The Tamil Nadu Essential Articles Control and Requisitioning Act, 1949

Act 29 of 1949

Keyword(s):
Essential Article, Notified Order, Undertaking

Amendments appended: 3 of 1958, 10 of 1979

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[1][TAMIL NADU] ACT No. XXIX OF 1949.[2]

[THE [1] [TAMIL NADU] ESSENTIAL ARTICLES CONTROL AND REQUISITIONING [3][* * *] ACT, 1949].

(*Received the assent of the Governor-General on the 13th December* 1949; *first published in the* Fort St. George Gazette *Extraordinary on the 15th December* 1949.

An Act to provide for [4][* * *] powers to control the [5][ ] supply, distribution, transport and prices of essential articles and trade and commerce therein and requisitioning of property.

WHEREAS it is expedient to provide for [6][* * *] powers to control the [5][ ] supply, distribution, transport and prices of essential articles and trade and

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2] For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 31st October 1949, Part IV-A, page 417.

This Act was extended to the transferred territory by section 3 of the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1958 (Tamil Nadu Act III of 1958) repealing the corresponding law in force in that territory.

This Act was extended to the added territories by section 10 of the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962), which was deemed to have come into force on the 26th day of January 1961 repealing the corresponding law in force in those territories.

[3] The brackets and words "(Temporary Powers)" were omitted by section 4(ii) of the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1979 (Tamil Nadu Act 10 of 1979).

[4] The words "the continuance during a limited period of" were omitted by section 2, *ibid*.

[5] The word "production," was omitted by section 2 of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1952 (Madras Act XIII of 1952).

[6] The words "the continuance during a limited period of" were omitted by section 3 of the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1979 (Tamil Nadu Act 10 of 1979).

commerce therein and requisitioning of property ; It is hereby enacted as follows :—

[1][Short tittle, extent and commencement].

1. (1) This Act may be called the [2][Tamil Nadu] Essential Articles Control and Requisitioning [3][* * *] Act, 1949.

(2) It extends to the whole of the [4][State of Tamil Nadu].

[5][(3) It shall come into force at once [6][* * * * * * * * * * * *]

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1 These words were substituted for the words "Short title, extent, commencement and duration" by section 4 (i) of the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1979 (Tamil Nadu Act 10 of 1979).

2 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

3 The brackets and words "(Temporary Powers)" were omitted by section 4 (ii) of the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1979 (Tamil Nadu Act 10 of 1979).

4 This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

5 This sub-section was substituted for the original sub-section (3) as subsequently amended by section 2 of the Tamil Nadu Essential Articles Control and Requisitioning(Temporary Powers) Re-enacting Act, 1956 (Tamil Nadu Act VI of 1956). Tamil Nadu Act VI of 1956 was deemed to have come into force on the 26th January 1956.

6 The words, figures and letters "and shall remain in force up to and inclusive of the 25th January 1979" were omitted by section 4 (iii) of the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1979 (Tamil Nadu Act 10 of 1979). The life of this Act had been extended from time to time by Tamil Nadu Acts III of 1958, 2 of 1963, 4 of 1966, 22 of 1966, 20 of 1967, 1 of 1969 and 9 of 1974 ; and this Act was made permanent by Tamil Nadu Act 10 of 1979.

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[1][4 * * * * * * * * *]

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(*a*) "essential article" means any of the articles specified in the schedule to this Act and any other article which may be declared by the [2][State] Government by notified order to be an essential article,

(*b*) "notified order" means an order notified in the *Fort St. George Gazette*,

(*c*) "undertaking" means any undertaking by way of any trade or business and includes the occupation of handling, loading or unloading goods in the course of transport.

3. (1) The [2][State] Government so far as it appears to them to be necessary or expedient for maintaining, increasing or securing supplies of essential articles or for arranging for their equitable distribution and availability at fair prices [3][ ] may, by notified order, provide for regulating or prohibiting the [3][ ] supply, distribution and transport of essential articles and trade and commerce therein. Powers to control production, supply, distribution, transport and prices of essential articles.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

[4][(*a*)].

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[1] This sub-section was omitted by section 4 (iv) of the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1979 (Tamil Nadu Act 10 of 1979).

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] The words "or for directing, maintaining or increasing the production of any essential article" and the word "production" were omitted by section 4(i) of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1952 (Madras Act XIII of 1952).

[4] Clause (*a*) of sub-section (2) in clause (*b*) was omitted by section 4 (2), *ibid*.

*Now the *Tamil Nadu Government Gazette*.

(*b*) for controlling the prices at which any essential article may be bought or sold ;

(*c*) for prohibiting or regulating by licences, permits, or otherwise the storage, distribution, transport, disposal, acquisition, use or consumption of any essential article ;

(*d*) for prohibiting the withholding from sale of any essential article ordinarily kept for sale ;

(*e*) for requiring any person holding stocks of an essential article to sell them at fair prices to specified persons or class of persons or in specified circumstances;

(*f*) for regulating or prohibiting any class of commercial or financial transactions relating to any essential article, which in the opinion of the [1][State] Government are, or if unregulated are likely to be, detrimental to the public interest ;

(*g*) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters ;

(*h*) for requiring persons engaged in the [2][ ] supply or distribution of, or trade or commerce in, any essential article to declare their stocks of essential articles, to maintain and allow inspection of or produce for inspection any books, accounts and records relating to their business, and to furnish any other information relating thereto ;

(*i*) for regulating the processing of any essential article ;

(*j*) for exercising over the whole or any part of an existing undertaking, such functions of control and subject to such conditions, as may be specified in the order ;

(*k*) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, the seizure by a person authorized to make such search of any article in respect

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] The word "production" was omitted by section 4 (2) of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1952 (Madras Act XIII of 1952).

of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

Powers of requisitioning and acquisition.

4. (1) If, in the opinion of the [1][State] Government, it is necessary or expedient so to do for maintaining, increasing or securing supplies of any essential article or for arranging for its equitable distribution and availability at fair prices [2][ ] the [1][State] Government may, by order in writing, requisition any property, movable or immovable, and may make such further orders as appear to them to be necessary or expedient in connexion with such requisitioning :

Provided that no property used for the purpose of religious worship shall be requisitioned under this section:

Provided further that buildings solely used for residential purposes shall not ordinarily be requisitioned.

(2) Where the [1][State] Government have requisitioned any property under sub-section (1), they may use or deal with the property in such manner as may appear to them to be expedient and may acquire it by serving on the owner thereof, or where the owner is not readily traceable or the ownership is in dispute, by publishing in the **Fort St. Gecrge Gazette*, a notice stating that the [1][State] Government have decided to acquire it in pursuance of this section.

(3) Where a notice of acquisition is served on the owner of the property or is published in the **Fort St. George Gazette*, under sub-section (2), then, at the beginning of the day on which the notice is so served or published, the property shall vest absolutely in the [1][State] Government free from all encumbrances and the period of requisition thereof shall end.

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[1]This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2]The words, "or for directing, maintaining or increasing the production of any essential articles", were omitted by section 5 of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1952 (Madras Act XIII of 1952).

*Now the *Tamil Nadu Government Gazette*.

Payment of compensation.

5. [1][* * * *]

[2][(1)] Whenever in pursuance of section 4, any [3][movable or immovable property] is requisitioned or acquired, there shall be paid compensation determined in the manner and in accordance with the principles hereinafter set out, that is to say,—

(*a*) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement ;

(*b*) where no such agreement can be reached, the [4][State] Government shall appoint, as arbitrator, the District Judge or Subordinate Judge having jurisdiction over the area [5][in which the movable property is requisitioned or acquired or] in which the immovable property is situated.

Explanation.—For the purpose of this clause, the expression "District Judge" includes a Judge of the Madras City Civil Court.

(*c*) At the commencement of the proceedings before the arbitrator, the [4][State] Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

[6][(*d*) The arbitrator in making his award shall have regard—

(i) in the case of movable property, to its market value ;

(ii) in the case of immovable property, to the provisions of sub-section (1) of the section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable and to the fact whether the acquisition is of a permanent or temporary character :

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1 This sub-section was omitted by section 3 (i) of the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1950 (Tamil Nadu Act XVIII of 1950).

2 Sub-section (2) was re-numbered as sub-section (1) by *ibid.*

3 These words were substituted for the words "immovable property" by section 3 (ii) (*a*), *ibid.*

4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

5 These words were inserted by section 3 (ii) (*b*) of the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1950 (Tamil Nadu Act XVIII of 1950).

6 This clause was substituted for original clause (*d*) by section 3 (ii) (*c*), *ibid.*

Provided that where any property requisitioned is subsequently acquired, the arbitrator, in any proceedings in connexion with such acquisition, shall, for the purposes of this clause, take into consideration the market value of the property at the date of the requisition as aforesaid and not at the date of its subsequent acquisition.]

(*e*) An appeal shall lie to the High Court against the award of an arbitrator where the value of the subject-matter in dispute in appeal is two thousand rupees and above.

Explanation.—In the case of periodical payments the value of the subject-matter in appeal shall be deemed to be five times the amount in dispute calculated for one year.

(*f*) Save as provided in this section and in any rules made under this Act, nothing in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

[1][(2)] The [2][State] Government may, with a view to requisitioning or acquiring any property under section 4, by order—

(*a*) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified;

(*b*) direct that the owner, occupier or person in possession of the property shall not, without the permission of the [2][State] Government, dispose of it or where the property is a building, structurally alter it or where the property is movable, remove it from the premises in which it is kept, until the expiry of such period as may be specified in the order.

Release from requisition.

6. (1) Where any property requisitioned under this Act is to be released from such requisition the [2][State] Government or any person generally or specially authorized by them in this behalf, may, after such inquiry, if any, as they or he may in any case consider it necessary

1 Original sub-section (3) was re-numbered as sub-section (2) by section 3 (i) of the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1950 (Tamil Nadu Act XVIII of 1950).

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Delegation of Powers.

8. (1) The [1][State] Government may, by notified order, authorize any officer or authority subordinate to the [1][State] Government, to exercise any one or more of the powers vested in them by or under this Act except the power mentioned in section 19, in relation to such matters and subject to such restrictions and conditions, if any, as may be specified in the order.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision by the [1][State] Government or by such persons as may be empowered by them in that behalf. The [1][State] Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

Continuance in force of existing orders.

9. (1) Every order made by the [1][State] Government or the Central Government or any other competent authority—

(*a*) under any of the provisions of the Defence of India Rules in respect of any of the matters specified in sections 3, 4 and 7 which having been notified in the Official Gazette was in force immediately before the commencement of this Act ; or

(*b*) under any of the provisions of sections 3, 4 and 7 of (i) the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, or (ii) that Act as applied to [2][the Pudukkottai State] under the [3][Foreign Jurisdiction Act] 1947, on the footing that the first-mentioned Act was in force at the relevant time, or (iii) the Madras Essential Articles Control and Requisitioning (Temporary Powers) Ordinance, 1949, if the order was in force immediately before the commencement of this Act,

Madras Act XIV of 1946. Central Act XLVII of 1947. Madras Ordinance VI of 1949.

shall, in so far as it could validly have been made by the [1][State] Government under this Act, continue in force as if it has been made by the [1][State] Government under the provisions of this Act and remain until it is superseded or

[1]This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2]These words were substituted for the words "the Pudukkottai and Banganapalle States", by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

[3]These words were substituted for the words "Extra-Provincial Jurisdiction Act", by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

modified by the competent authority under the provisions of this Act; and all appointments made, licences or permits issued, regulations made and directions given under any such order shall also continue in force until superseded or modified by the competent authority.

Explanation.—In this sub-section, "Official Gazette" means, and shall be deemed always to have meant, the *Gazette of India*, the *Fort St. George Gazette** or any District *Gazette* published in the [1][State of Tamil Nadu].

(2) The [2][State] Government may, if they consider it expedient so to do, from time to time, modify or annul any order, appointment, licence, permit, regulation or direction specified in sub-section (1).

Effect of orders inconsistent with other enactments.

10. Any order made under section 3, section 4 or section 7 or continued under section 9 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Mode of publication.

11. (1) Every authority or officer who makes any order in writing in pursuance of any of the provisions of this Act shall in the case of an order of a general nature affecting a class of persons publish such order by a notification in the manner prescribed by rules made under this Act and in such manner as may, in the opinion of such authority or officer, be best suited for informing the persons whom the order concerns. Where the order is not of a general nature, the authority or officer may serve the order or cause it to be served on the person concerned—

(*a*) personally by delivering or tendering him the order;

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[1]This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2]This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

*Now the *Tamil Nadu Government Gazette*.

(*b*) by sending him an authenticated copy of the order by post ; or

(*c*) where the person cannot be found, by leaving an authenticated copy of the order with some adult male member of his family or by affixing it to any part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

(2) Where any provision of this Act empowers an authority or officer to take action by notified order the, provisions of sub-section (1) shall not apply in relation to such order.

Penalties.

12. (1) If any person contravenes any order made under section 3 or section 4 or section 7 (1) (*a*) or continued under section 9, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both ; and, if the order so provides, any Court trying such contravention may direct that any property in respect of which the court is satisfied that the order has been contravened, shall be forfeited to the [1][State] Government :

Provided that where the contravention is of an order relating to an essential article which contains an express provision in this behalf, the Court shall make such direction, unless for reasons to be recorded in writing, it is of opinion that the direction should not be made in respect of the whole or, as the case may be, a part of the property.

(2) Where any essential article is seized under the authority of an order made under this Act or continued under section 9 and such order provides for the forfeiture of the article in respect of which the order has been contravened, such forfeiture may, whether or not any prosecution is instituted for a contravention of the order, be adjudged by the Collector of the district or Presidency town in which the seizure was made, and any forfeiture so adjudged shall, subject only to an appeal which shall lie to the [1][State] Government, be final;

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Provided that an adjudication of forfeiture under this sub-section shall be no bar to the prosecution or punishment of any person under sub-section (1).

(3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898,* it shall be lawful for any †Magistrate of the first class specially empowered by the [3][State] Government in this behalf and for any Presidency Magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening an order made under this Act or continued under section 9.

(4) If any person to whom any provision of any order made under this Act or continued under section 9 relates, or to whom any such provision is addressed or who is in occupation, possession or control of any land, building, vehicle, vessel or other thing to which such provision relates—

(*a*) fails, without lawful authority, or excuse, himself, or in respect of any land, building, vehicle, vessel or other thing of which he is in occupation, possession or control to comply, or to secure compliance, with such provision, or

(*b*) evades or attempts to evade, by any means, such provision,

he shall be deemed to have contravened such provision; and in this Act, the expression "contravention" with its grammatical variations shall include any such failure, evasion or attempt to evade.

Abetment and assistance of contraventions.

13. Any person who attempts to contravene or abets or attempts to abet or does any act preparatory to a contravention of an order made under this Act or continued under section 9 shall be deemed to have contravened the order; and any person who knowing or having reasonable cause to

*Now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), section 29.

†According to clauses (*a*) and (*c*) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

believe that any other person is contravening any order made under this Act or continued under section 9, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall also be deemed to have contravened the order.

Offences by Corporations.

14. If the person who contravenes or is deemed to contravene an order made under section 3, section 4 or section 7 or continued under section 9 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge and that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Cognizance of offences.

15. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code.

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Burden of proof.

16. Where any person is prosecuted for contravening any order made under this Act or continued under section 9 which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proof that he has such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission shall be on him.

Savings as to orders.

17. (1) No Court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction, whether permanent or temporary, so as to restrain the [1][State] Government or any authority or officer empowered by or under this Act from executing or carrying out any order passed by them or by him under this Act, or in any way interfere with or affect such order.

Nothing contained in this section shall be deemed to prevent the Court from granting in the suit any relief by way of compensation to which the party may be entitled.

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1. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority.

Protection of action taken under the Act.

18. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3, section 4 or section 7 or continued under section 9.

(2) No suit or other legal proceeding shall lie against the [1][State] Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3, section 4 or section 7 or continued under section 9.

Power to make rules.

19. (1) The [1][State] Government may, by notification in the *Fort St. George Gazette*,* make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the procedure to be followed in arbitrations under this Act ;

(*b*) the principles to be followed in apportioning costs of proceedings before the arbitrator and on appeal.

Saving and validation.

20. (1) Any rule or order made or deemed or purporting to have been made, any notification issued or deemed or purporting to have been issued, any decision, award or direction given or deemed or purporting to have been given, any action or proceeding taken or deemed or purporting to have been taken, or anything done or deemed or purporting to have been done—

(*a*) under any provision of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 (hereinafter in this section and in section 21 referred to as the said Act), and in force immediately before the 1st October 1948, or

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[1] This word was substituted for the word "provincial" by the Adaptation of Laws Order, 1950.

* Now the *Tamil Nadu Government Gazette.*

(*b*) on or after the 1st October 1948, under any provision of the said Act or of the said Act as amended by Madras Act I of 1949, on the footing that the said Act or the said Act as so amended was in force at the relevant time, or

Central Act XLVII of 1947.

(*c*) under any provision of the said Act as applied to [1][the Pudukkottai State] under the [2][Foreign Jurisdiction Act], 1947, on the footing aforesaid, or]

Madras Ordinance VI of 1949.

(*d*) under any provision of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Ordinance, 1949 (hereinafter in this section referred to as the said Ordinance),

shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act or under the said Act as amended as aforesaid on the footing that the said Act or the said Act as so amended was in force at the relevant time, or made under the said Act as applied to [3][the State aforesaid] on that footing or the said Ordinance, be deemed to be a rule or order made, notification issued, decision, award or direction given, action or proceeding taken, or thing done under the corresponding provision of this Act.

(2) Any liability or penalty incurred or deemed or purporting to have been incurred, any punishment awarded or deemed or purporting to have been awarded, and any prosecution commenced or deemed or purporting to have been commenced—

(*a*) under any provision of the said Act before the 1st October 1948, or

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1 These words were substituted for the words "the Pudukkottai and Banganapallee States", by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

2 These words were substituted for the words "Extra-Provincial Jurisdiction Act" by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

3 These words were substituted for the words "the States aforesaid", by section 2 of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

(*b*) on or after the 1st October 1948 under any provision of the said Act or of the said Act as amended by Madras Act I of 1949, on the footing that the said Act or the said Act as so amended was in force at the relevant time, or

(*c*) under any provision of the said Act as applied to [1][the State aforesaid] on the footing aforesaid, or

(*d*) under any provison of the said Ordinance,

shall be deemed to have been incurred, awarded, or commenced under the corresponding provision of this Act.

Indemnity for acts, etc., done after expiry of Madras Act XIV of 1946.

21. (1) No suit, prosecution or other legal proceeding shall lie in any Court against any officer or servant of the [2][State] Government or any person acting under his direction or aiding or assisting him—

(*a*) for, or on account of, or in respect of, any sentence passed, or any act ordered or done by him in exercise of any jurisdiction or power purporting to have been conferred on him by or under the said Act or the said Act as amended by Madras Act I of 1949 or the said Act as applied to [3][the Pudukottai State] [4][under the Foreign Jurisdiction Act, 1947], or

(*b*) for carrying out any sentence passed by any Court in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the [2][State] Government for, or on account of, or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under the said Act or the said Act as amended as aforesaid or the said Act as applied to [1][the State aforesaid].

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[1] These words were substituted for the words "the States aforesaid" by section 2 of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] These words were substituted for the words "the Pudukkottai and Banganapalle States", by section 2 of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

[4] These words were inserted by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

Certified Proofs

(3) Sub-sections (1) and (2) shall have effect although the said Act or the said Act as so amended or the said Act as applied to [1][the State aforesaid,] was not or might not have been in force at the relevant time.

Madras Act XIV of 1946 Madras Ordinance VI of 1949 Madras Act XIV of 1946. Central Act XLVII of 1947.

Repeals.

22. The Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, the Madras Essential Articles Control and Requisitioning (Temporary Powers) Ordinance, 1949, and the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, as applied to [2][the Pudukkottai State] under the [3][Foreign Jurisdiction Act] 1947, are hereby repealed.

[4][THE SCHEDULE

[*See* SECTION 2 (*a*)]

Electrical energy]

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[1] These words were substituted for the words "the States aforesaid" by section 2 of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

[2] These words were substituted for the words "the Pudukottai and Banganapalle States" by *ibid*.

[3] These words were substituted for the words "Extra-Provincial Jurisdiction Act", by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

[4] This Schedule was substituted by section 3 of the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1954 (Tamil Nadu Act XXXVI of 1954) for the original Schedule as amended by the Madras Act XIII of 1952.

[1][TAMIL NADU] ACT No. III OF 1958[2].

[THE [1][TAMIL NADU] ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) AMENDMENT ACT, 1958.]

[*Received the assent of the President on the 20th March 1958 ; first published in the* Fort St. George Gazette *Extraordinary, on the 22nd March 1958 (Chaitra 1,1880).*]

An Act further to amend the [1][Tamil Nadu] Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 and to extend that Act to the transferred territory in the [3][State of Tamil Nadu].

WHEREAS it is expedient further to amend the [1][Tamil Nadu] Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 ([1][Tamil Nadu] Act XXIX of 1949), for the purpose hereinafter appearing and to extend that Act to the transferred territory in the [3][State of Tamil Nadu] ;

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

Short title.

1. This Act may be called the "[1][Tamil Nadu] Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1958."

Amendment of section 1, [4][Tamil Nadu Act] XXIX of 1949.

2. In section 1, sub-section (3), of the [1][Tamil Nadu] Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 ([1][Tamil Nadu] Act XXIX of 1949), for the words, figures and letters "the 25th January 1958", the words, figures and letters "the 25th January 1963" shall be substituted.

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2] For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 10th March 1958, Part IV-A, page 127.

[3] This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[4] This expression was substituted for the expression "Madras Act" by the Tamil Nadu Adaptation of Laws Order, 1970.

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Extension of [2][Tamil Nadu Act] XXIX of 1949 to the transferred territory, repeals and savings.

3. (1) The [1][Tamil Nadu] Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 ([1][Tamil Nadu] Act XXIX of 1949), as in force immediately before the commencement of this Act and as amended by this Act (hereinafter in this section referred to as the said Act), is hereby extended to, and shall be in force, in the transferred territory.

(2) Any law corresponding to the said Act in force in the transferred territory immediately before the commencement of this Act including the Travancore-Cochin Electricity Supply Surcharge Act, 1955 (Travancore-Cochin Act XIV of 1955) (hereinafter in this section referred to as the corresponding law) shall stand repealed on such commencement.

(3) The repeal by sub-section (2) of the corresponding law shall not affect—

(*a*) the previous operation of the corresponding law or anything done or duly suffered thereunder ; or

(*b*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding law ; or

(*c*) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(4) Subject to the provisions of sub-section (3) anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued rule, regulation or form framed, certificate granted or registration effected, under the corresponding law shall be deemed to have been done or taken under the said Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said Act.

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[1]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2]This expression was substituted for the expression "Madras Act" by the Tamil Nadu Adaptation of Laws Order, 1970.

(5) Unless the context otherwise requires, the [1][Tamil Nadu] General Clauses Act, 1891 ([1][Tamil Nadu] Act I of 1891) shall apply for the interpretation of the said Act as extended to, and in force in, the transferred territory.

(6) For the purpose of facilitating the application of the said Act in the transferred territory, any court or other authority may construe the said Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(7) Any reference in the said Act to a law which is not in force in the transferred territory shall, in relation to that territory, be construed as a reference to the law, if any, in force in that territory corresponding to the law referred to in the said Act.

(8) Any reference in any law which continues to be in force in the transferred territory after the commencement of this Act to the corresponding law shall, in relation to that territory, be construed as a reference to the said Act or as the case may be, to an order duly made under the said Act.

Explanation:—For the purpose of this section, the expression "transferred territory" shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

Repeal. **4.** The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Ordinance, 1958 (Madras Ordinance II of 1958), is hereby repealed.

1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

TAMIL NADU ACT NO. 10 OF 1979.*

THE TAMIL NADU ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) AMENDMENT ACT, 1979.

[*Received the assent of the President on the 21st March 1979, first published in the* Tamil Nadu Government Gazette *Extraordinary on the 22nd March 1979 (Panguni 8, Kalayukti (2010—Tiruvalluvar Aandu)).*]

An Act further to amend the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1979.

2-4. [*The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Act,* 1949 (*Tamil Nadu Act XXIX of* 1949).]

Construction of reference to "Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Act".

5. Any reference to "Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Act" in any Act or in any rule, notification, proceeding, order, regulation, by law or other instrument made or issued under such Act shall be construed as reference to "Tamil Nadu Essential Articles Control and Requisitioning Act".

Repeal.

6. The Tamil Nadu Essential Articles Control and Requisitioning(Temporary Powers)Amendment Ordinance, 1979 (Tamil Nadu Ordinance 4 of 1979), is hereby repealed.

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* For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extraordinary, dated the 22nd February 1979, Part IV-Section 1, Page 39.