

Madras Elementary Education (Amendment) Act, 1939**02 of 1939****[21 February 1939]**

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Madras Elementary Education (Amendment) Act, 1939**02 of 1939****[21 February 1939]**

PREAMBLE

An Act further to amend the Madras Elementary Education Act, 1920 (Madras Act VIII of 1920), the Madras Local Boards and Elementary Education (Amendment) Act, 1934, and the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935), for certain purposes.

Whereas it is expedient further to amend the Madras Elementary

Education Act, 1920, the Madras Local Boards and Elementary Education (Amendment) Act, 1934, and the Madras Elementary Education (Amendment) Act, 1935, for the purposes hereinafter appearing; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated 12th January 1939, Part IV, page 5.

1. Short title and commencement :-

(1) This Act may be called the Madras Elementary Education (Amendment) Act, 1939.

(2) It shall come into force on such ¹ date as the ²[State] Government may, by notification in the Official Gazette, appoint.

1. Came into force on the 1st June 1939.

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

2. [Omitted] :-

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3. [Omitted] :-

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4. [Omitted] :-

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5. [Omitted] :-

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6. [Omitted] :-

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7. [Omitted] :-

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8. [Omitted] :-

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9. [Omitted] :-

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10. [Omitted] :-

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11. [Omitted] :-

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12. [Omitted] :-

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1. Sections 2 to 12 were repealed by section 2 of, and the First Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

13. Audit of accounts of district educational councils up to the commencement of the Act :-

The accounts of every district educational council up to the date on which this Act comes into force, shall be examined and audited by an officer appointed by the ¹[State] Government in that behalf.

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

14. Continuance of orders according recognition or admitting schools to aid :-

All orders of recognition in respect of elementary schools and all orders admitting elementary schools to aid, made or deemed to have been made by a district educational council before the commencement of this Act under sections 41 and 42 of the said Act respectively, shall be deemed to have been made by the Director of Public Instruction or by such authority as may be empowered by

him after this Act comes into force to grant recognition to elementary schools or to admit elementary schools to aid, as the case may be, and any such order shall be liable to cancellation or modification as if it had been made after the commencement of this Act.

15. Orders of district educational council fixing the number of free places deemed to be these of the District Educational Officer :-

All orders passed by a district educational council before the commencement of this Act under the proviso to sub-section (2) of section 47 of the said Act fixing the number of free places, shall have effect as if they had been passed after such commencement by the District Educational Officer.

16. Devolution of properties and rights of district educational councils to State Government and continuance of proceedings pending at the commencement of the Act :-

(1) All property and all rights of whatever kind used, enjoyed or possessed by and all interests of whatever kind owned by, or vested in, or hold in trust by, or for, any district educational council constituted under the said Act, including all moneys standing to the credit of the fund referred to in section 28 of the said Act, as well as all liabilities legally subsisting against such council shall, on and from the date of the commencement of this Act, pass to the 1[State] Government.

(2) All proceedings taken by or against any district educational council and pending at the commencement of this Act may, after such commencement, be continued, subject to the provisions of this Act, by or against the ¹[State] Government or by or against such authority as may be designated by them in this behalf.

(3) Any remedy by way of application, suit or appeal available to or against a district educational council at the commencement of this Act shall, after such commencement, be available, subject to the provisions of this Act, to or against the ¹[State] Government.

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

17. Power of State Government to suspend action :-

The repeal of section 21 of the said Act by this Act shall not be deemed to affect the powers of the ¹[State] Government to act under that section in respect of any resolution passed or order issued by any district educational council or the president thereof before the commencement of this Act, or in respect of any act which is about to be done or is being done at such commencement.

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

18. Section 18 :-

If any difficulty arises in giving effect to the provisions of this Act or of the said Act as amended by this Act, the ¹[State] Government as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

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