

**Madras District Municipalities And Local Boards  
(Amendment) Act, 1921**

**02 of 1922**

**[21 February 1922]**

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PREAMBLE

An Act to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920.<sup>2</sup>

Whereas it is expedient to amend the Madras District Municipalities Act, 1920 (Madras Acts V and XIV of 1920), and the Madras Local Boards Act, 1920<sup>2</sup>;

It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, Extraordinary, dated the 8th December 1921.
2. Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

**1. Short title :-**

This Act may be called the Madras District Municipalities and Local Boards (Amendment) Act, 1921.

## **2. Oath to be made by new municipal councillors :-**

(1) Every person who is elected <sup>1</sup>[ . . . ] to be a councillor of a municipal council <sup>2</sup>[or who becomes an ex-officio councillor of a municipal council] shall before taking his seat make, at a meeting of the council, an oath or affirmation of his allegiance to <sup>3</sup>[the Constitution] in the following form, namely:--

having been elected I, A, B.,<sup>4</sup> <sup>5</sup>[. . . . .] councillor ]of this having become an ex-officio councillor, do <sup>6</sup>[swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established], and that I will faithfully discharge the duty upon which I am about to enter.

(2) Any person who having been elected <sup>7</sup>[ - - - ] a councillor <sup>8</sup>[or having become an ex-officio councillor] fails to make, within three months of the date on which his term of office commences <sup>9</sup>[or at one of the first three meetings held after the said date] <sup>10</sup>[whichever is later] the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

1. The words " or appointed " were omitted by section 2 (i) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

2. These words were inserted by section 2 (i) (a) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1929 (Madras Act I of 1930).

3. The words " India and to the Constitution of India " were substituted for the words "the Crown" by section 3 (i) of the Madras Municipal and Local Boards (Amendment) Act, 1949 (Madras Act III of 1949) and the words " the Constitution " were substituted for the words " India and to the Constitution of India " by the Adaptation (Amendment) Order of 1950.

4. These words were substituted for the words " having been elected/appointed councillor " by section 2(i) (b) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1929 (Madras Act I of 1930).

5. The words " having been appointed a " were omitted by section 2 (i) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).
6. The words " India and to the Constitution of India as by law established " were substituted for the words " His Majesty the King Emperor of India, His heirs and successors" by section 3 (ii) of the Madras Municipal and Local Boards (Amendment) Act, 1949 (Madras Act III of 1949) and the words "swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India" were substituted for the words "solemnly swear (or affirm) that I will be faithful and bear true allegiance to India and to the Constitution of India" by the Adaptation (Amendment) Order of 1950.
7. The words "or appointed" were omitted by section 2 (ii) (a) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).
8. These words were inserted by section 2 (ii) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1929 (Madras Act I of 1930).
9. These words were inserted by section 2 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1924 (Madras Act IV of 1925).
10. These words were inserted by section 2 (ii) (b) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

### **3. [Omitted] :-**

**<sup>1</sup>**[ \* \* \* \* \* ]

1. This section was omitted by section 3 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1924 (Madras Act IV of 1925).

### **4. Oath to be made by new members of local boards :-**

(1) Every person who is elected **<sup>1</sup>**[ . . . . ] to be a member of a local board or who becomes an ex-officio member of a local board shall before taking his seat make, at a meeting of the board, an oath or affirmation of his allegiance to **<sup>2</sup>**[the Constitution] in the following form, namely:--

having been elected I, A. B., <sup>3</sup>[ . . .]member of this board having become an ex-officio <sup>4</sup>[swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established,] and that I will faithfully discharge the duty upon which I am about to enter.

(2) Any person who having been elected <sup>5</sup>[ . . . .] a member of a local board or having become an ex-officio member of a local board fails to make, within three months of the date on which his term of office commences <sup>6</sup>[or at one of the first three meetings held after the said date] <sup>7</sup>[whichever is later] the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

1. The words "or appointed" were omitted by section 3 (i) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

2. The words "India and to the Constitution of India" were substituted for the words "the Crown" by section 3 (i) of the Madras Municipal and Local Boards (Amendment) Act, 1949 (Madras Act III of 1949) and the words "the Constitution" were substituted for the words "India and to the Constitution of India" by the Adaptation (Amendment) Order of 1950.

3. The words "having been appointed a" were omitted by section 3 (i) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

4. The words "India and to the Constitution of India as by law established " were substituted for the words " His Majesty the King-Emperor of India, His heirs and successors " by section 3 (ii) of the Madras Municipal and Local Boards (Amendment") Act, 1949 (Madras Act III of 1949) and the words "swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India" were substituted for the words " solemnly swear (or affirm) that I will be faithful and bear true allegiance to India and to the Constitution of India" by the Adaptation (Amendment) Order of 1950.

5. The words " or appointed " were omitted by section 3 (ii) (a) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

6. These words were inserted by section 4 of the Madras District

Municipalities and Local Boards (Further Amendment) Act, 1924 (Madras Act IV of 1925).

7. These words were inserted by section 3 (ii) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

## **5. Section 5 :-**

<sup>1</sup>[ Notwithstanding anything contained in the Madras District Municipalities Act, 1920 (Madras Acts V and XIV of 1920), or the Madras Local Boards Act, 1920<sup>2</sup> or any other law for the time being in force, no person who has been elected <sup>3</sup>[ . . . ] a councillor or a member of a local board or <sup>4</sup>[who has become an ex-officio councillor of a municipal council or an ex-officio member of a local board] shall take his seat at a meeting of the council or the local board or do any act as such councillor or member unless he has made the oath or affirmation as laid down in this Act.]

1. This section was substituted for the original section by section 5 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1924 (Madras Act IV of 1925).

2. Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

3. The words " or appointed "were omitted by section 5 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

4. These words were substituted for the words "who has become an ex-officio member of a local board" by section 3 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1929 (Madras Act I of 1930).

## **5A. Saving in the case of chairmen and presidents :-**

<sup>1</sup>(Notwithstanding anything contained in section 5, the chairman of a municipal council or the president of a local board, who has not made the oath or affirmation as a councillor or as member of the local board, as the case may be, shall be entitled to act as such chairman or president:

Provided that he makes the oath or affirmation and takes his seat

at the first meeting of the council or board which he attends within two months after he is elected or appointed as, or becomes entitled to exercise the functions of, the chairman or president, as the case may be.

Explanation.--For the purposes of this section--

(i) chairman includes a vice-chairman exercising the functions of the chairman under sub-section (6) of section 12 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920)<sup>2</sup>(and a revenue divisional officer who is ex-officio chairman under sub-section (7) of the same section);

(ii) president includes--

(a) the vice-president of a <sup>3</sup>(local board) exercising the functions of the president of the board under sub-section (1) of <sup>4</sup>(section 22-A) of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920),<sup>5</sup>

<sup>6</sup>[(b) the district collector who is ex-officio president of the district board under clause (a) of sub-section (2) of the same section, and

(c) the temporary president of a taluk board or panchayat appointed under clause (b) of sub-section (2) of the same section.])

1. This section was inserted by section 4 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1929 (Madras Act I of 1930).

2. These words, brackets and figure were inserted by section 5 (i) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

3. These words were substituted for the words "district or taluk board" by section 5 (ii) (a), *ibid*.

4. This expression was substituted for the expression "section 18"

by *ibid.*

5. Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

6. Sub-clauses (b) and (c) were substituted for the original sub-clauses by section 5 (ii) (b) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

**5B. Decision of questions of disqualification under the Act :-**

<sup>1</sup>[ (1) Whenever it is alleged that any person who has been elected as member of a municipal council or local board or has become an ex-officio member thereof, has ceased to hold his office as such under this Act and such person does not admit the allegation, or whenever any such person is himself in doubt whether or not he has ceased to hold his office under this Act, such person or any member of the municipal council or local board concerned may, and the chairman or president at the request of the municipal council or local board, as the case may be, or on a direction from the <sup>2</sup>(State Government), shall apply to the district judge having jurisdiction over the municipal area or the place where the office of the local board is situated, as the case may be.

(2) The said judge, after making such inquiry as he deems necessary, shall decide whether or not such person has ceased to hold his office as member and such decision shall be final.

(3) Until an application has been made under subsection (1) and a decision thereon has been obtained, such person shall be entitled to act as if he had not ceased to hold his office as member under this Act.]

1. Section 5-B was inserted by section 6, *ibid.*

2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

**6. Section 6 :-**

<sup>1</sup>[ The provisions of this Act shall be applicable notwithstanding anything contained in the Indian Oaths Act, 1873 (Central Act X of 1873).]

1. Section 6 was added by section 6 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1924 (Madras Act IV of 1925).