

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. I OF 1942

[Received the assent of the Governor on the 7th February
1942, first published in the "Fort St. George
Gazette" on the 17th February 1942.]

*An Act further to amend the Madras District
Municipalities Act, 1920.*

[17th February 1942]

Madras Act
V of 1920.

WHEREAS it is expedient further to amend the Madras
District Municipalities Act, 1920, for the purpose
hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legis-
lature ;

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows :—

1. This Act may be called the Madras District Short title.
Municipalities (Amendment) Act, 1942.

Madras Act
V of 1920.

2. In sub-section (1) of section 51 of the Madras Amendment
of section 51,
Madras Act
V of 1920.
District Municipalities Act, 1920, after the words
" at the request of the council ", the words " or on a
direction from the Provincial Government " shall be
inserted.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. II OF 1942

[Received the assent of the Governor on the 17th February 1942, first published in the "Fort St. George Gazette" on the 24th February 1942.]

An Act further to amend the Madras Registration of Births and Deaths Act, 1899.

[24th February 1942.]

Madras Act III of 1899.

WHEREAS it is expedient further to amend the Madras Registration of Births and Deaths Act, 1899, for the purposes hereinafter appearing ;

26 Geo. 5, Ch. 2.

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows :—

1. This Act may be called the Madras Registration of Births and Deaths (Amendment) Act, 1942. Short title.

Madras Act III of 1899.

2. For section 16 of the Madras Registration of Births and Deaths Act, 1899 (hereinafter referred to as the said Act), the following section shall be substituted, namely :— Substitution of new section for section 16, Madras Act III of 1899.

“ 16. Where the birth of any child has been registered without a name, the parent or guardian of such child shall, within thirteen months of the date of its birth, give information regarding the name of the child to the registrar either orally or in writing, and thereupon the registrar shall enter such name in the register and initial and date the entry.” Registration of name of child.

3. In clause (1) of section 18 of the said Act, for the word and figures “ and 12 ”, the figures and word “, 12, and 16 ” shall be substituted. Amendment of section 18, Madras Act III of 1899.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. III OF 1942

[Received the assent of the Governor on the 18th
February 1942, first published in the "Fort
St. George Gazette" on the 3rd March 1942.]

*An Act further to amend the Madras University Act,
1923.*

[3rd March 1942.]

WHEREAS doubts have arisen as to whether the quorum prescribed by sub-section (2) of section 17 of the Madras University Act, 1923, for meetings of the Senate, should be present at convocations of the University and meetings of the Senate, held for the purpose of conferring degrees, titles, diplomas and other academic distinctions ;

AND WHEREAS it is expedient to remove those doubts and also to validate the proceedings at all convocations and meetings held for the purpose aforesaid, at which the said quorum was not present ;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

26 Geo. 5,
Ch. 2.

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows :—

Short title.

1. This Act may be called the Madras University (Amendment) Act, 1942.

Amendment of section 17, Madras Act VII of 1923.

2. To sub-section (2) of section 17 of the Madras University Act, 1923 (hereinafter referred to as the said Act), the following proviso shall be added, namely :—

Madras Act VII of 1923.

“ Provided that such quorum shall not be required at a convocation of the University or a meeting of the Senate, held for the purpose of conferring degrees, titles, diplomas or other academic distinctions.”

Validation of degrees, titles, etc., already conferred.

3. No degree, title, diploma or other academic distinction conferred at any convocation of the University or meeting of the Senate, held before the commencement of this Act, shall be deemed to be invalid merely on the ground that the quorum prescribed by sub-section (2) of section 17 of the said Act was not present at such convocation or meeting.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. IV OF 1942

[Received the assent of the Governor on the 14th
March 1942, first published in the "Fort
St. George Gazette" on the 24th March 1942.]

*An Act to continue the reduction in the scale of tax
leviable under the Madras General Sales Tax Act,
1939, for the year beginning on the 1st day of April
1942.*

[24th March 1942.]

Madras Act
II of 1940.

Madras Act
IX of 1939.

Madras Act
IX of 1941.

WHEREAS the Madras Finance Act, 1940, reduced the scale of tax leviable under the Madras General Sales Tax Act, 1939, for the year beginning on the 1st day of April 1940 and the Madras Finance Act, 1941, continued the reduction for the year beginning on the 1st day of April 1941;

AND WHEREAS it is expedient to continue the reduction in the scale of tax leviable as aforesaid, for the year beginning on the 1st day of April 1942;

[PRICE, 1 s. 3 p.]

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature; ^{26 Geo. 5, Ch. 2.}

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title
and extent.

1. (1) This Act may be called the Madras Finance Act, 1942.

(2) It extends to the whole of the Province of Madras.

Amendment
of section 3,
Madras Act
IX of 1939.

2. Sub-section (1) of section 3 of the Madras General Sales Tax Act, 1939, shall, in regard to the tax payable for the year beginning on the 1st day of April 1942, be construed as if for the words " Five rupees " the words " Four rupees " and for the words " One-half of one per cent " the words " One-quarter of one per cent " were substituted. ^{Madras Act IX of 1939.}

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. V OF 1942

[*Received the assent of the Governor on the 28th
March 1942, first published in the "Fort
St. George Gazette" on the 30th March 1942.*]

*An Act further to amend the Madras University Act,
1923.*

[30th March 1942.]

Madras Act
VII of 1923.

WHEREAS it is expedient further to amend the
Madras University Act, 1923, for the purposes herein-
after appearing ;

26 Gco. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the powers so
assumed to himself, the Governor is pleased to enact
as follows :—

1. This Act may be called the Madras University Short title.
(Second Amendment) Act, 1942.

[PRICE, 1 a. 3 p.]

Power to extend the term of office of certain members of the Senate, etc.

2. (1) Notwithstanding anything contained in the first paragraph of sub-section (b) of section 14, of section 18 and of section 23 of the Madras University Act, 1923 (hereinafter referred to as the said Act) ^{Madras Act VII of 1923,} but subject to the other provisions of the said sections, the Chancellor may extend, for a period not exceeding six months at a time, the term of office of—

- (i) the elected and nominated members of the Senate of the University of Madras who were holding office as such on the 25th day of January 1942; and
- (ii) the elected and nominated members of the Syndicate and the Academic Council of the University of Madras who hold office as such on the 30th day of March 1942 :

Provided that the period of such extension shall not continue beyond the 31st day of March 1944.

(2) Notwithstanding anything contained in section 38 of the said Act, the Chancellor may direct the postponement, for a period not exceeding six months at a time, of the election or nomination to any vacancy existing on or arising after, the 31st day of March 1942 among the members of the Senate, the Syndicate or the Academic Council of the said University:

Provided that the period of such postponement shall not continue beyond the 31st day of March 1944.

Commencement, etc.

3. (1) Sub-section (1) of section 2 shall be deemed to have come into operation on the 25th day of January 1942.

(2) Where the Chancellor has under sub-section (1) of section 2 extended the term of office of any member of the Senate, the Syndicate or the Academic Council of the University of Madras, such member shall be deemed to have continued in office on and from the date on which he vacated or would have vacated office, if his term had not been so extended.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. VI OF 1942

[Received the assent of the Governor on the 31st
March 1942, first published in the "Fort
St. George Gazette" on the 31st March 1942.]

*An Act further to amend the Madras City Municipal
Act, 1919, the Madras District Municipalities Act,
1920, and the Madras Local Boards Act, 1920.*

[31st March 1942.]

Madras Act
IV of 1919.
Madras Act
V of 1920.
Madras Act
XIV of
1920.

WHEREAS it is expedient further to amend the Madras
City Municipal Act, 1919, the Madras District Muni-
cipalities Act, 1920, and the Madras Local Boards Act,
1920, as amended by Madras Act XVII of 1941, for
the purposes hereinafter appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by
a Proclamation under section 93 of the Government
of India Act, 1935, assumed to himself all powers
vested by or under the said Act in the Provincial
Legislature;

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows:—

1. This Act may be called the Madras City Short title.
Municipal, District Municipalities and Local Boards
(Amendment) Act, 1942.

[PRICE: 1 a, 9 p.]

Extension of
the term of
office of the
councillors
and
aldermen
of the
Corporation
of Madras.

2. (1) The term of office of the councillors and aldermen of the Corporation of Madras which, by virtue of section 2 of Madras Act XVII of 1941, extends up to noon on the first day of April 1942, shall extend instead up to noon on the first day of November 1942, and the provisions of the Madras City Municipal Act, 1919, as amended by section 2 aforesaid and this section, shall have effect accordingly:

Madras Act
IV of 1919.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall expire at noon on such earlier date as may be fixed by them and from time to time to postpone any date so fixed and fix instead another date not being later than the first day of November 1942.

(2) Where any date earlier than the first day of November 1942 is fixed under the proviso to sub-section (1), the provisions of the Madras City Municipal Act, 1919, shall be subject to the following modifications, namely:—

Madras Act
IV of 1919.

(a) The Provincial Government shall cause elections and appointments of councillors and aldermen to be held or made to the council, so that the newly elected or appointed councillors and aldermen may come into office on the date fixed under the proviso aforesaid.

(b) The term of office of the newly elected or appointed councillors and aldermen shall, subject to the provisions of the Madras City Municipal Act, 1919, expire at noon on the first day of November 1945.

Madras Act
IV of 1919.

(c) The election of the Mayor, Deputy Mayor and members of the standing committees shall be held at the first meeting of the council held after the date referred to in clause (a), and the election of the Chairman of each Standing Committee shall be held at the first meeting of such committee.

(d) The Provincial Government shall have power to direct that the election of the Mayor and Deputy Mayor shall not be held, as required by sub-section (1) of section 28 of the Madras City Municipal Act, 1919, at the first meeting of the council held after the first day of November 1942.

Madras Act
IV of 1919.

3. (1) The term of office of the councillors of every municipality constituted under the Madras District Municipalities Act, 1920, which, by virtue of section 3 of Madras Act XVII of 1941, extends up to noon on the first day of April 1942, shall extend instead up to noon on the first day of November 1942, and the provisions of the Madras District Municipalities Act, 1920, as amended by section 3 aforesaid and this section, shall have effect accordingly:

Extension of the term of office of the councillors of certain district municipalities.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall, in the case of any municipality, expire at noon on such earlier date as may be fixed by them and from time to time to postpone any date so fixed and fix instead another date not being later than the first day of November 1942.

(2) Where any date earlier than the first day of November 1942 is fixed under the proviso to sub-section (1), the provisions of the Madras District Municipalities Act, 1920, shall be subject to the following modifications, namely:—

(a) The Provincial Government shall cause elections to be held to each of the municipalities referred to in sub-section (1), so that the newly elected councillors may come into office on the date fixed under the proviso aforesaid.

(b) The term of office of the newly elected councillors shall, subject to the provisions of the Madras District Municipalities Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on the first day of November 1945.

4. (1) The term of office of the members of every local board constituted under the Madras Local Boards Act, 1920, and situated in any of the districts included in Group I or Group II of the Schedule to the Madras Local Boards (Amendment) Act, 1935, which, by virtue of section 4 of Madras Act XVII of 1941, extends up to noon on the first day of April 1942, shall extend instead up to noon on the first day of November 1942, and the provisions of the Madras Local Boards Act, 1920, as amended by section 4 aforesaid and this section, shall have effect accordingly:

Extension of the term of office of the members of certain local boards.

Madras Act V of 1920.

Madras Act V of 1920.

Madras Act V of 1920.

Madras Act V of 1920.

Madras Act II of 1922.

Madras Act XIV of 1920.
Madras Act XIII of 1935.

Madras Act XIV of 1920.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall in the case of any local board expire at noon on such earlier date as may be fixed by them and from time to time to postpone any date so fixed and fix instead another date not being later than the first day of November 1942.

(2) Where any date earlier than the first day of November 1942 is fixed under the proviso to sub-section (1), the provisions of the Madras Local Boards Act, 1920, shall be subject to the following modifications, namely:—

(a) The Provincial Government shall cause elections to be held to each of the local boards referred to in sub-section (1), so that the newly elected members may come into office on the date fixed under the proviso aforesaid.

(b) The term of office of the newly elected members shall, subject to the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on the first day of November 1945.

Power to
remove
difficulties.

5. If any difficulty arises in giving effect to the provisions of this Act, or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as amended by Madras Act XVII of 1941 and this Act, the Provincial Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

MADRAS ACT No. VII OF 1942

[Received the assent of the Governor on the 28th March 1942, first published in the "Fort St. George Gazette" on the 7th April 1942.]

An Act further to amend the Madras District Municipalities Act, 1920, for a certain purpose.

[7th April 1942.]

Madras Act
V of 1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, for the purpose hereinafter appearing ;

26 Geo. 5.
Ch. 2.

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows :—

1. This Act may be called the Madras District Short title. Municipalities (Second Amendment) Act, 1942.

Madras Act
V of 1920.

2. In section 120 of the Madras District Municipalities Act, 1920, the words "before the end of December" shall be omitted.

Amendment
of section
120, Madras
Act V of
1920.

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT.

MADRAS ACT No. VIII OF 1942

*[Received the assent of the Governor on the 3rd April
1942, first published in the "Fort St. George
Gazette" on the 14th April 1942.]*

*An Act to validate the making of contributions from the
funds of the Tanjore Chattram Endowments towards
the maintenance of certain educational and medical
institutions.*

[14th April 1942.]

WHEREAS the Mahratta Rulers of Tanjore founded a
number of chattrams on the main road to Rames-
waram for the accommodation of pilgrims and created
various endowments in connexion therewith ;

AND WHEREAS no documents expressly defining the objects of the said endowments are now available ;

AND WHEREAS the income from the said endowments has for over a century been utilized not only for feeding and otherwise helping pilgrims to Rameswaram but also for other charitable purposes such as the maintenance of schools and the distribution of medicines ;

AND WHEREAS by virtue of the Madras Endowments and Escheats Regulation, 1817, the general superintendence of the said endowments was vested in the Board of Revenue ;

Madras
Regulation
VII of 1817

AND WHEREAS the management and superintendence of the said endowments were transferred later to the Tanjore District Board ;

AND WHEREAS contributions from the funds of the said endowments have for a long time been made by the Tanjore District Board towards the maintenance of the institutions specified in the Schedule ;

AND WHEREAS doubts are entertained as regards the validity of such contributions and it is expedient to remove such doubts ;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

26 Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows :—

Short title.

1. This Act may be called the Tanjore Chattram Endowments (Utilization) Act, 1942.

Power to make certain contributions from the Tanjore Chattram Endowments.

2. The Tanjore District Board or such other authority or person as may for the time being have the management and superintendence of the Tanjore Chattram Endowments may, subject to such restrictions and conditions, if any, as may be imposed by the Provincial Government, contribute from the income derived from the said Endowments towards the expenditure incurred in the maintenance of the institutions specified in the Schedule,

3. All contributions made before the commencement of this Act from the funds of the said Endowments towards the maintenance of the said institutions shall be deemed to have been properly made, and the validity thereof shall not be questioned in any Court of law.

Validation
of contri-
butions
already
made.

THE SCHEDULE.

Educational institutions.

1. The Sanskrit College, Tiruvadi.
2. The High School, Orattanad.
3. The School at Rajamadam (now known as the Middle School, Rajamadam).
4. The Girls' School, Nidamangalam.
5. The Free Mahratta School, Tanjore.
6. The Hostel for Harijan Boys at Sreyaschatram.

Medical institutions.

1. The Raja Mirasdar Hospital, Tanjore.
2. The Local Fund Dispensary, Meimisal.
3. The Local Fund Dispensary, Nidamangalam.
4. The Local Fund Dispensary, Tiruvadi.
5. The Local Fund Dispensary, Orattanad.
6. The Local Fund Dispensary, Manamelkudi.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. IX OF 1942

[Received the assent of the Governor on the 26th April 1942, first published in the "Fort St. George Gazette" on the 5th May 1942.]

An Act further to amend the Andhra University Act, 1925.

[5th May 1942.]

Madras Act
II of 1926.

WHEREAS it is expedient further to amend the Andhra University Act, 1925, for the purpose hereinafter appearing;

26 Geo. 5;
Ch. 2.

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

1. (1) This Act may be called the Andhra University (Amendment) Act, 1942. Short title and commencement.

(2) It shall be deemed to have come into force on the 6th day of April 1942.

Madras Act
II of 1926.

2. In clause (a) of sub-section (2) of section 12 of the Andhra University Act, 1925— Amendment of section 12, Madras Act II of 1926.

- (i) for the words "with the sanction of the Chancellor", the words "subject to the control of the Chancellor" shall be substituted; and
- (ii) after the words "report the action taken", the words "to the Chancellor and" shall be inserted.

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

MADRAS ACT No. X OF 1942

[Received the assent of the Governor on the 19th May
1942, first published in the "Fort St. George
Gazette" on the 26th May 1942.]

*An Act further to amend the Madras University
Act, 1923.*

[26th May 1942.]

Madras Act
VII of 1923.

WHEREAS it is expedient further to amend the Madras
University Act, 1923, for the purpose hereinafter
appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows :—

1. (1) This Act may be called the Madras University Short title
and com-
mencement.
(Third Amendment) Act, 1942.

(2) It shall be deemed to have come into force on
the 15th day of April 1942.

Madras Act
VII of 1923.

2. In clause (α) of sub-section (4) of section 12 of Amendment
of section 12,
Madras Act
VII of 1923.
the Madras University Act, 1923—

(i) for the words "with the sanction of the
Chancellor or Pro-Chancellor", the words "subject
to the control of the Chancellor" shall be substituted ;
and

(ii) after the words "report his action", the
words "to the Chancellor and" shall be inserted.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XI OF 1942

[Received the assent of the Governor on the 19th May 1942, first published in the "Fort St. George Gazette" on the 26th May 1942.]

An Act to validate acts done and proceedings taken by Sri A. C. Kandappa Pillai as executive authority of the Rajapalayam municipality prior to his appointment as such.

[26th May 1942.]

Madras Act
V of 1920.

WHEREAS under section 368 of the Madras District Municipalities Act, 1920, Sri A. C. Kandappa Pillai was appointed special officer for the newly constituted Rajapalayam municipality to exercise the powers, discharge the duties and perform the functions of the municipal council, its chairman and executive authority pending the constitution of the council and the election of its chairman;

AND WHEREAS the Rajapalayam municipal council was duly constituted and its chairman was duly elected on the 13th day of June 1941;

AND WHEREAS on the election of the chairman, the powers, duties and functions of the executive authority became vested in him;

AND WHEREAS even after the election of the chairman, the said Sri A. C. Kandappa Pillai in good faith but without lawful authority continued to exercise the powers, discharge the duties and perform the functions of the executive authority of the Rajapalayam municipality until the 23rd day of October 1941 on which date he was duly appointed as commissioner of the municipality;

AND WHEREAS it is necessary to validate all acts done and proceedings taken by the said Sri A. C. Kandappa Pillai as executive authority of the said municipality on and from the 13th day of June 1941 to the 23rd day of October 1941;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature; 26 Geo. 5,
Ch. 2.

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called the Rajapalayam Municipal Executive Authority (Functions Validation) Act, 1942.

Validation of
acts done
and proceed-
ings taken.

2. All acts done and proceedings taken by Sri A. C. Kandappa Pillai as executive authority of the Rajapalayam municipality on and from the 13th day of June 1941 up to the 23rd day of October 1941 shall have the same validity and effect as if he had been duly appointed commissioner of the said municipality on the 13th day of June 1941.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XII OF 1942

[Received the assent of the Governor on the 24th May 1942, first published in the "Fort St. George Gazette" on the 2nd June 1942.]

An Act further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920.

[2nd June 1942.]

Madras Act
V of 1920.
Madras Act
XIV of 1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for the purposes hereinafter appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

1. (1) This Act may be called the Madras District Municipalities and Local Boards (Amendment) Act, 1942. Short title and commencement.

(2) It shall be deemed to have come into force on the 21st day of March 1941.

Amendment
of section 77,
Madras Act
V of 1920.

2. For sub-section (3) of section 77 of the Madras District Municipalities Act, 1920, the following sub-section shall be substituted, namely:—

Madras Act
V of 1920.

- “(3) No Government servant employed by a municipal council shall be dismissed or removed from such employment—
- (a) in case he is employed as a medical officer, without the consent of the Provincial Government; and
- (b) in any other case, without the consent of the Provincial Government or until three months’ notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which the Government servant belongs.”

Amendment
of section
74, Madras
Act XIV of
1920.

3. For sub-section (3) of section 74 of the Madras Local Boards Act, 1920, the following sub-section shall be substituted, namely:—

Madras Act
XIV of
1920.

- “(3) No Government servant employed by a local board shall be dismissed or removed from such employment—
- (a) in case he is employed as a medical officer, without the consent of the Provincial Government; and
- (b) in any other case, without the consent of the Provincial Government or until three months’ notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which the Government servant belongs.”

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XIII OF 1942

[Received the assent of the Governor on the 8th June
1942, first published in the "Fort St. George Gazette"
on the 23rd June 1942.]

*An Act to provide for the levy of a voluntary cess for the
maintenance of certain irrigation and drainage
works serving ryotwari tracts in the Province of
Madras.*

[23rd June 1942]

WHEREAS it is expedient to provide for the levy of a
cess for the maintenance of certain irrigation and
drainage works serving ryotwari tracts in the Province
of Madras, where the registered holders of not less
than two-thirds of the lands served by such works so
desire ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legis-
lature ;

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows* :—

1. (1) This Act may be called the Madras Irrigation Short title,
(Voluntary Cess) Act, 1942. extent and
commence-
ment.

(2) It extends to the whole of the Province of
Madras.

(3) This section shall come into force at once, and the rest of this Act shall come into force on such date as the Provincial Government may, by notification in the *Fort St. George Gazette*, appoint.

Definitions.

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

(1) 'drainage work' includes—

(a) channels, either natural or artificial, for the discharge of waste or surplus water and all works connected with or auxiliary to such channels, and

(b) escape channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion,

which are owned or controlled by the Provincial Government, or which are maintained by them otherwise than by an assignment of land or land revenue, or which, having been constructed by the Government or being maintained by an assignment of land or land revenue made by them, have not been made over to any person,

but does not include works for the removal of sewage;

(2) 'estate' shall have the same meaning as in the Madras Estates Land Act, 1908;

(3) 'irrigation work' includes—

(a) all canals, channels, tanks, wells and reservoirs used for the supply or storage of water and all works, embankments and structures (other than escape channels) connected therewith,

which are owned or controlled by the Provincial Government, or which are maintained by them otherwise than by an assignment of land or land revenue, or which, having been constructed by the Government or being maintained by an assignment of land or land revenue made by them, have not been made over to any person;

(b) all such lakes and other natural collections of water or parts thereof as are not situate in an estate or estates or on lands held by registered holders;

- (c) all lands used for the purpose of the irrigation works referred to in sub-clauses (a) and (b) and all buildings, machinery, fences, gates and other erections occupied by, or belonging to, the Provincial Government on such lands ; and
- (d) all such rivers and natural streams or parts thereof as are not situate in an estate or estates or on lands held by registered holders, and all rivers in so far as they are navigable ;
- (4) 'registered holder' means any person in whose name land not included in an estate is for the time being registered in the revenue accounts of Government.

3. Whenever the registered holders of not less than two-thirds of the lands served by any irrigation or drainage work so desire, the Provincial Government may levy an annual cess from all the registered holders of lands served by such work, at such rate per acre as the Provincial Government may from time to time determine, but not exceeding the maximum rate agreed to by the registered holders of not less than two-thirds of the lands served by such work :

Levy of cess
under the
Act.

Provided that no cess shall be levied under this section unless the maximum rate aforesaid has been published in the village or villages concerned.

4. The cess shall be determined and administered in such manner as may be prescribed by rules made under this Act.

Manner of
determining
and adminis-
tering cess.

5. The cess shall, on demand, be payable by the registered holder or any of the joint registered holders, as the case may be, and if not paid, may be recovered from such holder or any of such holders, as if it were an arrear of land revenue.

Payment
and recovery
of the cess.

6. The Provincial Government may at any time cancel the levy of the cess or reduce the rate at which it is being levied, and shall do so, whenever the registered holders of not less than two-thirds of the lands served by such work so desire. In the latter case, the cancellation or reduction shall take effect on such date as the Provincial Government may direct, not being later than the commencement of the revenue year next succeeding.

Cancellation
of the cess.

District Collector to determine certain questions.

7. If any question arises as to whether any land is or is not served by an irrigation or drainage work, it shall be referred to the District Collector whose decision shall be final.

Savings.

8. Nothing in this Act shall affect the rights and obligations of the registered holders of lands served by any work to which the Madras Compulsory Labour Act, 1858, applies, provided that no customary aid shall be requisitioned under section 6 of the said Act during any period in respect of which a cess is levied under this Act. I of 1858.

Bar of jurisdiction of Civil Courts.

9. No Civil Court shall have authority to take into consideration or decide any question as to the validity or rate of any cess levied under this Act.

Power to make rules.

10. (1) The Provincial Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules as to—

(a) the manner in which, and the authority or authorities through whom, applications from registered holders under section 3 or section 6 shall be submitted to the Provincial Government ;

(b) the method of ascertaining the desire of the registered holders of any land where there are two or more registered holders of such land, for all or any of the purposes specified in this Act or in the rules made thereunder ;

(c) the determination and the administration of any cess levied under this Act.

(3) All rules made under this section shall be published in the *Fort St. George Gazette*, and upon such publication, shall have effect as if enacted in this Act.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT NO. XIV OF 1942

[Received the assent of the Governor on the 9th June 1942, first published in the "Fort St. George Gazette" on the 23rd June 1942.]

An Act further to amend the Indian Tolls Act, 1851, in its application to the Province of Madras.

[23rd June 1942.]

VIII of 1851. WHEREAS it is expedient further to amend the Indian Tolls Act, 1851, in its application to the Province of Madras, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

26 Geo. 5,
Ch. 2.

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

1. (1) This Act may be called the Indian Tolls Short title and commence-
(Madras Amendment) Act, 1942. ment.

(2) It shall be deemed to have come into force on the 19th day of April 1938.

[Paisa, 1 s. 3 p.]

Amendment
of section 2,
Act VIII of
1851.

2. Sub-section (5) of section 2 of the Indian Tolls Act, 1851 (hereinafter referred to as the said Act) ^{VIII of 1851} shall be lettered as clause (a) of that sub-section and to the sub-section as so lettered, the following clause shall be added, namely:

“(b) The Provincial Government may farm out the collection of the tolls levied under sub-section (1) and in such a case the farmer and his agents and servants shall be deemed to be persons appointed to collect tolls under this Act.”

Amendment
of section 3,
Act VIII of
1851.

3. In section 3 of the said Act, for the words “officers appointed to collect the same”, the words “officers and persons appointed to collect the same” shall be substituted.

Amendment
of section 9,
Act VIII of
1851.

4. In section 9 of the said Act, after the words “method of collection of the tolls”, the words “including the terms and conditions of the farming out thereof” shall be inserted.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XV OF 1942

[Received the assent of the Governor-General on the
22nd June 1942, first published in the "Fort St.
George Gazette" on the 7th July 1942.]

*An Act further to amend the Madras City Municipal
Act, 1919.*

[7th July 1942.]

Madras Act
IV of 1919.

WHEREAS it is expedient further to amend the Madras
City Municipal Act, 1919, for the purposes hereinafter
appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows:—

1. This Act may be called the Madras City Muni- Short title.
cipal (Amendment) Act, 1942.

Madras Act
IV of 1919.

2. In sub-section (1) of section 279 of the Madras Amendment
City Municipal Act, 1919 (hereinafter referred to as of section
the said Act), after the first paragraph ending with 279, Madras
the words "or prepared for sale", the following Act IV of
proviso shall be inserted, namely:— 1919.

Madras Act
III of 1939.

" Provided that no such licence shall be required
for a lodging house as defined in the Madras
Public Health Act, 1939, if the keeper thereof
has been registered under that Act."

Amendment
of section
288, Madras
Act IV of
1919.

3. In section 288 of the said Act—

(i) in clause (b) of sub-section (1), for the words “ as aforesaid shall before beginning such construction ”, the following shall be substituted, namely:—

“ as aforesaid, not being machinery or manufacturing plant exempted by rules, shall before beginning such construction ”;

(ii) for sub-section (7), the following sub-section shall be substituted, namely:—

“ (7) The grant of permission under this section—

(a) shall, in regard to the replacement of machinery, the levy of fees, the conditions to be observed, and the like, be subject to such restrictions and control as may be prescribed; and

(b) shall not be deemed to dispense with the necessity for compliance with the provisions of sections 234 and 236 or sections 248 and 249, as the case may be.”

Amendment
of Schedule
VIII,
Madras Act
IV of 1919.

4. In Schedule VIII to the said Act, after the item relating to section 209, the following item shall be inserted, namely:—

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
	(1)	(2)	(3)
“ 215		Failure to provide streets or roads on building sites prior to disposal.	Ten rupees.”

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XVI OF 1942

[Received the assent of the Governor on the 11th July
1942, first published in the "Fort St. George Gazette"
on the 21st July 1942.]

*An Act to amend the Periyar Irrigation Tanks
(Preservation) Act, 1934, for a certain purpose..*

[21st July 1942]

WHEREAS it is expedient to amend the Periyar Irriga-
tion Tanks (Preservation) Act, 1934, for the purpose
hereinafter appearing;

Madras
Act V of
1934.

AND WHEREAS the Governor of Madras has, by a Pro-
clamation under section 93 of the Government of India
Act, 1935, assumed to himself all powers vested by
or under the said Act in the Provincial Legislature;

26 Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows:—

1. This Act may be called the Periyar Irrigation Short title.
Tanks (Preservation) Amendment Act, 1942.

2. In sub-section (2) of section 8 of the Periyar Amendment
of section 8,
Madras
Act V of
1934.
Irrigation Tanks (Preservation) Act, 1934—

- (i) in clause (a), for the words "total average
area", the words, brackets and figure "aggre-
gate of (i) the total average area in the estate
or estates concerned" shall be substituted;

Madras
Act V of
1934.

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT.

MADRAS ACT No. XVII OF 1942

[*Received the assent of the Governor-General on the
8th July 1942, first published in the "Fort
St. George Gazette" on the 28th July 1942.*]

*An Act to amend the Madras Debt Conciliation Act,
1936.*

[28th July 1942.]

WHEREAS it is expedient to amend the Madras Debt
Conciliation Act, 1936, for the purpose hereinafter
appearing;

Madras Act
XI of 1936.

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by
a Proclamation under section 93 of the Government
of India Act, 1935, assumed to himself all powers
vested by or under the said Act in the Provincial
Legislature;

[PARTS, 1 a. 3 p.]

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called the Madras Debt Conciliation (Amendment) Act, 1942.

Amendment of section 14, Madras Act XI of 1936.

2. For sub-section (3) of section 14 of the Madras Debt Conciliation Act, 1936, the following sub-section ^{Madras Act XI of 1936.} shall be substituted, namely:—

“(3) (a) Notwithstanding anything contained in the Indian Registration Act, 1908, it shall ^{XVI of 1908.} not be necessary for the chairman or any member of the board or any party who has signed or otherwise authenticated the agreement referred to in sub-section (1), to appear in person or by agent at any registration office in any proceeding connected with the registration of such agreement, or to sign as provided in section 58 of that Act.

(b) The registering officer to whom any such agreement is sent for registration may, if he thinks fit, refer to the chairman of the board or to any other person for information respecting the same, and on being satisfied of the execution thereof, shall register the agreement.”

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT

MADRAS ACT No. XVIII OF 1942

[Received the assent of the Governor on the 20th July
1942, first published in the "Fort St. George Gazette"
on the 28th July 1942.]

An Act further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920.

[28th July 1942.]

Madras Act
V of 1920.

Madras Act
XIV of 1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for the purposes hereinafter appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

1. This Act may be called the Madras District Municipalities and Local Boards (Second Amendment) Act, 1942. Short title.

[PRICE, 1 s. 3 p.]

Amendment of section 75, Madras Act V of 1920. 2. To section 75 of the Madras District Municipalities Act, 1920, the following proviso shall be added, namely:— Madras Act V of 1920.

“ Provided that a fine shall not be imposed on any municipal officer or servant unless he is a bill collector or the holder of a post which is classified by the Provincial Government as inferior or menial.”

Amendment of section 72, Madras Act XIV of 1920. 3. To section 72 of the Madras Local Boards Act, 1920, the following proviso shall be added, namely:— Madras Act XIV of 1920.

“ Provided that a fine shall not be imposed on any officer or servant of a local board unless he is a bill collector or the holder of a post which is classified by the Provincial Government as inferior or menial.”

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

MADRAS ACT NO. XIX OF 1942

[Received the assent of the Governor on the 6th August
1942, first published in the "Fort St. George Gazette"
on the 11th August 1942.]

*An Act temporarily to amend the Andhra
University Act, 1925.*

[11th August 1942.]

Madras Act
II of 1926.

WHEREAS sub-section (2) of section 3 of the Andhra University Act, 1925, requires that the headquarters of the Andhra University shall be located at Vizagapatam ;

AND WHEREAS sub-section (3) of section 6 of the said Act requires that the University shall not establish a University College or a First Grade College or affiliate any institution as a University College unless the buildings of the institution are situated in the headquarters of the University or within ten miles of the limits thereof ;

AND WHEREAS on account of the situation caused by the present war, the headquarters of the University were moved from Vizagapatam to Guntur on the 16th April 1942 and the three University Colleges established at Vizagapatam were also moved from that place to Guntur on the same date ;

[PRIOR, 1 a. 3 p.]

AND WHEREAS it is expedient to suspend the operation of sub-section (2) of section 3 and of sub-section (3) of section 6 of the said Act until the termination of the present hostilities and for two years thereafter ;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ; ^{26 Geo. 5, Ch. 2.}

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows :—

Short title and commencement.

1. (1) This Act may be called the Andhra University (Temporary Amendment) Act, 1942.

(2) It shall be deemed to have come into force on the 16th April 1942 and shall be in force until the termination of the present hostilities and for two years thereafter.

Temporary repeal of certain provisions of Madras Act II of 1926.

2. So long as this Act remains in force, the Andhra University Act, 1925, shall have effect as if sub-section (2) of section 3 and sub-section (3) of section 6 of that Act have been omitted. ^{Madras Act II of 1926.}

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XX OF 1942

[Received the assent of the Governor-General on the
20th August 1942, first published in the "Fort
St. George Gazette" on the 1st September 1942.]

*An Act further to amend the Madras City Police Act,
1888, the Towns Nuisances Act, 1889, and the
Prevention of Cruelty to Animals Act, 1890, in its
application to the Province of Madras.*

[1st September 1942.]

Madras Act
III of 1888.

Madras Act
III of 1889.
XI of 1890.

26 Geo. 5,
Ch. 2.

WHEREAS it is expedient further to amend the Madras
City Police Act, 1888, the Towns Nuisances Act,
1889, and the Prevention of Cruelty to Animals Act,
1890, in its application to the Province of Madras:

AND WHEREAS the Governor of Madras has, by
a Proclamation under section 93 of the Government
of India Act, 1935, assumed to himself all powers
vested by or under the said Act in the Provincial
Legislature;

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows:—

1. This Act may be called the Madras City Police, ^{Short title.}
Towns Nuisances and Prevention of Cruelty to
Animals (Amendment) Act, 1942.

Amendment
of section 24,
Madras Act
III of 1888.

2. Section 24 of the Madras City Police Act, 1888, ^{Madras Act III of 1888,} shall be renumbered as sub-section (1) of that section and after the sub-section as so renumbered, the following sub-section shall be added, namely:—

“(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the Provincial Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under section 53; and the provisions of the Code of Criminal Procedure, 1898, shall apply to an arrest made by such agent as if it had been made by a Police officer.” ^{V of 1898.}

Amendment
of section 8,
Madras Act
III of 1889.

3. Section 8 of the Towns Nuisances Act, 1889, ^{Madras Act III of 1889,} shall be renumbered as sub-section (1) of that section and after the sub-section as so renumbered, the following sub-section shall be added, namely:—

“(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the Provincial Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under section 5; and the provisions of the Code of Criminal Procedure, 1898, shall apply to an arrest made by such agent as if it had been made by a Police officer.” ^{V of 1898.}

Amendment
of section 13,
Act XI of
1890.

4. (1) Section 13 of the Prevention of Cruelty to Animals Act, 1890, shall be renumbered as sub-section ^{XI of 1890,} (1) of that section and in the sub-section as so renumbered, for the words and figure “under section 4” the words “under this Act” shall be substituted.

(2) After the sub-section as so renumbered, the following sub-section shall be added, namely:—

“(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the Provincial Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under this Act; and the provisions of the Code of Criminal Procedure, 1898, shall apply to an arrest ^{V of 1898.} made by such agent as if it had been effected by a Police officer.”

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

MADRAS ACT NO. XXI OF 1942

*Received the assent of the Governor on the 14th
September 1942, first published in the "Fort St.
George Gazette" on the 22nd September 1942.]*

*An Act further to amend the Madras Rivers
Conservancy Act, 1884.*

[22nd September 1942.]

Madras Act
VI of 1884.

WHEREAS it is expedient further to amend the Madras Rivers Conservancy Act, 1884, for the purposes hereinafter appearing ;

26 Geo. 5.
Ch. 2.

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

[PRICE, 1 a. 6 p.]

2 MADRAS ACT No. XXI OF 1942

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows :—

Short title.

1. This Act may be called the Madras Rivers Conservancy (Amendment) Act, 1942.

Substitution of new section for section 11, Madras Act VI of 1884.

2. For section 11 of the Madras Rivers Conservancy Act, 1884 (hereinafter referred to as the said Act),^{Madras Act VI of 1884} the following section shall be substituted, namely :—

Prohibition of new cultivation on land in bed of notified rivers.

“ 11. After such surveys have been completed and approved and the notification as provided by this Act made by the Provincial Government, land within the limits of a river-bed as defined in section 7 which has not been cultivated for two years previous to the date on which this Act is applied to the river, shall not, without the previous permission of the Conservator of Rivers in writing, be cultivated, and it shall not be lawful without such permission to cultivate within the limits of a river-bed any new formation of land.

Whoever commences or carries on, or attempts to carry on, any cultivation in contravention of this section and of a notice from the Conservator to desist shall be punishable with fine which may extend to five hundred rupees and in default of payment of fine to simple imprisonment not exceeding three months.

Explanation.—‘ Cultivation ’ shall, for the purposes of this Act, include the growing of plants which require the ground to be ploughed once a year or at shorter intervals and which are ordinarily removed at the end of the season but shall exclude ‘ plantation ’ as explained in section 13.”

Amendment of section 13, Madras Act VI of 1884.

3. In section 13 of the said Act—

(a) in sub-section (1), after the words “ within such river-bed ”, the words “ including any new formation of land therein ” shall be inserted ;

(b) at the end of sub-section (1), the following Explanation shall be added, namely :—

“ *Explanation.*—‘ Plantation ’ shall, for the purposes of this Act, include the growing of plants, shrubs or trees which do not ordinarily require the ground to be ploughed or cultivated every year and which are generally propagated by the planting of cuttings, sets, seedlings or shoots such as nanal, alchi, tilla, betel, sugarcane, plantain, bamboo and the like. ” ;

(c) in sub-section (6), for the words “ prohibited by this section ”, the words “ in contravention of this section ” shall be substituted.

4. For the first paragraph of section 17 of the said Act, the following paragraph shall be substituted, namely :—

Amendment
of section
17, Madras
Act VI of
1884.

“ The Conservator of Rivers may do or may cause to be done in connexion with the conservancy of any river to which this Act has been applied, any act which appears to him to be necessary to prevent erosion, breach of embankments or the flooding over them, encroachments by the stream or danger to life or property and for such purpose he may, notwithstanding that his acts may involve interference with private rights of property, enter upon any public or private land whether within or outside the river-bed and may dig and use earth from such land, construct works thereon or alter the course of any stream.”

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XXII OF 1942

[Received the assent of the Governor on the 17th September 1942, first published in the "Fort St. George Gazette" on the 22nd September 1942.]

An Act for the removal of a disqualification for the membership of the Madras Legislature.

[22nd September 1942.]

WHEREAS it is necessary to remove the disqualification imposed on persons holding the office of District Organizer of the National War Front, for being chosen as, and for being, members of the Madras Legislative Assembly or of the Madras Legislative Council ;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

26 Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

1. This Act may be called the Madras Legislature Short title.
(District Organizers Removal of Disqualifications) Act, 1942.

2. No person shall be disqualified for being chosen as, or for being, a member of the Madras Legislative Assembly or the Madras Legislative Council, by reason only of the fact that he holds the office of District Organizer of the National War Front and receives the emoluments in respect thereof. Removal of disqualification of District Organizers.

GOVERNMENT OF MADRAS,
LEGAL DEPARTMENT.

MADRAS ACT No. XXIII OF 1942

[Received the assent of the Governor-General on the 15th September 1942, first published in the "Fort St. George Gazette" on the 6th October 1942.]

An Act further to amend the Madras Nurses and Midwives Act, 1926.

[6th October 1942.]

Madras Act
III of 1926.

WHEREAS it is expedient further to amend the Madras Nurses and Midwives Act, 1926, for the purpose hereinafter appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

1. This Act may be called the Madras Nurses and Midwives (Amendment) Act, 1942. Short title.

Madras Act
III of 1926.

2. After clause (b) of sub-section (1) of section 3 of the Madras Nurses and Midwives Act, 1926, the following clause shall be inserted, namely:— Amendment of section 3, Madras Act III of 1926.

“(bb) an officer of the Medical Department of Government, nominated by the Provincial Government;”

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XXIV OF 1942

[Received the assent of the Governor on the 5th October
1942, first published in the "Fort St. George Gazette"
on the 7th October 1942.]

*An Act further to amend the Madras City Municipal
Act, 1919, the Madras District Municipalities
Act, 1920, and the Madras Local Boards Act,
1920.*

[7th October 1942.]

Madras Act
IV of 1919.
Madras Act
V of 1920.
Madras Act
XIV of 1920.

WHEREAS it is expedient further to amend the Madras
City Municipal Act, 1919, the Madras District Muni-
cipalities Act, 1920, and the Madras Local Boards
Act, 1920, for the purposes hereinafter appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legis-
lature;

[PRICE, 2 as. 9 p.]

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942.

Extension of term of office of councillors and aldermen of the Corporation of Madras.

2. (1) The term of office of the councillors and aldermen of the Corporation of Madras which, under the law now in force, extends up to noon on the first day of November 1942, shall extend instead up to noon on the first day of November 1943, and the provisions of the Madras City Municipal Act, 1919, as amended by this section, shall have effect accordingly:

Madras Act, IV of 1919.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall expire at, or extend up to, noon on such earlier or later date as may be fixed by them and from time to time to advance or postpone any date so fixed and fix another date instead.

(2) Where any date other than the first day of November of any year is fixed under the proviso to sub-section (1), the provisions of the Madras City Municipal Act, 1919, shall be subject to the following modifications, namely:—

Madras Act IV of 1919.

(a) The Provincial Government shall cause elections and appointments of councillors and aldermen to be held or made to the council, so that the newly elected or appointed councillors and aldermen may come into office on the date fixed as aforesaid.

(b) The term of office of the newly elected or appointed councillors and aldermen shall, subject to the provisions of the Madras City Municipal Act, 1919, expire at noon on the first day of November immediately succeeding the expiry of three years from the date referred to in clause (a).

Madras Act IV of 1919.

(c) The election of the Mayor, Deputy Mayor and members of the standing committees shall be held at the first meeting of the council held after the date referred to in clause (a), and the election of the chairman of each standing committee shall be held at the first meeting of such committee.

(d) The Provincial Government shall have power to direct that the election of the Mayor and Deputy Mayor shall not be held, as required by sub-section (1) of section 28 of the Madras City Municipal Act, 1919, at the first meeting of the council held after the first day of November immediately succeeding the date referred to in clause (a).

Madras Act
IV of 1919.

Madras Act
V of 1920.

Madras Act
V of 1920.

3. The term of office of the councillors of every municipality constituted under the Madras District Municipalities Act, 1920, which under the law now in force extends up to noon on the first day of November 1942, shall extend instead up to noon on the first day of November 1943, and the provisions of the Madras District Municipalities Act, 1920, as amended by this section, shall have effect accordingly:

Extension of term of office of councillors of district municipalities now expiring on 1st November 1942.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall, in the case of such municipalities or any of them expire at, or extend up to, noon on such earlier or later date as may be fixed by them, and from time to time to advance or postpone any date so fixed and fix another date instead.

Madras Act
V of 1920.

Madras Act
V of 1920.

4. (1) Where any municipal council which has been superseded or dissolved, whether under the Madras District Municipalities Act, 1920, or otherwise, has not been reconstituted before the commencement of this Act, or where any municipal council is superseded or dissolved after the commencement of this Act, the provisions of the Madras District Municipalities Act, 1920, shall be subject to the following modifications, namely:—

Special provision for district municipalities which are superseded or dissolved.

(a) All the members of the municipal council when it is reconstituted shall be appointed by the Provincial Government.

- (b) The Provincial Government shall have power to reduce the strength of the reconstituted council and to alter or abolish the reservation of seats for any community or for women in any manner they think fit; but all orders issued under this clause shall cease to have effect at noon on the date fixed under clause (c).
- (c) The councillors appointed under clause (a) shall, subject to the provisions of the Madras District Municipalities Act, 1920, ^{Madras Act V of 1920.} and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, ^{Madras Act II of 1922.} hold office up to noon on such date, not being later than twelve months from the termination of the present war, as may be fixed by the Provincial Government:

Provided that the Provincial Government shall have power to advance or postpone the date aforesaid and fix instead another date, not being later than twelve months from the termination of the present war.

- (d) Any casual vacancy arising in the office of a councillor before the date fixed under clause (c) shall be filled by appointment by the Provincial Government, and the councillor so appointed shall hold office only up to noon on the date aforesaid and subject to the provisions mentioned in clause (c).
- (e) All the provisions of the Madras District Municipalities Act, 1920, relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall, save as regards the disqualification on the ground referred to in section 48 (1) of that Act, be applicable to the councillors appointed under this sub-section. ^{Madras Act V of 1920.}

(2) Save as provided in sub-section (1), the Madras District Municipalities Act, 1920, shall apply to the council as reconstituted under that sub-section in the same manner as it would apply to a council constituted by election under the Act aforesaid, and ^{Madras Act V of 1920.}

in particular, the reconstituted council shall elect a chairman and a vice-chairman in accordance with the provisions of section 12 of the said Act.

Madras Act
7 of 1920.

5. In the case of any municipality constituted under the Madras District Municipalities Act, 1920, to which neither section 3 nor section 4 applies, the Provincial Government shall have power to extend the term of office of the councillors up to noon on such date as may be fixed by them and from time to time to advance or postpone any date so fixed and fix another date instead.

Extension of term of office of councillors of district municipalities in other cases.

Madras Act
V of 1920.

6. Where any date other than the first day of November of any year is fixed under the proviso to section 3 or under section 4 (1) (c), or section 5, the provisions of the Madras District Municipalities Act, 1920, shall be subject to the following modifications, namely:—

Special provision where district municipalities are reconstituted by election with effect from a date other than the 1st November.

(a) The Provincial Government shall cause elections to be held to every municipality concerned, so that the newly elected members may come into office on the date fixed as aforesaid.

(b) The term of office of the newly elected councillors shall, subject to the provisions of the Madras District Municipalities Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on the first day of November immediately succeeding the expiry of three years from the date referred to in clause (a).

Madras Act
V of 1920.

Madras Act
II of 1922.

Madras Act
XIV of 1920.

7. The term of office of the members of every district board constituted under the Madras Local Boards Act, 1920, which under the law now in force extends up to noon on the first day of November 1942, shall extend instead up to noon on the first day of November 1943, and the provisions of the Madras Local Boards Act, 1920, as amended by this section, shall have effect accordingly:

Extension of term of office of members of district boards now expiring on 1st November 1942.

Madras Act
XIV of 1920.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall, in the case of such district boards or any of

them, expire at, or extend up to, noon on such earlier or later date as may be fixed by them, and from time to time to advance or postpone any date so fixed and fix another date instead.

Special provision for district boards which are superseded or dissolved.

8. (1) Where any district board which has been superseded or dissolved, whether under the Madras Local Boards Act, 1920, or otherwise, has not been reconstituted before the commencement of this Act, or where any district board is superseded or dissolved after the commencement of this Act, the provisions of the Madras Local Boards Act, 1920, shall be subject to the following modifications, namely:—

Madras Act XIV of 1920,

Madras Act XIV of 1920,

(a) All the members of the district board when it is reconstituted shall be appointed by the Provincial Government.

(b) The Provincial Government shall have power to reduce the strength of the reconstituted board and to alter or abolish the reservation of seats for any community or for women in any manner they think fit; but all orders issued under this clause shall cease to have effect at noon on the date fixed under clause (c).

(c) The members appointed under clause (a) shall, subject to the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, hold office up to noon on such date, not being later than twelve months from the termination of the present war, as may be fixed by the Provincial Government:

Madras Act XIV of 1920

Madras Act II of 1922.

Provided that the Provincial Government shall have power to advance or postpone the date aforesaid and fix instead another date, not being later than twelve months from the termination of the present war.

(d) Any casual vacancy arising in the office of a member before the date fixed under clause (c) shall be filled by appointment by the Provincial Government, and the member so appointed shall hold office only up to noon on the date aforesaid and subject to the provisions mentioned in clause (c).

Madras Act
XIV of 1920.

(e) All the provisions of the Madras Local Boards Act, 1920, relating to the duties, powers, liabilities, disqualifications and disabilities of members of district boards shall, save as regards the disqualification on the ground referred to in section 54 (1) of that Act, be applicable to the members appointed under this sub-section.

Madras Act
XIV of 1920.

(2) Save as provided in sub-section (1), the Madras Local Boards Act, 1920, shall apply to the district board as reconstituted under that sub-section in the same manner as it would apply to a district board constituted by election under the Act aforesaid and in particular, the reconstituted district board shall elect a president and a vice-president in accordance with the provisions of section 12 of the said Act.

Madras Act
XIV of 1920.

9. The term of office of the members of every panchayat constituted under the Madras Local Boards Act, 1920, which under the law now in force extends up to noon on the first day of November 1942, shall extend instead up to noon on the first day of November 1943, and the provisions of the Madras Local Boards Act, 1920, as amended by this section, shall have effect accordingly:

Extension of term of office of members of panchayats now expiring on 1st November 1942.

Madras Act
XIV of 1920.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall, in the case of such panchayats or any of them, expire at, or extend up to, noon on such earlier or later date as may be fixed by them, and from time to time to advance or postpone any date so fixed and fix another date instead.

Madras Act
XIV of 1920.

10. In the case of any panchayat constituted under the Madras Local Boards Act, 1920, to which section 9 does not apply, the Provincial Government shall have power to extend the term of office of the members up to noon on such date as may be fixed by them and from time to time to advance or postpone any date so fixed and fix another date instead.

Extension of term of office of members of panchayats in other cases.

Special provision for re-constitution of district boards and panchayats.

11. Where any district board or panchayat has to be reconstituted by election for the first time after the commencement of this Act, the provisions of the Madras Local Boards Act, 1920, shall be subject to the following modifications, namely:—

Madras Act XIV of 1920.

(a) The Provincial Government shall cause elections to be held to the district board or panchayat, so that the newly elected members may come into office on the date on which the term of the members previously holding office will expire.

(b) The term of office of the newly elected members shall, subject to the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire in such calendar year and on such date therein as the Provincial Government may fix:

Madras Act XIV of 1920.

Madras Act II of 1922.

Provided that the same calendar year shall be fixed in respect of all district boards and panchayats situated in any of the districts included in the same Group of the Schedule to the Madras Local Boards (Amendment) Act, 1935.

Madras Act XIII of 1935.

Power to remove difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act, or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as amended by this Act, the Provincial Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

Madras Act IV of 1919.

Madras Act V of 1920.

Madras Act XIV of 1920.

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

MADRAS ACT No. XXV OF 1942

[Received the assent of the Governor on the 17th November 1942, first published in the "Fort St. George Gazette" on the 24th November 1942.]

An Act to amend the Madras Probation of Offenders Act, 1936.

[24th November 1942.]

Madras Act
III of 1937.

WHEREAS it is expedient to amend the Madras Probation of Offenders Act, 1936, for the purpose hereinafter appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature; Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

1. This Act may be called the Madras Probation of Offenders (Amendment) Act, 1942. Short title.

Madras Act
III of 1937.

2. After section 12 of the Madras Probation of Offenders Act, 1936, the following section shall be inserted, namely:— Insertion of new section 12-A in Madras Act III of 1937.

“ 12-A. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence. Removal of disqualification attaching to conviction for offences.

Provided that this section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section (3) of section 7 or a penalty was imposed on him under that sub-section.”

GOVERNMENT OF MADRAS,
LEGAL DEPARTMENT.

MADRAS ACT No. XXVI OF 1942

[Received the assent of the Governor on the 22nd
November 1942, first published in the "Fort St.
George Gazette" on the 24th November 1942.]

*An Act further to amend the Madras Estates
Land Act, 1908.*

[24th November 1942.]

Madras Act
I of 1908.

WHEREAS it is expedient further to amend the Madras
Estates Land Act, 1908, for the purpose hereinafter
appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legisla-
ture ;

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows :—

1. This Act may be called the Madras Estates Short title.
Land (Amendment) Act, 1942.

Madras Act
I of 1908.

2. In clause (b) of sub-section (2) of section 185-A Amendment
of section
185-A,
Madras Act
I of 1908.
of the Madras Estates Land Act, 1908, after the
words " a Judicial officer eligible for appointment as a
Judge of the High Court ", the words " or a retired
Judicial officer who immediately before his retirement
was so eligible ", and after the words " experienced
Revenue officer ", the words " whether in active
service or retired " shall be inserted.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XXVII OF 1942

[Received the assent of the Governor on the 22nd
November 1942, first published in the "Fort St.
George Gazette" on the 1st December 1942.]

*An Act further to amend the Madras City Municipal
Act, 1919, and the Madras District Municipalities
Act, 1920.*

[1st December 1942.]

Madras Act
IV of 1919.
Madras Act
V of 1920.

WHEREAS it is expedient further to amend the Madras
City Municipal Act, 1919, and the Madras District
Municipalities Act, 1920, for the purpose hereinafter
appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government
of India Act, 1935, assumed to himself all powers
vested by or under the said Act in the Provincial
Legislature ;

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as follows:—

1. This Act may be called the Madras City Muni- Short title.
pal and District Municipalities (Amendment) Act,
1942.

Enact, 1 a. 3 p.]

Amendment
of Madras
Act IV of
1919.

2. In the Madras City Municipal Act, 1919,—

Madras Act
IV of 1919.

(i) in sub-section (2) of section 178, after the words “on any premises,” the words “or if within such distance a public drain or other place for the discharge of drainage is about to be provided or is in the process of construction,” shall be inserted; and

(ii) in sub-section (1) of section 179, for the words “about to be constructed”, the words “about to be provided or in the process of construction” shall be substituted.

Amendment
of Madras
Act V of
1920.

3. In the Madras District Municipalities Act, 1920,—

Madras Act
V of 1920.

(i) in sub-section (2) of section 139, after the words “on any premises”, the words “, or if within such distance a public drain or outfall is about to be provided or is in the process of construction,” shall be inserted; and

(ii) in sub-section (1) of section 141, for the words “about to be constructed”, the words “about to be provided or in the process of construction” shall be substituted.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XXVIII OF 1942

[Received the assent of the Governor-General on the
26th November 1942, first published in the "Fort
St. George Gazette" on the 8th December 1942.]

*An Act further to amend the Madras Hereditary
Village-offices Act, 1895.*

[8th December 1942.]

Madras Act
III of 1895.

WHEREAS it is expedient further to amend the Madras Hereditary Village-offices Act, 1895, for the purposes hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows :—

1. This Act may be called the Madras Hereditary Short title.
Village-offices (Amendment) Act, 1942.

Madras Act
III of 1895.

2. In proviso (ii) to sub-section (1) of section 13 of the Madras Hereditary Village-offices Act, 1895 (herein-Amendment
of section 13,
Madras Act
III of 1895. after referred to as the said Act), after the words " the Collector shall " the following shall be inserted, namely :—

" except where the office is one falling under class (4) in section 3 and the land was on or at any time after the 14th July 1942 in the possession of the person then holding the office."

Amendment of section 14, Madras Act III of 1895.

3. After the proviso to sub-section (1) of section 14 of the said Act, the following proviso shall be added, namely :—

“ Provided further that, in the case of a village office for the holding of which minority is not a disqualification, a suit for such office or for the recovery of the emoluments thereof may be preferred at any time after the cause of action has arisen but before the expiry of three years from the date on which the claimant attains majority.”

Act to apply to pending suits and appeals.

4. For the removal of doubts, it is hereby declared that the following suits and appeals shall be decided in accordance with the provisions of the said Act as amended by section 2 of this Act, if they relate to the recovery of the emoluments of any of the offices falling under class (4) in section 3 of the said Act :—

(a) Suits under section 13 (1) of the said Act which are pending on the 14th July 1942 or which are instituted after the said date and before the commencement of this Act.

(b) Appeals under section 23 (1) of the said Act which are pending on the said date or which are preferred after the said date against any decree or order passed before that date.

Saving of previous decisions of Revenue Courts.

5. Except in the appeals referred to in clause (b) of section 4, no decision of any Revenue Court under section 13 (1) or section 23 (1) of the said Act, passed before the 14th July 1942 and holding that the emoluments of any office falling under class (4) in section 3 of the said Act consisted of an assignment of revenue payable in respect of land, shall be liable to be questioned or reopened, whether in the same or in any other Revenue Court, merely on the ground that such decision was arrived at on the assumption referred to in the said section 13 (1), namely, that only the said assignment constituted the emoluments of the said office.

Saving of mortgages and leases subsisting at commencement of Act.

6. Any question as to the validity of any mortgage or lease executed by the holder of any office falling under class (4) in section 3 of the said Act and subsisting on the 14th July 1942 shall be decided as if this Act had not been passed.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XXIX OF 1942

[Received the assent of the Governor on the 5th December
1942, first published in the "Fort St. George Gazette"
on the 15th December 1942.]

*An Act further to amend the Madras University
Act, 1923.*

[15th December 1942.]

Madras
Act VII of
1923.

WHEREAS it is expedient further to amend the Madras
University Act, 1923, for the purpose hereinafter
appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by
a Proclamation under section 93 of the Government
of India Act, 1935, assumed to himself all powers
vested by or under the said Act in the Provincial
Legislature;

Now, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows:—

1. (1) This Act may be called the Madras Univer- Short title
sity (Fourth Amendment) Act, 1942. and com-
mentence.

(2) It shall be deemed to have come into force
on the 15th February 1942.

Madras
Act VII of
1923.

2. Notwithstanding anything contained in the Constituent
Madras University Act, 1923, the Syndicate of the Colleges
University of Madras shall have power to continue to moved
out of
University
limits.
recognize a Constituent College as such although it
was removed to a place outside the limits of the
University on account of the situation caused by the
present war.

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

MADRAS ACT No. XXX OF 1942

[Received the assent of the Governor on the 10th December
1942, first published in the "Fort St. George Gazette"
on the 15th December 1942.]

*An Act further to amend the Madras Prohibition Act,
1937.*

[15th December 1942.]

Madras Act
X of 1937.

WHEREAS it is expedient further to amend the Madras
Prohibition Act, 1937, for the purpose hereinafter
appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government
of India Act, 1935, assumed to himself all powers
vested by or under the said Act in the Provincial
Legislature;

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows:—

1. This Act may be called the Madras Prohibi- Short title.
tion (Amendment) Act, 1942.

Madras Act
X of 1937.

2. In sub-section (1) of section 4 of the Madras Amendment
of section 4,
Madras Act
X of 1937.
Prohibition Act, 1937 (hereinafter referred to as the
said Act), for the words "shall be punished" the
following shall be substituted, namely:—

"shall be punished—

- (i) in the case of an offence falling under
clause (b), clause (f), clause (g), clause (h)
or clause (i), or an offence falling under

clause (k) in so far as it relates to an act specified in any of the clauses aforesaid, with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both; and

(ii) in any other case,"

Amendment
of section 5,
Madras Act
X of 1937.

3. In section 5 of the said Act, for the words "six months", the words "two years", and for the words "one thousand rupees"; the words "five thousand rupees" shall be substituted.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XXXI OF 1942

[Received the assent of the Governor-General on the
7th December 1942, first published in the "Fort
St. George Gazette" on the 22nd December 1942.]

An Act further to amend the Madras City Police Act,
1888.

[22nd December 1942.]

Madras Act
III of 1888

WHEREAS it is expedient further to amend the Madras
City Police Act, 1888, for the purpose hereinafter
appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legislature ;
Now, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows :—

1. This Act may be called the Madras City Police short title.
(Amendment) Act, 1942.

Madras Act
III of 1888.

2. In section 7 of the Madras City Police Act, 1888,
for the words "The Commissioner shall by virtue of
his office be a Presidency Magistrate" the words
"The Commissioner and his Deputies shall by virtue
of their respective offices be Presidency Magistrates",
for the words "his powers as Magistrate" the words
"their powers as Magistrates", and for the words
"he shall not" the words "they shall not", shall be
substituted.

Amendment
of section 7.
Madras Act
III of 1888.

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XXXII OF 1942

[Received the assent of the Governor on the 17th December 1942, first published in the "Fort St. George Gazette" on the 22nd December 1942.]

An Act further to amend the Andhra University Act, 1925.

[22nd December 1942.]

Madras Act
II of 1926.

WHEREAS it is expedient further to amend the Andhra University Act, 1925, for the purposes hereinafter appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature; NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

1. This Act may be called the Andhra University Short title.
(Second Amendment) Act, 1942.

Madras Act
II of 1926.

2. In section 2 of the Andhra University Act, Amendment of section 2, Madras Act II of 1926.
1925 (hereinafter referred to as the said Act) —

(i) clauses (f) to (o) shall be relettered as (h) to (q) respectively and for clauses (a) to (e) the following clauses shall be substituted, namely:—

“(a) ‘University College’ means a college established or maintained by the University and providing courses of study qualifying students for admission to University examinations in accordance with the Regulations prescribed;

(b) ‘Affiliated College’ means a college within the University area affiliated to the University as providing courses of study qualifying

students for admission to University examinations in accordance with the Regulations prescribed;

- (c) 'Honours College' means a University college in which provision is made for Honours or post-graduate courses of study leading up to the higher Degrees of the University;
- (d) 'First-grade College' means a college established by or affiliated to the University as providing courses of study qualifying students for admission to the examinations for the ordinary Degree in Arts or Science in accordance with the Regulations prescribed;
- (e) 'Second-grade College' means a college established by or affiliated to the University as providing courses of study qualifying students for the Intermediate Examination in Arts and Science according to the Regulations prescribed but not to the Degree examinations of the University;
- (f) 'Oriental College' means a college recognized by or affiliated to the University as providing courses of study in Oriental learning and for the preparation of students for degrees, titles or diplomas of the University in such learning in accordance with the Regulations prescribed;
- (g) 'Professional College' means a college established or maintained by the University or affiliated to the University as providing courses of study leading up to the professional Degrees of the University in accordance with the Regulations prescribed;";
- (ii) in clause (n) as so relettered, after the word "affiliated" the words "or oriental" shall be inserted.

**Amendment
of section 3,
Madras Act
II of 1926.**

3. Sub-section (1) of section 3 of the said Act shall be lettered as clause (a) of that sub-section and after the clause as so lettered, the following clause shall be added, namely:—

"(b) In all suits and other legal proceedings by or against the University, the pleadings shall

be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar."

4. In section 4 of the said Act—

(i) in clause (7), after the word "exhibitions" the words "bursaries, studentships" shall be inserted;

Amendment of section 4, Madras Act II of 1926.

(ii) in clause (8), for the words "to maintain" the words "to institute and maintain", for the words "to recognize" the words "to affiliate or recognize", and for the words "such recognition" the words "such affiliation or recognition" shall be substituted;

(iii) in clause (12), for the words "provide funds for the maintenance of" the word "manage" shall be substituted.

5. In section 6 of the said Act—

(i) in sub-section (2), the words "a University College" shall be omitted and for the words "or a Special Grade College" the words "an Oriental College or a Professional College" shall be substituted;

Amendment of section 6, Madras Act II of 1926.

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) The University shall have power to grant recognition to a college as an Oriental College in accordance with the Statutes."

6. In clause (v) of section 9 of the said Act, for the words "other officers" the words "other persons" shall be substituted.

Amendment of section 9, Madras Act II of 1926.

7. In sub-section (1) of section 12 of the said Act—

(i) in clause (d), after the words "meetings of the Senate" the words "and at convocations of the University" shall be inserted;

Amendment of section 12, Madras Act II of 1926.

(ii) in clause (e), for the words "such authority" the words "the authority concerned" shall be substituted.

Amendment
of section 13,
Madras Act
II of 1926.

8. In section 13 of the said Act—

(i) for sub-sections (1) and (2), the following sub-section shall be substituted, namely:—

“ (1) The Registrar shall be a whole-time paid officer of the University appointed by the Syndicate on such terms as may be prescribed by the Statutes.”;

(ii) sub-section (3) shall be renumbered as sub-section (2).

Amendment
of section 14,
Madras Act
II of 1926.

9. In clause (vi) of section 14 of the said Act, for the words “ other authorities ” the words “ other bodies ” shall be substituted.

Amendment
of section 15,
Madras Act
II of 1926.

10. In section 15 of the said Act—

(i) in clause (2) under the heading “ Class II—Life Members ”, for the word “ purposes ” the words “ general purposes ” shall be substituted;

(ii) in sub-clauses (a) and (b) of clause (5) under the heading “ Class III—Other Members ”—
(a) the words “ and taluk boards ” shall be omitted;

(b) for the words “ these bodies ” the words “ municipal councils ” shall be substituted;

(iii) in clause (8) under the same heading—

(a) for sub-clause (a), the following sub-clause shall be substituted, namely:—

“ (a) every association making a donation of not less than Rs. 25,000, and every person making a donation of not less than Rs. 10,000 but not amounting to Rs. 25,000 or more, to or for the general purposes of the University shall be entitled to nominate one person to the Senate who shall be a member for five years and if such member vacates his office before the expiry of the period of five years, another person may be nominated in his place by the association or person concerned, who shall hold office for the residue of such period and the same provision shall apply in all cases of vacancies arising before the expiry of such period.”,

(b) in sub-clause (b), for the word “ purposes ” the words “ general purposes ” shall be substituted;

(iv) the last paragraph and the proviso thereto shall be omitted.

11. In section 16 of the said Act—

Amendment
of section 16,
Madras Act
II of 1926.

(a) in sub-section (1), for the words “ or the Ordinances ” the words “ the Ordinances or the Regulations ” shall be substituted;

(b) in sub-section (2)—

(i) for clause (c), the following clause shall be substituted, namely:—

“ (c) to institute and maintain University Colleges; ”;

(ii) for clause (g), the following clause shall be substituted, namely:—

“ (g) (i) to affiliate Colleges to the University as First-grade, Second-grade, Oriental or Professional Colleges under conditions to be prescribed by the Statutes and to withdraw affiliation from them on the recommendation of the Syndicate and after consultation with the Academic Council;

(ii) to grant recognition to Oriental Colleges under conditions to be prescribed by the Statutes and to withdraw recognition from Colleges on the recommendation of the Syndicate and after consultation with the Academic Council;

(iii) to control in general all such Colleges in the manner prescribed by the Statutes; ”;

(iii) in sub-clause (i) of clause (h), for the words “ in an affiliated college ” the words “ in a University College or an affiliated College or an Oriental College ” shall be substituted;

(iv) in clause (j), after the word “ exhibitions ” the words “ bursaries, student-ships ” shall be inserted;

- (v) in clause (l), for the words " maintain and manage " the words " and maintain " shall be substituted;
- (vi) clauses (m), (n) and (r) shall be omitted and clauses (o), (p), (q) and (s) shall be relettered as clauses (m), (n), (o) and (p) respectively;
- (vii) in clause (m) as so relettered, after the word " affiliation " the words " or recognition " shall be inserted, and the words " for admission to the examinations, degrees and diplomas of the University " shall be omitted.

Amendment
of section 18,
Madras Act
II of 1926.

12. In section 18 of the said Act—

- (i) in the proviso under the heading " Class II —Other Members ", for the word " teacher " the words " salaried teacher " shall be substituted;
- (ii) the last paragraph and the proviso thereto shall be omitted.

Amendment
of section 19,
Madras Act
II of 1926.

13. In section 19 of the said Act—

- (i) for clause (c), the following clause shall be substituted, namely:—
 - " (c) (i) shall appoint the teachers of the University below the rank of Readers, fix their emoluments and define their duties and conditions of service;
 - (ii) shall appoint the teachers of the University of and above the rank of Readers, on the recommendation of the Board of Appointments, fix their emoluments and define their duties and conditions of service:

Provided that it shall be competent for the Syndicate to make a temporary appointment of a teacher of the rank of Reader without consulting the Board of Appointments, but the period of such appointment shall not extend beyond the academic year in which it is made or for one year whichever is less;"

- (ii) in clause (d), for the word " Statutes " the word " Ordinances " shall be substituted;

- (iii) in clause (*g*), for the words “ prizes, medals and scholarships ” the words “ fellowships, travelling fellowships, scholarships, exhibitions, bursaries, studentships, medals and prizes ” shall be substituted;
- (iv) after clause (*g*), the following clause shall be inserted, namely:—
“ (*gg*) shall have power to appoint members of the Boards of Studies; ”;
- (v) in clause (*i*), after the word “ affiliated ” the words “ and oriental ” shall be inserted;
- (vi) in clause (*j*), after the words “ University examinations ” the word “, approve ” shall be inserted;
- (vii) after clause (*j*), the following clause shall be inserted, namely:—
“ (*jj*) shall prescribe the fees to be charged for admission to the examinations, degrees and diplomas of the University subject to the approval of the Senate; ”;
- (viii) in sub-clause (*i*) of clause (*m*), for the words “ concerning the University ” the words “ concerning the administration of the University ” shall be substituted and for the words “ and the Ordinances ” the words “ the Ordinances and the Regulations ” shall be substituted;
- (ix) in clause (*n*), the words “ by the Ordinances ” shall be added at the end;
- (x) after clause (*o*), the following clauses shall be added, namely:—
“ (*p*) shall manage and control all colleges, hostels, libraries, laboratories, museums and the like instituted and maintained by the University;
(*q*) shall have power to recognize hostels not maintained by the University and to withdraw recognition therefrom;
(*r*) shall have power to supervise and control the residence and discipline of the students of the University and make arrangements for promoting their health and well-being.”

Amendment
of section 21,
Madras Act
II of 1926.

14. To sub-section (3) of section 21 of the said Act, the following proviso shall be added, namely:—
“ Provided that the Senate shall not increase the total financial estimates on the expenditure side.”

Amendment
of section 22,
Madras Act
II of 1926.

15. In section 22 of the said Act, sub-section (iii) shall be omitted.

Amendment
of section 23,
Madras Act
II of 1926.

16. In sub-section (2) of section 23 of the said Act—

- (i) in clause (a), after the word “ matters ” the words “ including the control and management of the libraries ” shall be added;
- (ii) in clause (e), after the word “ affiliated ” the words “ and Oriental ” shall be inserted;
- (iii) clause (g) shall be omitted and clauses (h) to (m) shall be relettered as clauses (g) to (l) respectively.

Substitution
of new sec-
tions for
sections 24
and 25,
Madras Act
II of 1926.
The Facul-
ties.

17. For sections 24 and 25 of the said Act, the following sections shall be substituted, namely:—

“ 24. (1) The University shall include Faculties of Arts, Science, Medicine, Commerce, Teaching and Oriental Learning and such other Faculties as may be prescribed by the Statutes. Each Faculty shall comprise such departments of teaching as may be prescribed by the Statutes.

(2) Each Faculty shall consist of—

(a) such members of the Academic Council as are appointed to it, and

(b) teachers in the University Colleges and Professional Colleges who are not members of the Academic Council but are members of Boards of Studies in the subjects included in the Faculty.

The functions of the Faculties shall be prescribed by the Statutes.

25. Separate Boards of Studies shall be attached to each department of teaching. The constitution and functions of the Boards of Studies shall be prescribed by the Statutes.”

The Boards
of Studies.

18. For section 30 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 30,
Madras Act
II of 1926.

“ 30. (1) Save as otherwise provided, the Senate, the Syndicate, the Finance Committee and the Academic Council shall be reconstituted at or about the same time every three years and members of these authorities shall [except in the case of *ex officio* or life members and of members of the Senate under section 15, class III (8)], hold office as members thereof up to the date of the next reconstitution.

Term of
office of
members of
the Senate,
etc.

(2) Any vacancy in the said membership occurring before the next reconstitution shall be filled up as soon as conveniently may be, by the body or person who elected, nominated, appointed or co-opted the member whose place has become vacant and the person so elected, nominated, appointed or co-opted shall be a member only for the residue of the term for which the person whose place he has filled would have been a member:

Provided that no vacancy in the said membership occurring within six months before the next reconstitution shall be filled up until such reconstitution.

(3) No member of an authority specified in sub-section (1) who is elected, nominated, appointed or co-opted in his capacity as a member of a particular electorate or the holder of a particular appointment shall continue to be a member of such authority on his ceasing to be a member of the particular electorate or the holder of the particular appointment:

Provided that a member returned to the Senate by the electorate referred to in section 15, class III (5), shall not cease to be a member of the Senate by his ceasing to be a member of such electorate for a period of less than three months at a time.

(4) Where an elected, nominated, appointed or co-opted member of an authority specified in sub-section (1) is appointed temporarily to any of the offices by virtue of which he is entitled to be a member of that authority *ex officio*, he shall by notice in writing signed by him and communicated to the Vice-Chancellor within seven clear days from the date of his taking charge of his temporary appointment, choose whether he will continue to be a member of that authority by virtue of his election, nomination, appointment or co-option or whether he will vacate office as such member and become a member *ex officio* by virtue of his temporary appointment and the choice shall be final. On failure to make such choice, he shall be deemed to have vacated his office as an elected or nominated or appointed or co-opted member.

(5) Vacancies arising by efflux of time among elected members of any authority specified in sub-section (1) may be filled at elections which may be fixed by the Vice-Chancellor to take place on such days, not earlier than three months before the date on which the vacancies arise, as he thinks fit."

Insertion of
new section
34-A in
Madras Act
II of 1926.

19. After section 34 of the said Act, the following section shall be inserted, namely:

Constitution
of Board of
Appoint-
ments.

" 34-A. There shall be constituted a Board of Appointments which shall consist of the following persons, namely:—

- (1) The Vice-Chancellor who shall *ex officio* be the Chairman of the Board.
- (2) The Director of Public Instruction or a senior official of the Education Department to be deputed by him to act in his place during his absence.
- (3) One person to be nominated by the Maharaja Saheb of Jeypore or his successors:

Provided that the Maharaja Saheb or his successors shall be entitled to make a nomination only—

(i) so long as the present annual contribution of one lakh of rupees to the University continues, or

(ii) if a capitalized grant of fifteen lakhs of rupees to the University is made,

in accordance with the deed executed by the Maharaja Saheb.

(4) If the Chancellor empowers any other person or body making a donation of not less than ten lakhs of rupees to the general purposes of the University, to nominate a member, the person nominated by such donor.

(5) The Chairman of the Honours Board of Studies concerned.

(6) Two persons nominated by the Syndicate (not being members of that body), for each appointment or class of appointments.

(7) The Principal of the University College.

Explanation.—The power to nominate under clauses (3) and (4) shall include the power to cancel a nomination previously made and to make a fresh nomination.”

20. In section 39 of the said Act, at the end of clause (j), the word “and” shall be inserted, clause (k) shall be omitted and clause (l) shall be relettered as clause (k). Amendment of section 39, Madras Act II of 1926.

21. In section 40 of the said Act, sub-section (1) shall be omitted and sub-sections (2) to (5) shall be renumbered as sub-sections (1) to (4) respectively. Amendment of section 40, Madras Act II of 1926.

22. In section 41 of the said Act, after clause (a), the following clause shall be inserted, namely:—
“(aa) the fees to be charged for admission to the examinations, degrees and diplomas of the University, subject to the approval of the Senate;” Amendment of section 41, Madras Act II of 1926.

23. In sub-section (1) of section 43 of the said Act, clauses (e) and (f) shall be omitted. Amendment of section 43, Madras Act II of 1926.

Repeal of Chapter X and the Schedule, Madras Act II of 1926.

24. Chapter X of the said Act and the Schedule thereto shall be omitted.

Repeal of Madras Act XVI of 1929.

25. The Andhra University (Third Amendment) Madras Act XVI of 1929. Act, 1929, is hereby repealed.

Transitional provisions.

Power to fix dates for termination of office of members of Senate, etc.

26. Notwithstanding anything contained in the said Act or in this Act—

(a) the term of office of the members of the Senate, the Syndicate, the Finance Committee and the Academic Council holding office at the commencement of this Act shall, subject to the provisions of section 30 of the said Act as amended by this Act, extend to or expire on, as the case may be, such date as the Provincial Government may fix and the Provincial Government shall cause elections to be held so that the newly elected members may come into office on the date fixed for the retirement of the old members;

(b) the Provincial Government may from time to time postpone any date fixed by them under clause (a) and fix another date in lieu thereof;

(c) no vacancy in the office of any member of the Senate, the Syndicate, the Finance Committee or the Academic Council which is in existence at the commencement of this Act or which occurs before the date fixed under clause (a) or clause (b) shall be filled.

Power to remove difficulties.

27. If any difficulty arises as to the first constitution or reconstitution after the commencement of this Act of the Senate, the Syndicate, the Finance Committee or the Academic Council, or otherwise in giving effect to the provisions of this Act or of the said Act as amended by this Act, the Provincial Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

MADRAS ACT No. XXXIII OF 1942

[Received the assent of the Governor on the 17th December
1942, first published in the "Fort St. George Gazette"
on the 22nd December 1942.]

*An Act further to amend the Madras University
Act, 1923.*

[22nd December 1942.]

Madras Act
VII of 1923.

WHEREAS it is expedient further to amend the Madras
University Act, 1923, for the purpose hereinafter
appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legislature;
NOW, THEREFORE, in exercise of the powers so
assumed to himself, the Governor is pleased to enact
as follows:—

1. This Act may be called the Madras University Short title,
(Fifth Amendment) Act, 1942.

Madras Act
VII of 1923

2. In the first paragraph of sub-section (b) of Amendment
section 14, of sub-section (b) of section 18 and of sub- of sections
section (b) of section 23 of the Madras University 14, 18 and
Act, 1923 (hereinafter referred to as the said Act), the 23, Madras
words "from the date of the election or nomination Act VII of
as the case may be" shall be omitted. 1923.

3. To section 38 of the said Act, the following Amendment
proviso shall be added, namely:— of section
"Provided that vacancies arising by efflux of 38, Madras
time among elected members of any authority Act VII of
or other body of the University may be filled 1923.at elections which may be fixed by the Vice-
Chancellor to take place on such days not
earlier than two months from the date on
which the vacancies arise, as he thinks fit."

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

MADRAS ACT No. XXXIV OF 1942

*[Received the assent of the Governor-General on the
12th December 1942, first published in the "Fort
St. George Gazette" on the 29th December 1942.]*

*An Act further to amend the Madras Motor Vehicles
Taxation Act, 1931.*

[29th December 1942.]

WHEREAS it is expedient further to amend the Madras
Motor Vehicles Taxation Act, 1931, for a certain
purpose;

Madras Act
III of 1931.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legislature:

28 Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows:—

1. This Act may be called the Madras Motor Short title.
Vehicles Taxation (Amendment) Act, 1942.

Insertion of
new section
15-B in
Madras Act
III of 1931.

Procedure in
certain cases.

2. After section 15-A of the Madras Motor Vehicles Taxation Act, 1931, the following section shall be inserted, namely:—

Madras Act
III of 1931.

- “ 15-B. (1) A Court taking cognizance of an offence punishable under sub-section (1) of section 6, or under sub-section (3) of that section, in so far as it relates to failure to stop a motor vehicle when required to do so by a police officer, or under section 7, may state upon the summons to be served on the accused person that he—
- (a) may appear by pleader and not in person, or
- (b) may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter and remit to the Court such sum not exceeding fifty rupees and in the case of an offence punishable under section 7, also such sum on account of the tax due from him, as the Court may specify.
- (2) Where an accused person pleads guilty and remits the sum specified by the Court, no further proceedings in respect of the offence shall be taken against him.”

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

MADRAS ACT No. XXXV OF 1942

[Received the assent of the Governor on the 28th
December 1942, first published in the "Fort St.
George Gazette" on the 5th January 1943.]

*An Act further to amend the Madras Prohibition
Act, 1937.*

[5th January 1943.]

Madras Act
X of 1937.

WHEREAS it is expedient further to amend the Madras
Prohibition Act, 1937, for the purpose hereinafter
appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers
vested by or under the said Act in the Provincial
Legislature ;

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows :—

1. (1) This Act may be called the Madras Prohibition (Second Amendment) Act, 1942. Short title
and duration.

(2) It shall be in force during the continuance
of the present war and for a period of six months
thereafter.

Insertion of new section 2-A in Madras Act X of 1937.

Act with certain exceptions not to apply to His Majesty's and allied Armed Forces, etc.

2. After section 2 of the Madras Prohibition Act, 1937 (hereinafter referred to as the said Act), the following section shall be inserted, namely :—

Madras Act X of 1937.

“2-A. (1) Nothing in this Act except sections 1, 3 and 6, shall apply to any member of the Armed Forces of His Majesty or of any State in alliance with His Majesty, or to any member of the medical or other staff attached to the said Forces, or to any canteen-keeper, or to any person supplying any member of the said Forces or of the said staff or any canteen-keeper with liquor or intoxicating drugs, or to any person conveying liquor or intoxicating drugs consigned to any such member or canteen-keeper.

(2) The members, canteen-keepers and persons aforesaid shall be subject to all the enactments mentioned in the Schedule with any subsequent statutory modifications thereof, and the said enactments with the said modifications shall, in relation to them, be deemed to be in force in the district of Salem and the local areas notified under section 1 (3) (b) (ii).”

Amendment of section 3, Madras Act X of 1937.

3. In section 3 of the said Act, after clause (2), the following clause shall be inserted, namely :—

‘canteen-keeper.’

“(2-A) ‘canteen-keeper’ means any person duly empowered by the Military, Naval or Air Force authority concerned, to supply liquor or intoxicating drugs to members of the Armed Forces of His Majesty or of any State in alliance with His Majesty or to members of the medical or other staff attached to the said Forces.”

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

MADRAS ACT No. XXXVI of 1942

[Received the assent of the Governor on the 30th
December 1942, first published in the "Fort St.
George Gazette" on the 5th January 1943.]

*An Act further to amend the Madras City Municipal
Act, 1919, and the Madras District Municipalities
Act, 1920.*

[5th January 1943.]

Madras Act
IV of 1919.
Madras Act
V of 1920.

WHEREAS it is expedient further to amend the Madras
City Municipal Act, 1919, and the Madras District
Municipalities Act, 1920, for the purposes hereinafter
appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a
Proclamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legislature;
Now, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows:—

1. This Act may be called the Madras City Short title.
Municipal and District Municipalities (Second
Amendment) Act, 1942.

[Pace, 1 a. 3 p.]

Amendment
of section
100, Madras
Act IV of
1919.

2. In section 100 of the Madras City Municipal Act, 1919, after sub-section (2), the following sub-section shall be added, namely:—

Madras Act
IV of 1919.

“(3) The Provincial Government shall have power to make rules regarding the manner in which, the person or persons by whom and the intervals at which, the value of the land, the present cost of erecting the building and the amount to be deducted for depreciation, shall be estimated or revised, in any case or class of cases to which clause (a) of the proviso to sub-section (2) applies, and they may, by such rules, restrict or modify the application of the provisions contained in Schedule IV to such case or class of cases.”

Amendment
of section
82, Madras
Act V of
1920.

3. In section 82 of the Madras District Municipalities Act, 1920, after sub-section (2), the following sub-section shall be added, namely:—

Madras Act
V of 1920.

“(3) The Provincial Government shall have power to make rules regarding the manner in which, the person or persons by whom and the intervals at which, the value of the land, the present cost of erecting the building and the amount to be deducted for depreciation, shall be estimated or revised, in any case or class of cases to which clause (a) of the proviso to sub-section (2) applies, and they may, by such rules, restrict or modify the application of the provisions contained in Schedule IV to such case or class of cases.”

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

MADRAS ACT No. XXXVII OF 1942

[Received the assent of the Governor-General on the
29th December 1942, first published in the "Fort
St. George Gazette" on the 19th January 1943.]

An Act to amend the Madras Cotton Control Act, 1932.

[19th January 1943.]

Madras Act
VII of 1932.

WHEREAS it is expedient to amend the Madras Cotton
Control Act, 1932, for the purposes hereinafter
appearing;

28 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Madras has, by a Pro-
clamation under section 93 of the Government of
India Act, 1935, assumed to himself all powers vested
by or under the said Act in the Provincial Legislature;
Now, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as follows:—

1. This Act may be called the Madras Cotton Short title.
Control (Amendment) Act, 1942.

Amendment of section 4, Madras Act VII of 1932. 2. In section 4 of the Madras Cotton Control Act, 1932 (hereinafter referred to as the said Act), for the words "twenty rupees", the words "fifty rupees" and for the words "fifty rupees", the words "one hundred rupees" shall be substituted. **Madras Act VII of 1932.**

Amendment of section 5, Madras Act VII of 1932.

3. In section 5 of the said Act—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) (a) Every officer seizing any cotton under this section shall forthwith—

(i) take a sample of the cotton seized, separate it then and there into three equal parts and securely pack and seal each of them with his seal in the presence of the occupier of the land, building, vessel or place on or in which such seizure was made and of two witnesses and in case the occupier wishes to seal them, they shall be sealed also with his seal; and

(ii) subject to such rules as the Provincial Government may prescribe, send one of the sealed packages to the nearest cotton breeding station and forward another such package to the Cotton Specialist authorized by the Provincial Government to receive it, for examination and report to the Director of Agriculture, Madras, and deliver the third sealed package to the occupier.

(b) The officer referred to in clause (a) shall have discretion either to entrust the remainder of the seized cotton to the occupier himself or to make other arrangements for its safe custody. If the officer decides to entrust the cotton to the occupier, the latter shall take charge of the same and shall give an undertaking in writing to produce the said cotton before any Court when required to do so by the said officer.

- (c) The officer referred to in clause (a) shall forthwith make a report of the seizure to the Magistrate having jurisdiction to try the offence committed in respect of such cotton, together with particulars of such cotton and furnish a copy of such particulars to the occupier.”;
- (ii) in sub-section (3), for the words, letter, figure and brackets “the authorized officer referred to in clause (b) of sub-section (2)”, the words, letter, figures and brackets “the Cotton Specialist referred to in clause (a) (ii) of sub-section (2)” shall be substituted;
- (iii) after sub-section (3), the following sub-section shall be added, namely:—
- “ (4) If the occupier refuses to take charge of the cotton when required under clause (b) of sub-section (2) or to give the undertaking referred to in that clause, or fails to produce the cotton before the Court when required, he shall be guilty of an offence under this Act and liable to fine amounting to twice the value of such cotton.”

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

Insertion of
new section
8-A in
Madras Act
VII of 1932.

“ 8-A. (1) At the conclusion of an inquiry into, or trial of, an offence under this Act, the Court shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, if it finds that the cotton seized under section 5 and produced before it is pulichai cotton or any cotton mixed with pulichai cotton, order its destruction by burning.

Order for
destruction
of seized
cotton by
burning.

(2) An order made under this section shall not be carried out for a period of one month or, if an appeal has been preferred, until the disposal of such appeal.”

V of 1898.

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

MADRAS ACT No. XXXVIII OF 1942

[Received the assent of the Governor-General on the
29th January 1943, first published in the "Fort
St. George Gazette" on the 9th February 1943.]

*An Act further to amend the Madras District
Municipalities Act, 1920.*

[9th February 1943.]

WHEREAS it is expedient further to amend the Madras
District Municipalities Act, 1920, for the purposes
hereinafter appearing ;

AND WHEREAS the Governor of Madras has, by a Pro-
clamation under section 93 of the Government of India
Act, 1935, assumed to himself all powers vested by
or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the powers so assumed
to himself, the Governor is pleased to enact as
follows :—

1. This Act may be called the Madras District ^{Short title.}
Municipalities (Third Amendment) Act, 1942.

[PRICE, 3 *as.* 3 *p.*]

2 MADRAS ACT No. XXXVIII of 1942

Amendment
of section
12, Madras
Act V of
1920.

2. For sub-section (7) of section 12 of the Madras District Municipalities Act, 1920 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely :—

Madras Act
V of 1920.

“(7) When the office of chairman is vacant or the chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated and there is either a vacancy in the office of vice-chairman, or the vice-chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the revenue divisional officer shall, after giving notice of not less than seven clear days to the councillors, convene a meeting for the election of a chairman, if there is a vacancy in that office and until a new chairman or vice-chairman is elected and assumes office, or either the chairman or the vice-chairman returns to jurisdiction or recovers from his incapacity as the case may be, the revenue divisional officer shall, notwithstanding anything contained in this Act or in the rules or notifications thereunder, be *ex officio* member and chairman of the council.”

Insertion of
new section
16 in Madras
Act V of
1920.

3. After section 15 of the said Act, the following section shall be inserted, namely :—

Power of
executive
authority to
incur petty
contingent
expenditure.

“16. The executive authority may, without the sanction of the council, incur petty contingent expenditure incidental to the municipal administration, not exceeding twenty-five rupees in each case :

Provided that—

- (a) provision to meet the expenditure is available under the relevant head of account in the budget framed by the council, with the modifications, if any, made therein by the Provincial Government ; and
- (b) the executive authority shall report any expenditure incurred under this section and the reasons therefor to the council at its next meeting.”

4. In sub-section (1) of section 36 of the said Act, after the proviso, the following proviso shall be added, namely :—

Amendment
of section 36,
Madras Act
V of 1920.

“ Provided further that nothing in this sub-section shall enable the Provincial Government to set aside any election which has been held.”

5. Section 63 of the said Act shall be renumbered as sub-section (1) of that section, and to the section as so renumbered, the following sub-section shall be added, namely :—

Amendment
of section 63,
Madras Act
V of 1920.

“(2) The Board of Revenue may of its own motion and shall on a direction from the Provincial Government, by notification, resume the management and superintendence of any endowment made over to a municipal council under sub-section (1); and upon such resumption, all the powers and duties attaching to the council in respect of the endowment shall cease and determine.”

6. In sub-section (1) of section 98 of the said Act, after the word “ kept ”, the words “ or used ” shall be inserted.

Amendment
of section 98,
Madras Act
V of 1920.

7. In section 99 of the said Act—

Amendment
of section 99,
Madras Act
V of 1920.

(i) in sub-sections (1) and (4), after the word “ kept ”, the words “ or used ” shall be inserted;

(ii) for sub-section (5), the following sub-section shall be substituted, namely :—

“(5) Notwithstanding anything contained in sub-sections (1) and (2), no person shall be liable—

(a) to pay tax to the municipality during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid to the municipality by some other person; or

(b) to pay to the municipality on account of any carriage or animal in respect of which tax has already been paid to any other

municipality or any local board or Cantonment Board, whether under this Act, the Madras City Municipal Act, 1919, the Madras Local Boards Act, 1920, or the Cantonments Act, 1924, more than the excess, if any, of the tax payable in the municipality in respect of such carriage or animal, over the tax already paid to the other municipality, the local board or Cantonment Board, as the case may be.”

Madras Act
IV of 1919.
Madras Act
XIV of 1920
II of 1924.

Amendment
of section
100, Madras
Act V of
1920.

8. In section 100 of the said Act—

(i) clauses (d) and (e) shall be omitted, and clause (f) shall be relettered as clause (d) ;

(ii) the proviso at the end shall be omitted.

Amendment
of section
102, Madras
Act V of
1920.

9. In sub-section (1) of section 102 of the said Act, after the word “ kept ”, the words “ or used ” shall be inserted.

Amendment
of section
103, Madras
Act V of
1920.

10. In section 103 of the said Act, after the word “ keep ”, the words “ or use ” shall be inserted.

Amendment
of section
104, Madras
Act V of
1920.

11. In clause (b) of sub-section (1) of section 104 of the said Act, after the word “ kept ”, the words “ or used ” shall be inserted.

Amendment
of section
105, Madras
Act V of
1920.

12. In section 105 of the said Act—

(i) in sub-section (1), after the word “ kept ” the words “ or used ” shall be inserted ;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1-A) Notwithstanding anything contained in sub-section (1), no person shall be liable—

(a) to pay tax to the municipality during any half-year on account of any cart in respect of which the tax for the same half-year has already been paid to the municipality by some other person ; or

(b) to pay to the municipality on account of any cart in respect of which tax has already been paid to any other municipality or any local board or Cantonment Board, whether under this Act, the Madras City Municipal Act, 1919, the Madras Local Boards Act, 1920, or the Cantonments Act, 1924, more than the excess, if any, of the tax payable in the municipality in respect of such cart, over the tax already paid to the other municipality, the local board or the Cantonment Board, as the case may be."

Madras Act
IV of 1919.
Madras Act
XIV of 1920.
II of 1924.

13. In section 106 of the said Act, for the words "The executive authority may remit any portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept", the following words shall be substituted, namely :

Amendment
of section
106, Madras
Act V of
1920.

"The tax on carts shall not be levied on any cart which is shown to the satisfaction of the executive authority to have been kept or used."

14. For section 244 of the said Act and the heading thereto, the following heading and section shall be substituted, namely :

Substitution
of new
section and
heading for
section 244
of Madras
Act V of
1920 and the
heading
thereto.

"General exemption.

244. Nothing in this Act or in any rule, by-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, by-law or regulation in respect of any place in the occupation or under the control of the Central or the Provincial Government or of a market committee established under the Madras Commercial Crops Markets Act, 1933, or in respect of any Crown property or of any property belonging to such market committee."

Government
and market
committees
not to obtain
licences and
permissions.

Madras Act
X of 1933.

Amendment
of section
245, Madras
Act V of
1920.

15. In sub-section (1) of section 245 of the said Act, for the words "shall, in the first month of every year, or in the case of a place to be newly opened, within one month before the opening of such place, apply to the executive authority for a licence for the use of the same for any such purpose of profit.", the words "shall apply to the executive authority for a licence not less than thirty and not more than ninety days before the opening of such place, or the commencement of the year for which the licence is sought to be renewed, as the case may be." shall be substituted.

Amendment
of section
249, Madras
Act V of
1920.

16. In section 249 of the said Act—

(i) in sub-section (5), for the words "not less than thirty days" in both the places where they occur, the words "not less than thirty and not more than ninety days" shall be substituted;

(ii) after sub-section (5), the following sub-section shall be added, namely:—

"(6) Where a licence is granted or renewed under this section for the use of any place outside the municipal limits, the municipal council shall pay to the panchayat, if any, having jurisdiction over such place, or if there is no such panchayat, to the district board having such jurisdiction, such portion of the fee received for the grant or renewal of the licence as the Provincial Government may, by general or special order, direct."

Amendment
of section
250, Madras
Act V of
1920.

17. In section 250 of the said Act—

(i) in clause (b) of sub-section (1), after the words "as aforesaid", the words "not being machinery or manufacturing plant exempted by rules" shall be inserted;

(ii) in sub-section (2), after the words "The application", the words "shall specify the maximum number of workers proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises, and" shall be inserted;

- (iii) in clause (a) of sub-section (4), after the word "shall" at the commencement, the words "if more than nine workers are proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises" shall be inserted;
- (iv) in clause (b) of the same sub-section, for the words "district medical officer", the words "district health officer" shall be substituted;
- (v) for sub-section (5), the following sub-sections and Explanation shall be substituted, namely:—

"(5) More than nine workers shall not be simultaneously employed at any time in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorizes such employment, or unless fresh permission authorizing such employment has been obtained from the municipal council. Before granting such fresh permission, the council shall obtain the approval of the Inspector of Factories referred to in clause (a) of sub-section (4) as regards the plan of the factory, workshop, work-place or premises, with reference to the matters specified in that clause.

- (6) The grant of permission under this section—
- (a) shall, in regard to the replacement of machinery, the levy of fees, the conditions to be observed and the like, be subject to such restrictions and control as may be prescribed; and
- (b) shall not be deemed to dispense with the necessity for compliance with the provisions of sections 197 and 199 or sections 208 and 209, as the case may be.

Explanation.—The word "worker" in sub-sections (2), (4) and (5) shall, in relation to any factory, workshop, work-place or premises, have the same meaning as in the Factories Act, 1934."

Amendment
of section
254, Madras
Act V of
1920.

18. In section 254 of the said Act—
- (i) to sub-section (1), the following words shall be added at the end, namely :—
“ at such rates as it may think fit ” ;
 - (ii) for sub-section (2), the following sub-section shall be substituted, namely :—
“ (2) The council may—
(a) place the collection of such rents and fees under the management of such persons as may appear to it proper ; or
(b) farm out such collection for any period not exceeding three years at a time and on such terms and conditions as it may think fit.”

Amendment
of section
255, Madras
Act V of
1920.

19. In sub-section (1) of section 255 of the said Act, for the words “ shall in the first month of every year or, in the case of a place to be newly opened, one month before the opening of the same, apply to the executive authority for a licence ”, the words “ shall apply to the executive authority for a licence not less than thirty and not more than ninety days before the opening of such place as a slaughter-house, or the commencement of the year for which the licence is sought to be renewed, as the case may be ” shall be substituted.

Amendment
of section
260, Madras
Act V of
1920.

20. In sub-section (2) of section 260 of the said Act, after the words “ farm out such fees ”, the words “ for any period not exceeding three years at a time and ” shall be inserted.

Amendment
of section
262, Madras
Act V of
1920.

21. In sub-section (2) of section 262 of the said Act, for the words “ not less than six weeks before such place is opened as a market or before the commencement of the year for which the licence is sought ”, the words “ not less than thirty and not more than ninety days before such place is opened as a market, or the commencement of the year for which the licence is sought to be renewed ” shall be substituted.

Amendment
of section
270-E,
Madras Act
V of 1920.

22. In sub-section (2) of section 270-E of the said Act, for the words “ not less than six weeks before such place is opened as a cart-stand or before the commencement of the year for which the licence is sought ”, the words “ not less than thirty and not more than ninety days before the opening of such

place as a cart-stand, or the commencement of the year for which the licence is sought to be renewed" shall be substituted.

23. In the proviso to section 292 of the said Act, for the word "sub-section", the word "section" shall be substituted.

Amendment of section 292, Madras Act V of 1920.

24. In sub-clause (c) of clause (14) of section 306 of the said Act, for the words "provided or licensed by the municipal council", the words "provided by the municipal council or licensed by the executive authority, as the case may be" shall be substituted.

Amendment of section 306, Madras Act V of 1920.

25. In section 321 of the said Act—

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

Amendment of section 321, Madras Act V of 1920.

"(3) The council may—

(a) place the collection of such fees under the management of such persons as may appear to it proper; or

(b) farm out such collection for any period not exceeding three years at a time and on such terms and conditions as it may think fit."

(ii) after sub-section (9), the following sub-section shall be inserted, namely:—

"(9-A) Save as otherwise expressly provided in or may be prescribed under this Act, every application for a licence or permission or for registration or the renewal of a licence or permission or registration, shall be made not less than thirty and not more than ninety days before the commencement of the year or of such less period as is mentioned in the application."

26. Section 363 of the said Act shall be renumbered as sub-section (1) of that section, and to the section as so renumbered, the following sub-section shall be added, namely:—

Amendment of section 363, Madras Act V of 1920.

(2) The exercise of any powers delegated under sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification, and also to control and revision by the Provincial Government or by such persons as may be

empowered by them in this behalf. The Provincial Government shall also have power to control and revise the acts or proceedings of any persons so empowered."

Amendment of Schedule III, Madras Act V of 1920.

27. In rule 2 of Schedule III to the said Act, after sub-rule (2), the following sub-rule shall be added, namely :—

"(3) In municipalities in which there is a commissioner, the agenda for the meeting shall be prepared by the commissioner in consultation with the chairman. The commissioner may include in the agenda any subject which in his opinion should be considered by the council and shall include therein any subject specified by the chairman. On any subject included in the agenda, the chairman as well as the commissioner shall have the right of recording his views in a note and such note shall be circulated to the councillors or placed before the council before or at the time of the consideration of such subject by the council."

Amendment of Schedule V, Madras Act V of 1920.

28. In Schedule V to the said Act, after the proviso, the following proviso shall be added, namely :—

"Provided further that no licence shall be required under this Act for a lodging house as defined in the Madras Public Health Act, 1939, if the keeper thereof has been registered under that Act." Madras Act III of 1939.

Amendment of Schedule VIII, Madras Act V of 1920.

29. In Schedule VIII to the said Act, after the item relating to section 167, the following item shall be inserted, namely :—

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
" 175	..	Failure to provide roads, etc., on building sites prior to disposal.	Five rupees."