

Madras Repealing And Amending Act, 1955

36 of 1955

[07 December 1955]

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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or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;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;

Be it enacted in the Sixth Year of the Republic of India as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, part IV-A, dated the 17th August 1955, pages 186-187.

1. Short title :-

This Act may be called the Madras Repealing and Amending Act, 1955.

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The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.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

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

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The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;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the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;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
(1)	(2)	(3)	(4)
		Central Act of local application.	
1857	VII	The Madras Uncovenanted Officers, 1857.	The whole.
		Madras Acts.	
1914	VII	The Madras Deputy Collectors Act.	The whole.

		The Madras Deputy Commissioners Act, 1914.	
	VIII	The Madras Decentralization Act, 1914.	So much of the schedule as relates to the Madras salt Acts, 1889
1920	XI	The Madras General Clauses (Amendment) Act, 1920.	The whole.
1922	V	The Madras Court Fees (Amendment) Act, 1922.	Do.
1945	XVII	The Court-fees (Madras Amendment) Act, 1945.	Do.
1949	I	The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1949.	Do.
	II	II The Madras Commercial Crops Markets (Amendment) Act, 1949.	Do.
	III	The Madras Municipal and Local Boards (Amendment) Act, 1949.	The whole.
	IV	The Madras State Aid to Industries (Amendment) Act, 1949.	Do.
	V	The Madras Agriculturists Relief (Amendment) Act, 1949.	Sections 2
	VII	The Madras City Police and Gaming (Amendment) Act, 1949.	Sections 3 and 5
	XI	The Tanjore Chattram Endowments Utilization (Amendment) Act, 1949.	The whole.
	XIII	The Madras Temple Entry Authorization (Amendment) Act, 1949.	Do.
1949-cont.	XV	The Madras General Sales Tax (Amendment) Act, 1949.	The whole.
	XVI	The Madras Co-operative Societies (Amendment) Act, 1949.	Do.
	XXIII	The Madras Maintenance of Public Order Act, 1949.	Do.
	XXVI	The Madras Prohibition (Amendment) Act, 1949.	Do.
	XXXI	The Madras Rivers Conservancy (Amendment) Act, 1949.	Do.
	XXXII	The Tuticorin Port Trust (Amendment) Act, 1949,	Sections 2, 3 and 4
	XXXIII	The Madras Hackney Carriage (Amendment) Act, 1949.	The whole.
	XXXVII	The Madras Registration of Births	Do.

		The Madras Registration of Births and deaths (Amendment) Act, 1949	
	XXXVIII	The Places of Public Resort (Amendment) Act, 1949.	Do.
	XXXIX	The Madras Estates Land (Reduction of Rent) Amendment Act, 1949.	Do.
	XL	The Madras Commercial Crops Markets (Second Amendment) Act, 1949.	Do.
	XLI	The Madras Tuberculosis Sanatoria (Regulation of Buildings) Amendment Act, 1949.	Do.
	XLII	The Madras City Police (Amendment) Act, 1949.	Do.
	XLV	The Madras Prohibition (Second Amendment) Act, 1949.	Do.
	XLVI	The Madras Prohibition (Third Amendment) Act, 1949.	Do.
1950	I	The Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1950.	Section 3,
	IV	The Madras Proprietary Estates Village Service and Hereditary Village-offices (Amendment) Act, 1950.	The whole.
	VI	The Madras Stamp (Amendment) Act, 1950.	Do.
	VII	The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1950.	DO.
	VIII	The Madras Tenants and Ryots Protection (Amendment) Act, 1950.	Sections 2 and 3.
	IX	The Madras Co-operative Land Mortgage Banks (Amendment) Act, 1950.	The whole.
1950-- cont.	X	The Madras Village Panchayats Act, 1950.	Sections 134 to 136 and Schedule IV.
	XV	The Madras Buildings (Lease and Rent Control) Amendment Act, 1950.	The whole.
	XVIII	The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1950.	Sections 2 and 3

	XXI	The Madras City Municipal (Amendment) Act, 1950.	The whole.
	XXII	The Madras Co-operative Land Mortgage Banks (Second Amendment) Act, 1950.	DO.
	XXIV	The Madras Agriculturists Relief (Amendment) Act, 1950.	Sections 2 to 8.
	XXV	The Madras Stamp (Second Amendment) Act, 1950.	The whole.
	XXVI	The Madras Consolidated Fund (Charged Expenditure) Act, 1950.	Section 2. "
	XXVIII	The Madras Elementary Education (Amendment) Act, 1950.	Sections 2 to 5.
	XXIX	The Madras Land Encroachment (Amendment) Act, 1950.	The whole.
	XXX	The Madras Preservation of Private Forests (Amendment) Act, 1950.	Do.
	XXXI	The Madras Prohibition (Amendment) Act, 1950.	Do.
	XXXIII	The Madras Aided Institutions (Prohibition of Transfers of Property) Amendment Act, 1950.	Do.
	XXXV	The Madras City Police and Gaming (Amendment) Act, 1950.	Do.
	XXXVI	The Madras Hereditary Village-offices (Amendment) Act, 1950.	Section 2.
1951	VI	The Madras General Sales Tax (Amendment) Act, 1951.	Sections 2 to II.
	VII	The Madras Estates Land (Reduction of Rent) Amendment Act, 1951.	Sections 2 and 3.
	VIII	The Madras Buildings (Lease and Rent Control) Amendment Act, 1951.	Sections 2 to 18
	IX	The Madras Hackney Carriage (Amendment) Act, 1951.	The whole.
	X	The Madras Wild Elephants Preservation (Amendment) Act, 1951.	DO.
1951-- cont.	XI	The Madras Borstal Schools (Amendment) Act, 1951.	The whole
	XIII	The Madras City Police and Places of Public Resort (Amendment) Act, 1951.	Do.
	XVII	The Madras Estates (Abolition and Conversion into Ryotwari)	Sections 2 to 8.

		Amendment Act, 1951.	
	XXIII	The Madras Sales of Motor; Spirit Taxation (Amendment) Act, 1951.	The whole.
	XXV	The Madras Buildings (Lease and Rent Control) Second Amendment Act, 1951.	Sections 2 to 5.
	XXVI	The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1951.	The whole.
	XXVII	The Madras Drugs (Control) Amendment Act, 1951.	Do.
	XXVIII	The Madras Tenants and Ryots Protection (Amendment) Act, 1951.	Do.
	XXX	The Madras Preservation of Private Forests (Amendment) Act, 1951.	Do.
	XXXI	The Madras Prohibition (Amendment) Act, 1951.	Do.
	XXXIII	The Malabar Tenancy (Amendment) Act, 1951.	Sections 2 to 51.
	XXXV	The Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Act, 1951.	The whole.
	XXXVIII	The Madras Merged States (Laws) Amendment Act, 1951.	Sections 2 and 3.
	XXXIX	The Madras Estates Land (Reduction of Rent) Second Amendment Act, 1951.	Do.
1952	III	The Madras Requisitioned Land (Continuance of Powers) Act, 1952.	The whole.
	V	The Bhavani Reservoir Irrigation Cess (Amendment) Act, 1952.	Do.
	VI	The Madras Prohibition (Amendment) Act, 1952.	DO.
	VIII	The Madras Payment of Salaries and Removal of Disqualifications (Amendment) Act, 1952.	Section 2.
	IX	The Madras Sugar Factories Control (Amendment) Act, 1952.	The whole,
1952-- cant.	X	The Madras Survey and Boundaries (Amendment) Act, 1952.	The whole.
	XIII	The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment	Do.

SCHEDULE 2**SECOND SCHEDULE****THE SECOND SCHEDULE****Amendments.****(See section 3.)**

Year.	Number,	Short title.	Amendments.
(1)	(2)	(3)	(4)
		Madras Regulations.	
1802	XXV	The Madras Permanent Settlement Regulation, 1802.	In section 5, for the words beginning with "maintenance and support of such establishments" and ending with " for the better keeping of the police", the words "maintenance and support of such establishments as may be requisite in the several areas, cities and towns for the better keeping of the police " shall be substituted.
1803.	I	The Madras Board of Revenue Regulation, 1803.	In section 37, for the words beginning with "to compare the resources" and ending with "revenue derived from them", the words "to compare the resources of the areas with the revenue derived from them" shall be substituted.
1828	VII	The Madras Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1838.	(1) In the long title and preamble, for the words "Subordinate and Assistant Collectors", the words "Subordinate, Deputy and Assistant Collectors", shall be substituted.
			(2) In section 3--
			(1) in paragraph First, for the words "A Subordinate or Assistant Collector", the words "A Subordinate, Deputy or Assistant Collector " shall be substituted;
			(2) in paragraphs Second and Third, for the words " Subordinates or Assistants" wherever they occur, the words "Subordinates, Deputies or Assistants" shall be substituted;
1828-- cont.	VII-- --cont.	The Madras Subordinate	(3) in paragraph Third, for the words "Subordinate and Assistant Collectors", the

		Collectors an 1 Revenue Malversation (Amendment) Regulation, 1828--cont.	words "Subordinate, Deputy and Assistant Collectors" shall be substituted.
Central Act, 1851	XII	The Madras City Land Revenue Act, 1851.	(1) In the preamble-- (i) for the words "the Crown at Madras", the words "the Government" shall be substituted; and (ii) the words " of the Crown " shall be omitted.
			(2) In section I, for the words "Black Town", the words "George Town" shall be substituted.
Madras Acts. 1889	I	The Madras Village Courts Act, 1888.	(i) In section 68, for the words " If a plaintiff Or a defendant die", the words "If a plaintiff Or a defendant dies" shall be substituted.
			(ii) In section 71-- (a) for the words "If a decree-holder die", the words" If a degree-holder dies " shall be substituted; and
			(b) for the words "in the room of the deceased", the words "in the place of the deceased" shall be substituted.
			(iii) In section 72, for the words "If a judgment-debtor die", the words "If a judgment debtor dies" shall be substituted.
			(iv) In section 76 (1) (d), before the words and figures " Towns Nuisances Act, 1889", the word "Madras" shall be inserted.
1891	I	The Madras General Clauses Act, 1891.	(1) In section 3-- (i) after clause (19), the following clause shall be inserted, namely:--
			(19-a) "notification" shall mean a notification published in the Official Gazette.;
1891-- cont.	I --cont.	The Madras General Clauses Act, 1891--cont.	(ii) after clause (23), the following clause shall be inserted, namely:--
			(24) "prescribed" shall mean prescribed by rules, regulations or by-laws made under the Act, in which the word occurs.
			(2) In sections 10 and 15, for the words "to issue orders", the words " to issue notifications Or orders," and for the words " bye-laws or orders", the words "by-laws,

			notifications or orders " shall be substituted.
			(3) In section 12, for the words "all Madras Acts made", the words "all Madras Acts" shall be substituted.
1908	I	The Madras Estates Land Act, 1908.	(i) In sub-clause (a) of clause (10) of section 3, for the words, brackets, letters and figure, " sub-clauses (a),(b),(c) or (e) of clause (2)", the words, brackets, letters and figure " sub-clause (a), (b), (c) or (e) of clause (2)" shall be substituted.
			(ii) In sub-section (6) of section 6, for the expression " sub-sections (2), (3) or (4)", the expression "sub-section (2), (3) Or (4)" shall be substituted.
			(iii) In sub-section (1) of section 20, for the words, brackets, letters and figures " sub-clauses (a), (b), or (c) of clause (16) of section 3", the words, brackets, letters and figures "sub-clause (a), (b) or (c) of clause (16) of section 3" shall be substituted.
			(iv) In the proviso to sub-section (1) of section 39-A, for the words, brackets and figures "the provisions of clauses (i), (ii) Or (iv) of section 30 or of section 38", the words, brackets and figures "the provisions of clause (i), (ii) or (iv) of section 30 or of section 38" shall be substituted.
			(v) In sub-section (1) of section 140, the word "British " shall be omitted.
1908-- cont.	I--cont.	The Madras Estates Land Act, 1908-- cont.	(vi) In the second proviso to section 177, for the words and figures "under sections 171, 172, 173 or 175", the words and figures "under section 171, 172, 173 or 175" shall be substituted.
			(vii) In clause (2) of section 185, for the words, brackets, and letters "sub-clauses (a), (b), (c) Or (e)", the words, brackets, and letters " sub-clause (a), (b), (c), Or (e)" shall be substituted.
			(viii) In sub-section (3) of section 200, for the expression " sections 164, 168 Or 186", the expression "section 164, 168 or 186" shall be substituted.
1919	III	The Madras Agricultural Pests and Diseases Act, 1919.	(i) In section 2, in the definition of the expression "occupier", the words "railway or other" shall be omitted.
			(ii) In sub-section (2) of section 9. for the

			words, figures, brackets and letters " sub-section 1 (a)", " sub-section 1 (b)", and "subsection 1 (c)", the words, brackets, figures and letters sub-section (1) (a)", "subsection (1) (b)", and "subsection (1) (c)" shall respectively be substituted.
	IV	The Madras City Municipal Act, 1919.	(i) In sub-section (2) of section 56, for the words "if the Council fail" the words "if the Council fails" shall be substituted.
			(ii) In section 108-A, for the words and figures "under sections 105, 106, 107 or 108", the words and figures "under section 105, 106, 107 or 108 " shall be substituted.
			(iii) In sub-section (1) of section 142--
			(a) in clause (a), the word "Or" shall be added at the end; and (b) in clause (c), the word "Or " shall be added at the end.
1919-- cont.	IV-- cant.	The Madras City Municipal Act, 1919-- cont.	(iv) In clause (a), of section 257-AA, for the words, figures and letters "approved under sections 257-C, 257-D or 257-J", the words, figures an 1 letters "approved under section 257-C, 257-D Or 257-J" shall be substituted.
			(v) In the proviso to sub-section (2) of section 282, before the words and figures "Places of Public Resort Act, 1888", the word " Madras" shall be inserted.
			(vi) In sub-section (3) of section 304, for the words, "two vernacular languages", the words "two regional languages" shall be substituted.
			(vii) In sub-section (1) of section 366--
			(a) in clause (a) (i), for the word "sections", the word "section", and for the word "and", the word " or " shall be substituted; (b) in clause (c), for the word "sections", the word "section" shall be substituted; and (c) in clause (d), for the word "sections", the word "section" shall be substituted.
			(viii) In section 388, for the words and figures "provided in sections 171, 335, 379 or 413", the words and figures " provided in section 171, 335, 379 or 413" shall be substituted.
1920	V	The Madras District Municipalities Act, 1920.	(i) In the heading under Chapter V for the words "Property, Contracts. Establishment", the words "Property, Contracts and Establishment" shall be substituted.
			(ii) In Chapter VI, after section 109, the heading " Surcharge on the income-tax" shall

			be omitted.
			(iii) In the proviso to sub-section (2) of section 245, before the words and figures "Places of Public Resort Act, 1888", the word "Madras" shall be inserted.
1920-- com.	V--cont.	The Madras District Municipalities Act, 1920--cont.	(iv) In sub-section (4) of section 262, for the words " a vernacular language", the words "in a regional language" shall be substituted.
			(v) In section 322, in sub-section (I), in clause (a) (i), for the words "under sections", the words " under section" and for the figures "246, 247", the figures and word "246 or 247", shall be substituted.
			(vi) In Schedule II, for the words "Madura district", the words "Madurai district" shall be substituted.
			(vii) In Schedule III, in rule 10, for the expression " Deputy Inspector", the expression "Regional Inspector" shall be substituted.
	VII	The Madras Town-Planning Act, 1920.	(i) In sub-section (1) of section 39, for the words and figures "union or other local area in which the Madras Local Boards Act, 1920, is in force", the words and figures " Panchayat or non-panchayat area in which the Madras Village Panchayats Act, 1950, or the Madras District Boards Act, 1920, is in force " shall be substituted.
			(ii) In sub-section (3) of section 39, for the words "union Or other local area", the words "panchayat or non-panchayat area" shall be substituted.
			(iii) In section 40-- (1) for the words and figures "union or other local area in which the Madras Local Boards Act, 1920, is in force", the words and figures "panchayat or non-panchayat area in which the Madras Village Panchayats Act, 1950, or the Madras District Boards Act, 1920, is in force" shall be substituted; and
			(2) for the words "authorities-Of the union Or local board", the words " authorities of the panchayat or district board " shall be substituted.
1920-- cont.	VIII	The Madras Elementary Education Act,	In clause (c) of section 44, the word "Or" shall be added at the end.

		1920.	
	XIV	The Madras District Boards Act, 1920.	(i) In sub-section (4) of section 171, for the words "chief vernacular language", the words "chief regional language" shall be substituted.
			(ii) In section 198, before the words and figures "Places of Public Resort Act, 1888 ", the word Madras" shall be inserted.
			(iii) In Schedule II, in rule 11, for the words "Deputy Inspector", the words " Regional Inspector" shall be substituted.
1931	XII	The Gudalur Compensation for Tenants Improvements Act, 1931.	In section 2, clauses (1) to (3) shall be omitted.
1933	XX	The Madras Commercial Crops Markets Act, 1933.	In section 5, sub-section (4), in the proviso to clause (a), for the words "Revenue Board" and " Government", the words "Board of Revenue" and " State Government" shall respectively be substituted.
1952	XV	The Madras Cotton Control Act, 1952.	In sub-section (1) of section 5, the following shall be added at the end, namely:-- " and in the case mentioned in clause (c), with fine which may extend to five hundred rupees and for a second Or subsequent offence with fine which may extend to one thousand rupees".
	XVI	The Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952.	In section 3-- (i) the first proviso shall be omitted; and (ii) in the second proviso, the word "further" shall be omitted.
1954	XIX	The Madras Land Revenue (Surcharge) Act, 1954.	In sub-section (3) of section 1, for the words " shall come into force", the words "shall be deemed to have come into force" shall be substituted.
1955	I	The Madras Indebted Agriculturists (Repayment of Debts) Act, 1955.	(1) In section 1, for sub-section (3), the following sub-section shall be substituted, namely:-- "(3) It shall come into force at once".
			(2) In section a (a) (iii), after the words " annual rental value of", the words "not less than " shall be inserted.
			(3) In section 4--
			(a) in sub-section (3), for the words "under provisions of", the words " under the

			provisions of" shall be substituted.
			(b) in sub-section (7), for the expression "clause (i) of section 48", the expression " clause (b) of sub-section (1) of section 48" shall be substituted.
	XIV	The Madras Court fees and Suits Valuation Act, 1955.	(1) In sub-section (a) of section 55, for the words "valuation of the Collector", the words "valuation to the Collector " shall be substituted.
			(2) In Schedule II, in Article 11 (h) (i) (1), the words "of which" shall be omitted.