

Madras Repealing And Amending Act, 1951

14 of 1951

[22 May 1951]

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PREAMBLE

An Act to repeal certain enactments and to amend certain other enactments.

Whereas it is expedient that the enactments specified in the First Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;

And whereas it is also expedient that certain amendments should be made in the enactments specified in the Second Schedule; It is hereby enacted as follows:--

- 1 . For Statement of Objects and Reasons see Fort St. George Gazette, dated the 1st August 1950, Part IV-A, pages 333-338.

1. Short title :-

This Act may be called the Madras Repealing and Amending Act, 1951.

2. Repeal of certain enactments :-

The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Amendment of certain enactments :-

(1) The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

(2) The amendments to the Madras City Land-revenue Act, 1851 (Central Act XII of 1851), and the Madras Land-revenue Assessment Act, 1876 (Madras Act I of 1876), specified in the Second Schedule shall be deemed to have come into force on the 1st day of April 1937.

4. Savings :-

The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing; nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

SCHEDULE 1

FIRST SCHEDULE

THE FIRST SCHEDULE

Repeals.

(See section 2.)

Year.	Number.	Short title.	Extent of repeal.
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(1)	(2)	(3)	(4)
Central Act of local application.			
1859	XX	The Moplah Outrages Act, 1859.	The whole
Madras Acts.			
1869	VII	The Moplah Outrages Act -- Continuance Act.	The whole.
1929	IV	The Andhra University (Amendment) Act, 1929.	The whole.
1929	VI	The Andhra University (Second Amendment) Act, 1929.	The whole.
1929	XII	The Madras University (Amendment) Act, 1929.	Sections 2 to 39.
1930	VIII	The Andhra University (Amendment) Act, 1930.	The whole.
1930	XII	The Andhra University (Second Amendment) Act, 1930.	The whole.
1930	XIII	The Andhra University (Third Amendment) Act, 1930.	The whole.
1931	I	The Madras Amending Act, 1930.	The whole.
1936	II	The Madras Co-operative Societies (Amendment) Act, 1935.	The whole.
1936	IV	The Madras Debtors Protection (Amendment) Act, 1935.	The whole.
1936- -cont.	V	The Madras Irrigation Cess and Land Encroachment (Amendment) Act, 1935.	The whole.
1936	VI	The Madras Estates Land (Amendment) Act, 1936.	The whole.
1936	VII	The Madras Forest (Amendment) Act, 1936.	The whole.
1936	VIII	The Madras Revenue (Miscellaneous Amendments) Act, 1936.	The whole.
1936	IX	The Madras Commercial Crops Markets (Amendment) Act, 1936.	The whole.
1936	X	The Madras City Municipal (Amendment) Act, 1936.	The whole.
1936	XII	The Madras Public Service Commission Act, 1936.	The whole.
1936	XIV	The Madras Betting Tax (Amendment) Act, 1936.	The whole.
1936	XV	The Madras Commercial Crops Markets(Second Amendment) Act, 1936.	The whole.
1936	XVII	The Madras District Municipalities (Second Amendment) Act, 1936	The whole.

1936	XVIII	The Madras Estates Land (Third Amendment) Act, 1936.	Sections 2 to 12.
1936	XIX	The Madras Borstal Schools (Amendment) Act, 1936.	The whole.
1936	XX	The Madras City Police (Amendment) Act, 1936.	The whole.
1936	XXI	The Madras District Police (Amendment) Act, 1936.	The whole.
1936	XXII	The Madras Rivers Conservancy (Amendment) Act, 1936.	The whole.
1936	XXIII	The Madras District Municipalities (Amendment) Act, 1936.	Sections 2 to 4.
1936- -cont.	XXIV	The Madras Motor Vehicles Taxation (Amendment) Act, 1936.	The whole.
1936	XXV	The Madras District Municipalities and Local Boards (Amendment) Act, 1936.	The whole.
1936	XXVI	The Madras Local Boards (Amendment) Act, 1936.	The whole.
1937	I	The Madras Children (Amendment) Act, 1936.	The whole.
1937	II	The Madras Village Courts (Amendment) Act, 1936.	The whole.
1937	IV	The Madras General Clauses (Amendment) Act, 1936.	The whole.
1937	V	The Madras Co-operative Societies (Amendment) Act, 1936.	The whole.
1937	VI	The Madras Repealing Act, 1936.	The whole.
1937	VII	The Madras State Aid to Industries (Amendment) Act, 1936.	The whole.
1937	XI	The Madras Local Boards (Amendment) Act, 1937.	The whole.
1937	XIII	The Madras State Aid to Industries (Amendment) Act, 1937.	The whole.
1937	XIV	The Madras Revenue Recovery and City Land Revenue (Amendment) Act, 1937.	Sections 2 and 3.
1937	xv	The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937.	The whole.
1938	I	The Madras City Municipal (Amendment) Act, 1938.	The whole.
1938	III	The Madras Motor Vehicles Taxation (Amendment) Act, 1938.	The whole.
1938	VI	The Madras Tolls and Motor Vehicles Taxation (Amendment) Act, 1938.	The whole.
1938-	VII	The Madras Suppression of Immoral Traffic	The

cont. 1938	VIII	(Amendment) Act, 1938. The Madras Local Boards (Amendment) Act, 1938.	whole. The whole.
1938	IX	The Madras Famine Relief Fund (Amendment) Act, 1938.	The whole.
1938	X	The Madras Prohibition (Amendment) Act, 1938.	The whole.
1938	XI	The Madras Borstal Schools (Amendment) Act, 1938.	The whole.
1938	XII	The Madras Estates Land (Amendment) Act, 1938.	The whole.
1938	XIII	The Madras Repealing and Amending Act, 1938.	The whole.
1938	XVI	The Madras Medical Registration (Amendment) Act, 1938.	The whole.
1938	XVII	The Madras Prohibition (Second Amendment) Act, 1938.	The whole.
1938	XVIII	The Madras District Municipalities and Local Boards (Amendment) Act, 1938.	The whole.
1939	I	The Madras Registration of Births and Deaths (Amendment) Act, 1939.	The whole.
1939	II	The Madras Elementary Education (Amendment) Act, 1939.	Sections 2 to 12.
1939	IV	The Madras Prevention of Adulteration (Amendment) Act, 1939.	The whole.
1939	VII	The Canals and Public Ferries (Amendment) Act, 1939.	Sections 2 to 4.
1939	XI	The Madras District Municipalities and Local Boards(Amendment) Act, 1939.	The whole.
1939	XII	The Tirumalai-Tirupati Devasthanams (Amendment) Act, 1939.	The whole.
1939- -cont.	XIII	The Madras Borstal Schools (Amendment) Act, 1939.	The whole.
1939	XIV	The Madras Children (Amendment) Act, 1939.	The whole.
1939	XV	The Madras Revenue Recovery (Amendment) Act, 1939.	The whole.
1939	XVI	The Madras Maternity Benefit (Amendment) Act, 1939.	The whole.
1939	XIX	The Madras Commercial Crops Markets (Amendment) Act, 1939.	The whole.
1939	XX	The Madras City Municipal (Amendment) Act, 1939.	The whole.
1939	XXI	The Madras City Municipal, District Municipalities and Local Boards(Amendment) Act, 1939.	The whole.
1939	XXIII	The Madras Co-operative Land Mortgage Banks	The

		(Amendment) Act, 1939.	whole.
1941	VI	The Factories (Madras Amendment) Act, 1941.	The whole.
1947	XXXVII	The Madras Non-power Factories Act, 1947.	The whole.

SCHEDULE 2

SECOND SCHEDULE

THE SECOND SCHEDULE.

Amendments.

(See section 3.)

Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
Central Acts of local application.			
1851	XII	The Madras City Land Revenue Act, 1851,	In the preamble and in sections 1, 4, 8, 9, 11, 16 and 17, the article "the" wherever it occurs before the words "the Government" shall be omitted.
1859	XXIV	The Madras District Police Act, 1859.	In the Schedule, the brackets and figures "(iv)" shall be omitted.
		<i>Madras Acts,</i>	
1866	II	The Madras Cattle-disease Act, 1866.	In the first paragraph of section 3, the words "or Commissioner, as the case may be" shall be added at the end.
1876	I	The Madras Land Revenue Assessment Act, 1876.	In section 2, for the words "Official Gazette" in the second paragraph, the words "District Gazette" shall be substituted.
1888	I	The Local Authorities Loan Act, 1888.	In section 1, before the words and figures "Local Authorities Loan Act, 1888", the word "Madras" shall be inserted.
1888	II	The Places of Public Resort Act, 1888.	In section 1, sub-section (1), before the words and figures "Places of Public Resort Act, 1888", the word "Madras" shall be inserted.
1888	III	The Madras City Police Act, 1888.	(i) In the definition of "Commissioner" in section 3, for the words "appointed under", the words "referred to in" shall be substituted. (ii) In section 81, for the words "has been instituted and failed", the words "has been instituted and has failed" shall be

			substituted.
1889	I	The Madras Village Courts Act, 1888.	(i) In the proviso to sub-section (6) of section 9, after the words "shall have", the words "and exercise" shall be inserted.
1889- -cont.	I	The Madras Village Courts Act, 1888-- <i>cont.</i>	(ii) In section 58, for the words "outside his Court", the words "outside the Court" shall be substituted.
1889	III	The Towns Nuisances Act, 1889.	In section I-- (a) in sub-section (1), before the words and figures "Towns Nuisances Act, 1889", the word "Madras" shall be inserted; (b) in sub-section (2), for the expression "Sections 1 and 2 of this Act extend", the expression "Section 1 of this Act extends" shall be substituted.
1890	II	The Canals and Public Ferries Act, 1890.	In section I, before the words and figures "Canals and Public Ferries Act, 1890", the word "Madras" shall be inserted.
1895	III	The Madras Hereditary Village-offices Act, 1895.	(i) In section 14-- (a) sub-section (3) shall be omitted; (b) in sub-section (4), for the words, brackets and figures "the periods of limitation prescribed in sub-sections (2) and (3)", the words, brackets and figure "the period of limitation prescribed in sub-section (2)" shall be substituted. (ii) Sect on 19 shall be omitted. (iii) Section 23-A shall be omitted.
1908	I	The Madras Estates Land Act, 1908.	(i) In section 67, for the expression "sub-section (5) of section 3", the expression "clause (5) of section 3" shall be substituted. (ii) In section 79, for the expression "Madras Act VII of 1839", the expression "the Madras Rent and Revenue Sales Act, 1839", shall be substituted.
1908- -cont.	I	The Madras Estates Land Act, 1908, -- <i>cont.</i>	(iii) In column (3) of Part A of the Schedule, for the heading "Description of suits", the heading "Description of suit" shall be substituted.
1911	IV	The Limited Proprietors Act, 1911.	In section I, before the words and figures "Limited Proprietors Act, 1911", the word "Madras" shall be inserted.
1911	V	The Madras Hackney Carriage Act, 1911.	In clause (1) of section 3, for the words and figures "under the Madras City Police Act, 1888", the words "for the City of Madras" shall be substituted.
1914	I	The Hindu Transfers and	In section 1, before the words and figures "Hindu Transfers and Bequests Act, 1914",

		Bequests Act, 1914.	the word "Madras" shall be inserted.
1919	IV	The Madras City Municipal Act, 1919.	(i) In clauses (c) and (d) of sub-section (1) of section 366, the word "Or" occurring at the end shall be omitted. (ii) In Schedule VII-- (a) in column (2) of the entry relating to section 280(b), for the word "dangerous", the word "danger" shall be substituted; and (b) in column (3) of the entry relating to section 285-A, for the words "twenty rupees", the words "two hundred rupees" shall be substituted. (iii) In Schedule VIII, in column (3) of the entry relating to section 285-A, for the words "two hundred rupees", the words "twenty rupees" shall be substituted.
1920	IV	The Madras Children Act, 1920.	In clause (1) of sub-section (2) of section 44, for the words "a child or young person", the words "children or young persons " shall be substituted.
1920- -cant.	V	The Madras District Municipalities Act, 1920.	(i) In section 75, for the words "any municipal officer or servant in its service", the words "any officer or servant in the service of the municipality" shall be substituted. (ii) In sub-section (2) of section 167, before the word "permission", in both places where it occurs, the article "the" shall be inserted. (iii) In section 272, sub-section (3), for the words "a executive authority", the words "an executive authority" shall be substituted. (iv) In Schedule VII-- (a) for the entry in column (4) relating to section 175, the entry "two hundred rupees" shall be substituted; (b) in column (3) of the entry relating to section 240, for the word "dangerous", the word "danger" shall be substituted; and (c) in column (3) of the entry relating to section 281, for the words "Use or allowance of use", the words "Using Or allowing the use " shall be substituted. (v) In Schedule VIII, in column (3) of the entry relating to section 240, for the word "dangerous", the word "danger" shall be substituted.
1920	VIII	The Madras Elementary	In section 56, sub-section (2), clause (f) the words "and by attendance

		Education Act, 1920.	committees" shall be omitted and the word "and" shall be inserted before the words "by managers".
1922	VI	The Madras Stamp (Amendment) Act, 1922.	In Schedule I-A, Article 26, for the words "greatest value", the words "greater value" shall be substituted.
1923	VII	The Madras University Act, 1923.	(i) In section 7-- (a) in sub-section (1), for the words "it may direct", the words "they may direct" and for the words "its intention", the words "their intention" shall be substituted; (b) in sub-section (2), for the words "its views," the words "their views" shall be substituted; and (c) in sub-section (4), for the words "it may think fit", the words "they may think fit" shall be substituted. (ii) In section 37, for the words "is satisfied", the words "are satisfied" shall be substituted. (iii) In section 45, for the words "its institutions" the words "their institutions" and for the words "it may deem proper", the words "they may deem proper" shall be substituted. (iv) In section 53, for the words "it deems fit", the words "they deem fit" shall be substituted.
1924	II	The Tuticorin Port Trust Act, 1924.	In sub-section (1) of section 67, the words "of an amount" occurring after the words "State Government" shall be omitted.
1926	II	The Andhra University Act, 1925.	(i) In section 8-- (a) in sub-section (1), for the words "it may direct", the words "they may direct" and for the words "its intention", the words "their intention", shall be substituted;
1926- -cont.	II--cont.	The Andhra University Act, 1925--cont.	(b) in sub-section (2), for the words "its views"; the words "their views" shall be substituted; (c) in sub-section (3), for the word "it", the word "them" shall be substituted; and (d) in sub-section (4), for the words "its satisfaction", the words "their satisfaction" and for the words "it may think fit", the words "they may think fit", shall be substituted. (ii) In section 37, at the end of clause (1), the word "and" shall be inserted and the word "and" at the end of clause (2) shall be omitted.
1926	V	The Madras	In section 11, sub-section (2), for the

1920	V	The Madras Borstal Schools Act, 1925.	In section 11, sub-section (2), for the words "to the District Magistrate or Sub-divisional Magistrate", the words "to the Chief Presidency or other salaried Presidency Magistrate or the District or Sub-divisional Magistrate" shall be substituted.
1928	V	The Jaggampeta A and D Estates Impartible Estates Act, 1928.	In the long title and in section 2, the expression "II of" shall be omitted.
1929	I	The Annamalai University Act, 1928.	(i) In clause (i) of sub-section (4) of section 24, at the end of sub-clause (a), the word "and" shall be inserted and the word "and" occurring at the beginning of sub-clause (b) shall be Omitted. (ii) In section 28-- (a) in sub-section (1), for the words "it may appoint"; the words "they may appoint " and for the words " its intention", the words "their intention" shall be substituted;
1929- - cont.	I	The Annamalai University Act, 1928 --contd.	(b) in sub-section (2), for the words "its views", the words "their views" shall be substituted; and (c) in sub-section (4), for the words "it may think fit", the words "they may think fit", and for the words "he deems fit" the words "they deem fit" shall be substituted.
1929	VIII	The Mirzapuram and Pedagonnur Impartible Estates Act, 1929.	In the long title and in section 2, the expression" II of "shall be omitted.
1929	IX	The Ellamarru and Penjendra Impartible Estates Act, 1929.	In the long title and in section 2, the expression "II of" shall be omitted.
1930	V	The Madras Suppression of Immoral Traffic Act, 1930.	In clause (6) of section 4, the expression "as appointed under section 5 of the Madras City Police Act of 1888" shall be omitted.
1930	IX	The Sevvalpatti Impartible Estates Act, 1930.	In the long title and in section 2, the expression " II of "shall be omitted.
1930	XIV	The Malabar Tenancy Act, 1929.	In sub-section (1) of section 25, for the expression "clause (ii)" the expression "clause (2)" shall be substituted.
1932	VI	The Madras Co-operative Societies	In the second proviso to section 35, for the words "have been carried", the words "has

		Act, 1932.	been carried", and for the words "or such profits", the words "of such profits" shall be substituted.
1933	XIX	The Tirumalai-Tirupati Devasthanams Act, 1932.	In sub-section (3) of section 11, the words "or superseded" shall be omitted
1936	XI	The Madras Debt Conciliation Act, 1936.	(i) In sub-section (4) of section 3, after the words "shall have," the words "and exercise" shall be inserted.
1936- -cont.	XI	The Madras Debt Conciliation Act, 1936--cont.	(ii) In sub-section (4) of section 29, for the words "the first breach", the words "conviction for the first breach" shall be substituted.
1938	XXI	The Removal of Civil Disabilities Act, 1933.	In section 1, sub-section (1), before the words and figures "Removal of Civil Disabilities Act, 1938", the word "Madras" shall be inserted.
1939	III	The Madras Public Health Act, 1939.	In section 86, for the words "has constructed any works", the words "have constructed any works" shall be substituted.
1939	VI	The Madras Sales of Motor Spirit Taxation Act, 1939.	The proviso to section 4(1) shall be omitted.
1939	XVII	The Mappilla Marumakkattayam Act, 1938.	In section 1, sub-section (a), for the figures "1938", the figures "1939" shall be substituted.
1947	XXXVI	The Madras Shops and Establishments Act, 1947.	(i) In section 2, for clause (7), the following clause shall be substituted, namely:--"(7) factory means any premises which is a factory within the meaning of the Factories Act, 1948". (ii) In Section 4, sub-section (1), clause (f), for the words and figures "the Factories Act, 1934", the words and figures "the Factories Act, 1948" shall be substituted.
1949	XXI	The Prisoners (Madras Amendment) Act, 1949.	In the long title, for the words and figures "Prisoners Act of 1900", the words and figures "Prisoners Act, 1900" shall be substituted.
1949	XLIII	The Madras Electricity Supply Undertakings (Acquisition) Act, 1949.	In section 12, sub-section (5), clause (b), for the words "paid to <i>the</i> licensee or deposited in the Bank, as the case may be", the words "deposited in the Bank" shall be substituted.

