

Madras Prohibition (Supplementary) Act, 1941

11 of 1941

[23 April 1941]

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PREAMBLE

An Act to supplement the Madras Prohibition Act, 1937.

26 Geo. 5, Ch. 2.

Whereas in Criminal Revision Cases Numbers 1052, 1053 and 1054 of 1940 on its file, the High Court of Judicature at Madras has decided that section 4 (1) (a) of the Madras Prohibition Act, 1937 (Madras Act X of 1937), in so far as it relates to dangerous drugs, a matter included in the Concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935, is repugnant to the provisions of an existing Indian law on such matter, namely, the Madras Abkari Act, 1886 (Madras Act I of 1886), and the rules made thereunder, and is consequently void by reason of the fact that the said Prohibition Act was not reserved for the consideration of the Governor-General or for the signification of His Majesty's pleasure as required by sub-section (2) of section 107 of the said Government of India Act;

And whereas it is necessary to rectify the defect disclosed by the judgment of the High Court in the cases referred to above;

And whereas it is also necessary to protect the ¹[State Government], officers of the ²[Central or State Government], and authorities and persons acting under the orders of the ³[State Government] or of such officers, from liability in respect of anything in good faith ordered or done or purporting to have been ordered or

done under the provisions of the said Prohibition Act;

⁴[It is hereby enacted as follows:--]

1. These words were substituted for the words " Provincial Government " by the Adaptation (Amendment) Order of 1950.

2. These words were substituted for the word " Crown " by *ibid*.

3. These words were substituted for the words " said Government " by *ibid*.

4. These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

1. Short title :-

This Act may be called the Madras Prohibition (Supplementary) Act, 1941.

2. Madras Prohibition Act to apply to certain dangerous drugs :-

The provisions of the Madras Prohibition Act, 1937 (Madras Act X of 1937) (hereinafter referred to as the said Act), in regard to intoxicating drugs shall apply to every intoxicating drug as therein defined although such drug may also be a dangerous drug.

3. Indemnity :-

No suit or other legal proceeding whatsoever, whether Civil or Criminal, shall lie in any Court of Law against the ³[State] Government, any officer of the ¹[Central or State Government] or any authority or person acting under the orders of the ²[State Government] or of any such officer, for or in respect of any act, matter or thing in good faith ordered or done or purporting to have been ordered or done under the provisions of the said Act before the commencement of this Act, on the ground that such act, matter or thing was in excess of the powers conferred by the law as then in force, if the same could lawfully be ordered or done under the said Act after the commencement of this Act.

1. These words were substituted for the word " Crown " by *ibid*.

2. These words were substituted for the words " said Government " by *ibid*.

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