

**Madras District Municipalities And Local Boards (Second Amendment) Act, 1946**

**16 of 1946**

**[01 October 1946]**

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**Madras District Municipalities And Local Boards (Second Amendment) Act, 1946**

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PREAMBLE

An Act to amend the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), and the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942 (Madras Act XXIV of 1942).

Whereas it is expedient to amend the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, and the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942 (Madras Act XXIV of 1942), for the purposes hereinafter appearing; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette-dated 27th August 1946, Part IV-A, page 5.

**1. Short title :-**

This Act may be called the Madras District Municipalities and Local Boards (Second Amendment) Act, 1946.

**2. Re constitution of superseded or dissolved municipal**

## **councils and district boards to be by election :-**

Where any municipal council or district board has been superseded or dissolved and has not been reconstituted before the commencement of this Act, or where any municipal council or district board is superseded or dissolved after the commencement of this Act, the provisions of section 4(1) (a) or section 8(1) (a), as the case may be, of the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942 (hereinafter referred to as the said Act), shall not apply to the reconstitution of such municipal council or district board and all the members of such municipal council or district board, when it is reconstituted, shall be elected.

### **3. Elections to district boards and appointment of Special Officers :-**

(1) Where elections have to be held for the first time after the commencement of this Act to fill vacancies in the office of the members of any district board whose term of office has been fixed under section 7 or section 8(1) (c) of the said Act, then, notwithstanding anything contained in the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), and in section 11 (a) of the said Act, it shall be lawful for the <sup>1</sup>[State] Government--

(i) to cause elections to be held to the district board so that its newly elected members may come into office on any date fixed by the <sup>2</sup>[State] Government, which may be different from the date of expiry of the term of the members previously holding office;

(ii) <sup>3</sup>[from time to time] to advance or postpone the date fixed under clause (i) and fix instead another date;

(iii) to appoint for that district" board a Special Officer to exercise the powers, discharge the duties and perform the functions of the district board and its president, during the interval between the date of expiry of the term of the members previously holding office and the date on which the newly elected members will come into office.

(2) Where a Special Officer has been appointed under sub-section (1), he shall exercise the powers specified in sub-section (3) of section 240 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), and any such officer who is not a District Collector or Revenue Divisional Officer may, if the 2[State] Government so direct, receive payment for his services from the district fund.

1. For Statement of Objects and Reasons, see Fort St. George Gazette-dated 27th August 1946, Part IV-A, page 5.

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

3. These words were inserted by section 4 of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947).

#### **4. Power to remove difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, or of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), or the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942 (Madras Act XXIV of 1942), as amended by this Act, the <sup>1</sup>[State] Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

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