

Madras Re-Enacting And Repealing (No. 1) Act, 1948

07 of 1948

[28 April 1948]

CONTENTS

1. Short title and commencement
2. Permanent re-enactment of certain Acts
3. Permanent re-enactment of certain Acts with modifications
4. Temporary re-enactment of certain Acts
5. Modification of preambles to certain Acts
6. Repeal of certain Acts
7. Re-enactments not to affect operation of certain amending Acts passed before this Act

SCHEDULE 1 :- THE FIRST SCHEDULE

SCHEDULE 2 :- THE SECOND SCHEDULE

SCHEDULE 3 :- THE THIRD SCHEDULE

SCHEDULE 4 :- THE FOURTH SCHEDULE

Madras Re-Enacting And Repealing (No. 1) Act, 1948

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PREAMBLE

An Act to re-enact certain enactments and to repeal certain other enactments.

26 Geo 5, Ch. 2.

Whereas the Governor of Madras, by a Proclamation made under section 93 of the Government of India Act, 1935, on the 30th day of October 1939, assumed to himself all powers vested by or under that Act in the Provincial Legislature and in either Chamber of the Provincial Legislature, subject to the provisions contained in the Proclamation;

And WHEREAS in pursuance of those powers many laws have been enacted;

And whereas the said Proclamation was revoked by the Governor

on the 30th day of April 1946;

26 Geo. 5, Ch. 2.

And whereas sub-section (4) of the said section 93 had provided that the laws so enacted should, subject to the terms thereof, continue to have effect until two years elapsed from the date on which the Proclamation ceased to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature;

And whereas notwithstanding the omission of section 93 from the Government of India Act, 1935, by the India (Provisional Constitution) Order, 1947, the laws aforesaid continue, by virtue of paragraph 6 of the said Order, to have effect as described in the foregoing paragraph;

And whereas it is expedient to re-enact, with suitable modifications, some of the laws aforesaid permanently and some of the other laws for a period of one year, and to repeal certain of the remaining laws;

It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette dated 9th December 1947, Part IV-A, page 258.

1. Short title and commencement :-

(1) This Act may be called the Madras Re-enacting and Repealing (No. I) Act, 1948.

(2) It shall come into force on the 29th day of April 1948.

2. Permanent re-enactment of certain Acts :-

¹[The Acts specified in the First Schedule are hereby re-enacted permanently, with the modification specified in section 5.

1. Sections 2 to 6 and the Schedules were repealed by section 2 of, and the First Schedule to, the Madras Repealing and Amending Act, 1952 (Madras Act XI of 1952).

3. Permanent re-enactment of certain Acts with modifications :-

The Acts specified in the Second Schedule are hereby re-enacted permanently, with the modification specified in section 5 and the

further modifications specified in the fourth column of that Schedule.

4. Temporary re-enactment of certain Acts :-

(1) The Acts specified in the Third Schedule, with the modification specified in section 5, shall remain in force up to and inclusive of the 29th day of April 1949.

(2) The Madras Co-operative Societies (Amendment) Act, 1943 (Madras Act XX of 1943), with the modification specified in section 5, shall remain in force up to and inclusive of the 29th day of April 1951.

(3) Upon the expiry of the Acts specified in sub-sections (1) and (2)--

(a) section 8 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply as if the Acts so specified had then been repealed by a Madras Act;

(b) save as provided in clause (a), the Acts, if any, amended by the Acts so specified shall have operation as if the latter Acts had never been enacted.

5. Modification of preambles to certain Acts :-

In the preamble to each of the Acts referred to in sections 2, 3, 4(1) and 4(2), for the paragraph containing the enacting formula and the paragraph preceding that paragraph, the following words shall be substituted, namely:--

"It is hereby enacted as follows:--"

6. Repeal of certain Acts :-

The Acts specified in the Fourth Schedule are hereby repealed.

7. Re-enactments not to affect operation of certain amending Acts passed before this Act :-

The re-enactment of any Act by sections 2, 3, 4(1) or 4(2) of this Act shall not be deemed to affect the operation of any amendment made in the Act so re-enacted or in any enactment amended by that Act, on or after the 30th day of April 1946 and before the commencement of this Act.

SCHEDULE 1

THE FIRST SCHEDULE

1THE FIRST SCHEDULE
Acts permanently re-enacted.
(See section 2.)

Year.	Number.	Short title.
(1)	(2)	(3)
1940	V	The Prisons (Madras Amendment) Act. 1940.
1940	VII	The Madras City Police (Amendment) Act, 1940.
1940	VIII	The Madras Suppression of Immoral Traffic (Amendment) Act, 1940.
1940	XIV	The Madras District Municipalities and Local Boards (Amendment) Act, 1940.
1940	XVI	The Madras Christian Marriages Validation Act, 1940.
1940	XIX	The Madras Rinderpest Act, 1940.
1940	XX	The Indian Medical Degrees (Madras Amendment) Act, 1940.
1941	IV	The Madras City Municipal (Amendment) Act, 1941.
1941	V	The Madras Christian Marriages Validation Act, 1941.
1941	VII	The Madras City Municipal (Second Amendment) Act, 1941.
1941	XI	The Madras Prohibition (Supplementary) Act, 1941.
1941	XIII	The Madras City Police (Amendment) Act, 1941.
1941	XVI	The Madras Nurses and Midwives (Amendment) Act, 1941.
1941	XX	The Canals and Public Ferries (Amendment) Act, 1941.
1941	XXI	The Madras Medical Registration (Amendment) Act, 1941.
1941	XXIV	The Madras Christian Marriages (Second Validation) Act, 1941.
1942	II	The Madras Registration of Births and Deaths (Amendment) Act, 1942.
1942	VIII	The Tanjore Chattram Endowments (Utilization) Act, 1942.
1942	XI	The Rajapalayam Municipal Executive Authority (Functions

1942	XII	Validation) Act, 1942. The Madras District Municipalities and Local Boards (Amendment) Act, 1942.
1942	XIV	The Indian Tolls (Madras Amendment) Act, 1942.
1942	XV	The Madras City Municipal (Amendment) Act, 1942.
1942	XVI	The Periyar Irrigation Tanks (Preservation) (Amendment) Act, 1942.
1942	XVII	The Madras Debt Conciliation (Amendment) Act, 1942.
1942	XVIII	The Madras District Municipalities and Local Boards (Second Amendment) Act, 1942.
1942	XXI	The Madras Rivers Conservancy (Amendment) Act, 1942.
1942	XXIII	The Madras Nurses and Midwives (Amendment) Act, 1942.
1942	XXV	The Madras Probation of Offenders(Amend-ment) Act, 1942.
1942	XXVII	The Madras City Municipal and District Municipalities (Amendment) Act, 1942.
1942	XXX	The Madras Prohibition (Amendment) Act, 1942.
1942	XXXIV	The Madras Motor Vehicles Taxation (Amendment) Act, 1942.
1942	XXXVI	The Madras City Municipal and District Municipalities (Second Amendment) Act, 1942.
1942	XXXVII	The Madras Cotton Control (Amendment) Act, 1942.
1943	I	The Madras Sales of Motor Spirit Taxation (Amendment) Act, 1943.
1943	IV	The Madras Medical Registration (Amendment) Act, 1943.
1943	VII	The Madras Court of Small Causes (Validation of Proceedings) Act, 1943.
1943	IX	The Madras Debt Conciliation (Amendment) Act, 1943.
1943	X	The Annamalai University (Amendment) Act, 1943.
1943	XI	The Madras City Municipal (Amendment) Act, 1943.
1943	XII	The Indian Lunacy (Madras Amendment) Act, 1943.
1943	XV	The Madras Agriculturists Relief (Amendment) Act, 1943.
1943	XXVIII	The Madras Elementary Education Amendment Act, 1943.
1943	XXXI	The Madras Debt Conciliation (Second Amendment) Act, 1943.
1944	III	The Madras City Municipal and District Municipalities (Amendment) Act, 1944.
1944	VI	The Madras Local Boards (Amendment) Act, 1944.
1944	VIII	The Madras District Municipalities (Amendment) Act, 1944.
1944	XVIII	The Madras District Municipalities and Local Boards (Second Amendment) Act, 1944.
1945	I	The Madras City Civil Court and Presidency Small Cause Courts (Amendment) Act, 1945.
1945	VIII	The Madras Electricity Duty (Amendment) Act, 1945.
1945	X	The Madras Local Boards (Amendment) Act, 1945.

1945	X	The Madras Local Boards (Amendment) Act, 1945.
1945	XII	The Madras Prevention of Couching Act, 1945.
1945	XIII	The Madras Prevention of Begging Act, 1945.
1945	XVII	The Court Fees (Madras Amendment) Act, 1945.
1945	XVIII	The Madras City Municipal (Amendment) Act, 1945.
1945	XX	The Madras District Municipalities and Local Boards (Amendment) Act, 1945.
1945	XXII	The Madras Civil Courts (Amendment) Act, 1945.
1945	XXIII	The Madras District Municipalities (Amendment) Act, 1945.
1945	XXIV	The Malabar Tenancy (Second Amendment) Act, 1945.
1946	III	The Madras Legislative Assembly (Railway Employees (Removal of Disqualifications) Act, 1946.
1946	V	The Madras Debt Conciliation (Amendment) Act, 1946.
1946	VI	The Madras District Municipalities (Second Amendment) Act, 1946.

1. Sections 2 to 6 and the Schedules were repealed by section 2 of, and the First Schedule to, the Madras Repealing and Amending Act, 1952 (Madras Act XI of 1952).

SCHEDULE 2

THE SECOND SCHEDULE

1THE SECOND SCHEDULE

Acts permanently re-enacted with specified modifications.

(See section 3.)

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1940	III	The Madras Commercial Crops Markets (Amendment) Act, 1940.	Sections 2(a), 3, 4, 5 and 6(a) shall be omitted.
1941	III	The Madras Electricity Duty (Amendment) Act, 1941.	In section 2, sub-section (2) shall be omitted, and the brackets and figure "(1)" occurring at the beginning of sub-section (1) shall be omitted. In section 3, for the word "amendments" the word "amendment" shall be substituted.
1943	II	The Madras Electricity Duty (Amendment) Act, 1943.	In section 2, for the opening portion beginning with the words and figure "In section 3" and ending with the words "added, namely;--", the following shall be substituted, namely:--

			"In section 3 of the Madras Electricity Duty Act, 1939 (Madras Act V of 1939) (hereinafter referred to as the said Act), after subsection (3), the following sub-section and Explanation shall be added, namely: --".
1943	III	The Legal Practitioners (Madras Amendment) Act, 1943, as amended by Madras Act XIV of 1944.	In section 3(c)-- (a) in clauses (iv), (v) and (vi) of new sub-section (2B), for the words "may be consulted" the words "shall be consulted" shall be substituted; (b) in clause (vii) of the same sub-section, for the words, brackets and figures "to any Court, Judge, Magistrate or Officer entitled to consult it under clause (iv) or clause (v) or clause (vi), as the case may be", the words, brackets and figures "to any Court which, or any Judge, magistrate or Officer who, is required to consult it under clause (iv), clause (v) or clause (vi), as the case may be," shall be substituted.
1943	V	The Presidency towns Insolvency (Madras Amendment) Act, 1943.	In section 16, in new subsection (2) (6), for the words "in a composition", the words "under a composition or scheme" shall be substituted.
1943	XIII	The Madras Local Boards (Amendment) Act, 1943.	In section 2, clause (i), for the words "The Board of Revenue may, of its own motion, and shall on a direction from the Provincial Government, by notification, resume", the words "The Board of Revenue shall, if so directed by the 1(State) Government, by notification resume" shall be substituted.
Power to exempt companies registered before 1st November 1944.			
1943	XXIII	The Madras Pawnbrokers Act, 1943, as amended by section	After section 21, the following section shall be inserted, namely:-- "21-A. The 2(State) Government may, by general or special order, exempt any
1943- - contd.	XXIII-- contd.	2 of Madras Act XXVI of 1945.	company incorporated under the Indian Companies Act, 1913 (Central Act VII of 1913), before the 1st day of November 1944, from any of the provisions of this Act or direct that any such provisions shall apply to such company with such modifications as may be specified in the order."
1945	VI	The Malabar Tenancy	In section 2, clauses (i) and (iii), for the words "during the continuance of the

		(Amendment) Act, 1945.	present war and for such period thereafter," the words "for such period" shall be substituted.
1945	XXI	The Madras Commercial Crops Markets (Amendment) Act, 1945.	<p>1. For section 5, the following section shall be substituted, namely:--</p> <p>"5. For section 6 of the said Act, the following section shall be substituted, namely :--</p> <p>"6. (1) Every market committee shall consist of such number of members, not exceeding twelve, as may be fixed for it by the 1(State) Government.</p> <p>(2) The District Agricultural Officer having jurisdiction over the notified area shall ex-officio be a member of the market committee established for such area</p> <p>Explanation.--</p> <p>Where there are two or more District Agricultural Officers having jurisdiction over different portions of a notified area, the 2(State) Government shall decide which of such officers shall be the District Agricultural</p>
1945- - contd.	XXI -- contd.	The Madras Commercial Crops Markets (Amendment) Act, 1945--contd.	<p>Officer for the purposes of this sub-section.</p> <p>(3) Each of the following electorates shall elect from among the persons comprising it, such number of members as the 1(State) Government may determine, to the market committee--</p> <p>(a) growers in the notified area of the commercial crop or of any of the commercial crops,</p> <p>(b) persons licensed under section 5 in the notified area in respect of the commercial crop or any of the commercial crops; and buyers, sellers and buyers and sellers in such area of the commercial crop or of any such crop, registered as such for a period of not less than one year under the rules prescribed in that behalf.</p>
			<p>(4) The 2(State) Government may appoint to every market committee such number of members as they think fit, not exceeding the number of members to be elected :</p> <p>Provided that where a market committee is established for any notified area for the first time--</p> <p>(i) the 2(State) Government shall appoint all the members of such committee for a period of one year; and</p>
1945	XXI--	The Madras	(ii) if before the expiry of the period of one

-- contd.	contd.	Commercial Crops Markets (Amendment) Act, 1945--contd.	any person the expiry of the period of one year aforesaid, elections of members to the Committee could not be held or if for any reason the 2(State) Government consider it desirable that the committee should consist solely of members appointed by them, they may extend the term of office of all or any of the members appointed under clause (i), or appoint new members in their places, for such period or periods not exceeding one year in the aggregate as they may think fit.
			(5) Every member other than a member appointed under the proviso to subsection (4), shall hold office for a period of three years from the date of occurrence of the vacancy to which he was elected or appointed or from the date of his election or appointment, whichever is later: Provided that a member elected under clause (b) of sub-section (5) shall cease to hold his office if he ceases to be a member of the electorate by which he was elected: Provided further that a member of the committee shall cease to hold his office if he absents himself from three consecutive meetings of the committee, including meetings which for want of a quorum could not be held.
1945- - contd.	XXI-- contd.	The Madras Commercial Crops Markets (Amendment) Act, 1945--contd.	(6) (a) For the purpose of the second proviso to subsection (5), no meeting of the committee from which a member absents himself shall be counted against him, if due notice of the meeting was not given to him.
			(b) Where a person ceases to be a member under the proviso aforesaid, the chairman shall at once intimate the fact in writing to such person and report the same to the committee at its next meeting. If such person applies for restoration suo-motu to the committee on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the committee may, at the meeting next after the receipt of such application, restore him to his office of member, provided that a member shall not be so restored more than twice during his term of office.
			(7) Any member of a market committee

			any member of a market committee may at any time be removed from office by the 2(State) Government for any of the reasons specified in the rules made under this Act.
			(8) Vacancies arising by efflux of time among elected members of any market committee may be filled at elections
1945- - contd.	XXI-- contd.	The Madras Commercial Crops Markets (Amendment) Act, 1945--contd.	which may be fixed by the Collector to take place on such days, not earlier than two months before the date on which the vacancies arise, as he thinks fit.
			(9) Every market committee shall elect one of its members to be its chairman and another member to be its vice-chairman."
			2. In section 12, for clause (i), the following clause shall be substituted, namely:-- " (i) for clause (i), the following clause shall be substituted, namely:-- "(i) the election, appointment and removal of members of market committee; the preparation and revision of lists of electors; and the payment of all expenditure in connexion with or incidental to elections;"
1946	II(sic)	The Madras Motor Vehicles Taxation (Amendment) Act, 1946.	1. In section 2(i)(a), for the words "as may be determined by the 2[State] Government in the prescribed manner", the words "as the 2[State] Government may, by order, determine " shall be substituted. 2. In section 2 (ii), for the words "as may be prescribed" in both the places where they occur the words "as the 2[State] Government may, by order, determine" shall be substituted.

1. Sections 2 to 6 and the Schedules were repealed by section 2 of, and the First Schedule to, the Madras Repealing and Amending Act, 1952 Madras Act XI of 1952).

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

SCHEDULE 3

THE THIRD SCHEDULE

1THE THIRD SCHEDULE
Acts temporarily re-enacted for a period of one year.
[See Section 4(1).]

Year.	Number.	Short title.
(1)	(2)	(3)
1940	IX	The Madras Motor Vehicles Taxation (Amendment) Act, 1940.
1941	VIII	The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1941.
1941	XV	The Madras Elementary Education (Amendment) Act, 1941.
1941	XXIII	The Madras City Police and Towns Nuisances (Amendment) Act, 1941.
1942	XX	The Madras City Police, Towns Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942.
1942	XXXI	The Madras City police (Amendment) Act, 1942.
1945	XVI	The Madras City Improvement Trust Act, 1945.
1946	VIII	The Madras Elementary Education (Amendment) Act, 1946.

1. Sections 2 to 6 and the Schedules were repealed by section 2 of, and the First Schedule to, the Madras Repealing and Amending Act, 1952 (Madras Act XI of 1952).

SCHEDULE 4

THE FOURTH SCHEDULE

1THE FOURTH SCHEDULE
Acts repealed.
(See section 6.)

Year.	Number.	Short title.
(1)	(2)	(3)
1940	II	The Madras Finance Act, 1940.
1940	X	The Madras Payment of Salaries and Removal of Disqualifications (Temporary Repeal) Act, 1940.
1940	XIII	The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1940.
1941	IX	Tho Madras Finance Act, 1941.
1941	XVII	The Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1941.
1942	IV	The Madras Finance Act. 1942.

1942	VI	The Madras City Municipal. District Municipalities and Local Boards (Amendment) Act, 1942.
1942	XXXV	The Madras Prohibition (Second Amendment) Act, 1942.
1943	XXII	The Madras Prohibition (Suspension) Act, 1943.
1944	VII	The Madras Commercial Crops Markets (Amendment) Act, 1944.
1944	XIV	The Legal Practitioners (Madras Amendment) Act, 1944.
1945	XI	The Madras Medical Registration (Amendment) Act, 1945.
1945	XXVI	The Madras Pawnbrokers (Amendment) Act, 1945.

1. Sections 2 to 6 and the Schedules were repealed by section 2 of, and the First Schedule to, the Madras Repealing and Amending Act, 1952(Madras Act XI of 1952).