Andhra State Act, 1953

Part V - Financial Provisions

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(1) The Governor of Madras may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Andhra and the Consolidated Fund of the State of Madras as he deems necessary for a period of not more than four months beginning with the appointed day pending the sanction of such expenditure by the Legislature of the State of Andhra or the State of Madras, as the case may be:

Provided that the Governor of Andhra may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Andhra for any period not extending beyond the said period of four months.

(2) Rajpramukh of Mysore may also, at any time before the appointed day authorise such expenditure from the Consolidated Fund of the State of Mysore as he deems necessary for meeting the additional expenditure in respect of the transferred territory for a period of not more than four months beginning with the appointed day pending the sanction of such expenditure by the Legislature of the State.

Section 44 - Vote on account by the Madras Legislative Assembly

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Any grant made by the Legislative Assembly of Madras under sub-clause (a) of clause (1) of article 206 in respect of the estimated expenditure for a part of the financial year 1953-54 and the law made by the Legislature of that State authorising the withdrawal of moneys from the Consolidated Fund of the State for the purposes for which the said grant has been made shall, notwithstanding that the procedure prescribed in article 203 for the voting of such grant has not been completed and the law in accordance with the provisions of article 204 in relation to such expenditure has not been passed before the appointed day, be deemed to be sufficient authority for all expenditure incurred before that day for the purposes for which the said grant has been made and for the withdrawal of moneys before that day from the Consolidated Fund of the State in relation to such expenditure.

Section 45 - Authorisation under the Madras Appropriation Act to cease

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As from the appointed day, any Act passed by the Legislature of Madras before that day for the appropriation of any money out of the Consolidated Fund of the State to meet any expenditure in respect of any part of the financial year 1953-34 shall cease to have effect.

Section 46 - Reports relating to the accounts of Madras State

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The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the State of Madras in respect of any period prior to the appointed day shall be submitted to the Governor of each of the States of Andhra and Madras who shall cause them to be laid before the Legislature of the State.

Section 47 - Apportionment of assets and liabilities

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(1) Subject to the other provisions of this Part, the assets and liabilities of the State of Madras immediately before the appointed day shall be apportioned between that State and the States of Andhra and Mysore in accordance with the provisions contained in the Seventh Schedule.

(2) Any dispute relating to, or arising out of, such apportionment shall be referred to the President whose decision shall be final.

Section 48 - Contracts

(1) Where before the appointed day the State of Madras had made any contract in the exercise of the executive power of that State for any purposes of the State, then such contract shall--

(a) if such purposes are as from that day--

(i) exclusively purposes of the State of Andhra, or

(ii) partly purposes of the State of Andhra and partly purposes of the State of Mysore and not purposes of the State of Madras as constituted on the appointed day,

be deemed to have been made in the exercise of the executive power of the State of Andhra instead of the State of Madras;

(b) if such purposes are as from that day exclusively purposes of the State of Mysore, be deemed to have been made in the exercise of the executive power of that State instead of the State of Madras; and

(c) in any other case, continue to have effect as having been made in the exercise of the executive power of the State of Madras;

and all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the State of Madras as constituted immediately before the appointed day, be rights or liabilities of the State of Andhra, the State of Mysore or the State of Madras, as the case may be.

(2) For the purposes of this section there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract --

(a) any liability to satisfy an order or award made by any Court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the provisions relating to apportionment of liabilities in respect of loans, guarantees and other financial obligations contained in the Seventh schedule; and bank balances and securities shall, notwithstanding that they partake of the nautre of contractual rights, be dealt with under the said provisions.

Section 49 - Liability in respect of actionable wrongs

Where immediately before the appointed day, the State of Madras is subject to any liability in respect of an actionable wrong other than breach of contract, that liability shall,--

(a) where the cause of action arose--

(i) wholly within the territories which as from that day are the territories of the State of Andhra, or

(ii) partly within the territories which as from that day are the territories of the State of Andhra and partly within the transferred territory but not within any part of the territories which as from that day are the territories of the State of Madras,

be a liability of the State of Andhra;

(b) where the cause of action arose wholly within the transferred territory, be a liability of the State of Mysore; and

(c) in any other case, continue to be a liability of the State of Madras.

Section 50 - Liability as guarantor

If immediately before the appointed day, the State of Madras is liable as guarantor in respect of any liability of a Co-operative Society which is registered under the Madras Co-operative Societies Act, 1932 and whose area of operations is limited to the whole or any part of the territories which on the appointed day become the territories of the State of Andhra then as from that day the said liability of the State of Madras in respect of such guarantee shall be a liability of the State of Andhra.

Section 51 - Power of President to order allocation or adjustment in certain cases

Where by virtue of any of the provisions of sections 47 to 50 or of the Seventh Schedule, any of the States of Madras, Andhra and Mysore becomes entitled to any property or obtains any other benefits or becomes subject to any liability, and the President is of opinion, on a reference made within a period of three years from the appointed day, by any State concerned, that it is just and equitable that that property or those benefits should be transferred to or shared with one or both of the other States, or a contribution towards that liability should be made by one or both of the other States, the said property or benefits shall be allocated in such manner, or the other State or States shall make to the State primarily subject to the liability such contribution in respect thereof/as the President may after consultation with the State Governments concerned, by order determine.

Section 52 - Certain expenditure to be charged on the Consolidated Fund of the State

All sums payable by any of the States of Madras, Andhra and Mysore to any one of the other two States or to the Central Government by virtue of the provisions of paragraph 12 or paragraph 17 of the Seventh Schedule, shall be charged on the Consolidated Fund of the State by which such sums are payable.