

The Punjab Local Authorities (Census Expenses Contribution) Act, 1950

HARYANA

India

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Act 19 of 1950

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The Punjab Local Authorities (Census Expenses Contribution) Act, 1950 Punjab Act No. 19 of 1950 Statement of Object and Reasons. - The principle of co-operation between the Centre and the Provinces has been at the root of the Indian census. Census Acts till 1941 contained a section specifically empowering Provincial Governments to charge the whole or any part of the expenses incurred for anything done in accordance with these Acts and the rules thereunder to any local authority constituted for and on behalf of the area within which expenses were incurred. It was held, however, in 1940 that technically this section was ultra vires of the Central Government. The principle which is as old as census itself continued to be applied though some Provincial Governments passed ad hoc Acts to provide formal cover. Published vide Punjab Government Gazette Extraordinary dated 8-3-1977. 2. The Government of India have since passed the Census Act, 1948, which provides for continuing as distinct from episodic legal cover, and have suggested for the consideration of State Governments the provisions of corresponding legal backing within each State for the purpose of levying census duties and contributions upon all local bodies. The object of the Punjab Local Authorities (Census Expenses Contribution) Bill, 1950, is to provide such legal backing. Published vide Punjab Government Gazette Extraordinary, 1950 Part V. Received the assent of His Excellency the Governor on the 31st October, 1950, and was first published in the Punjab Government Gazette (Extraordinary), dated the 1st November, 1950. An Act to provide for contribution by Local Authorities of portion of the expenses to be incurred in connection with the taking of census and for certain other purposes. It is hereby enacted as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Punjab Local Authorities (Census Expenses Contribution) Act, 1950; (2) It extends to the whole of [Haryana] [Substituted by Haryana Adaptation Laws Order, 1968.] but nothing herein contained shall affect the powers of the Cantonment Authorities with

respect to the application of cantonment funds and property.(3)It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Interpretation.

- In this Act, unless there is anything repugnant in the subject or context, -(a)"Census" means a census taken in accordance with the provisions of the Census Act, 1948;(b)"prescribed" means prescribed by rules made under this Act.

3. Power to direct census expenses to be charged to the funds of the local authority.

- Notwithstanding anything contained in any enactment in regard to the funds of any local authority, the State Government may direct that such portion of any expenses, as may be prescribed; incurred for anything done in accordance with the Census Act, 1948 (XXXVII of 1948), or the rules made thereunder, may be charged to the funds of any local authority constituted for and on behalf of the area within which such expenses were incurred.

4. Power to enforce orders.

- If the State Government on receiving a report from the District Magistrate or the Superintendent of Census Operations is satisfied that a local authority has made default in performing any duty imposed on it by or under this Act or the Census Act, 1948 (XXXVII of 1948), or has failed to make payment of expenses or costs as required by or under section 3 of this Act or section 16 of the Census Act, 1948 (XXXVII of 1948), the State Government may make such orders and take such steps as it may consider expedient for securing the performance of such duties or the payment of such expenses or costs, as the case may be.

5. Power to make rules.

(1)The State Government may make rules to carry out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :(a)the portion of the expenses incurred in connection with taking of census which may be charged under this Act to the funds of any local authority;(b)the manner in which sums charged under this Act shall be computed and paid;(c)the manner in which and the extent to which any duty connected with census may be performed by a local authority.