1-A), (1-B) and (1-C), every person who—

(a) is not less than eighteen years of age on the qualifying date; and

(b) is ordinarily resident in a panchayat village or panchayat town or township,

shall be entitled to be registered in the electoral roll for that panchayat.

*Explanation.*—For the purpose of this section, "qualifying date" in relation to the preparation or revision of an electoral roll under this Act, means the first day of January of the year in which it is so prepared or revised.

(1-E) (a) A person shall not be deemed to be ordinarily resident in a panchayat village or panchayat town or township, on the ground only that he owns, or is in possession of a dwelling house therein.

(b) A person absenting himself temporarily from his place or ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(c) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(d) If in any case a question arises as to whether a person is ordinarily resident in a panchayat village or panchayat town or township at any relevent time, the question shall be determined by the Government in accordance with such rules as may be prescribed.";

(ii) in sub-section (2), for the *Explanation*, the following shall be substituted, namely:--

"Explanation.—The power conferred by this subsection on the person so authorised, shall include the power

to omit, in the manner and at the times aforesaid, from the electoral roll for the panchayat published under this sub-section, the name of any person who is dead or who incurs any of the disgualifications specified in sub-section (1-**A**):

Provided that the name of any person omitted from the electoral roll for the panchayat by reason of a disqualification under clause (c) of sub-section (1-A) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.";

(iii) the Explanation occurring at the end shall be omitted.

14. After section 20 of the 1958 Act, the following Insertion of new sections shall be inserted, namely :-sections 20-A

and 20-B, in

"20-A. Jurisdiction of civil courts barred -- No civil Act XXXV of court shall have jurisdiction-1958.

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a panchayat; or

(b) to question the legality of any action taken by any authority under section 20.

20-B. Making false declaration.—If any person makes in connection with—

(a) the preparation, revision or correction of an electoral roll, or

(b) the inclusion or exclusion of any entry in or from an electoral roll.

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.".

15. For section 22 of the 1958 Act, the following section Substitution of new section for shall be substituted, namely :--section 22, in

Tamil Nadu Act

"22. Qualification of candidates.-No person shall XXXV of 1958. be qualified for election as-

(a) a member or president of a panchayat unless—

(i) his name appears on the electoral roll for the panchayat ; and

# [1980 : T. N. Act 32

(ii) he has completed his twenty-first year of age; or

(b) chairman of a panchayat union council unless-

(i) his name appears on the electoral roll for any one of the panchayats or townships comprised in the panchayat union; and

(ii) he has completed his twenty-first year of age.".

"24-A. Disqualification of voters.—No person who is of unsound mind and declared so by the competent court shall be qualified to vote and no person who is disqualified under section 24 shall be qualified to vote so long as the disqualification subsists.".

Amendment of 17. In section 36-A of the 1958 Act, in sub-section (1), section 36-A, in clause (b), in the third proviso, item (i) shall be re-Tamil Nadu numbered as item (i-A), and before the item (i-A) as so Act XXXV of numbered, the following item shall be inserted, namely:-

"(i) unable to read and write in Tamil ; or".

# PART V.

# AMENDMENTS OF THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

18-21. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971).]