

Madras Repealing And Amending Act, 1957

25 of 1957

[25 December 1957]

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Madras Repealing And Amending Act, 1957

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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 have in consequence of the formation of the State of Andhra and the reorganisation of States, ceased to be in force in the State of Madras, should be formally declared to be no part of the laws in force in the State of Madras;

And WHEREAS it is further expedient that the enactments specified in the Second 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or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;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 Third Schedule;

BE it enacted in the Eighth Year of the Republic of India as

follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, Extraordinary, dated the 17th October 1957, Part IV-A, pages 71-73.

1. Short title :-

This Act may be called the Madras Repealing and Amending Act, 1957.

2. Declaration respecting certain enactments inapplicable to the State of Madras :-

The enactments specified in the First Schedule are hereby formally declared to be no part of the laws in force in the State of Madras.

3. Repeal of certain enactments :-

The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

4. Amendment of certain enactments :-

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

5. 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The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;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 consequence 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.

**Enactments no longer part of the laws in force in the State of Madras.
(See section 2.)**

Year.	Number.	Short title.
(1)	(2)	(3)
	Central Regulations of Local Application.	
1909	I The Nugur, Albaka and Cherla Laws and Cesses Regulation, 1909.	
1912	I The Laccadive Islands and Minicoy Regulation, 1912.	
	Central Acts of Local Application.	
1881	XVIII The Central Provinces Land Revenue Act, 1881.	
1883	I The Central Provinces Local Self-Government Act, 1883.	
1898	XI The Central Provinces Tenancy Act, 1898.	

Madras Regulations.

Year.	Number.	Short title.
(1)	(2)	(3)
		Madras Regulations.
1937	I	The Madras Agency Rules (Amendment) Regulation, 1937.
1939	II	The Madras Agency Rules (Amendment) Regulation, 1939.
1940	I	The Madras (Partially Excluded Areas) Village Courts Regulation, 1940.
1940	III	The Madras Agency Debt Bondage Abolition Regulation, 1940.
1940	IV	The Madras Agency Rules (Amendment) Regulation, 1940.
1940	V	The Madras (Partially Excluded Areas) Court of Wards Regulation, 1940.
1940	VI	The Madras (Partially Excluded Areas) Guardians and Wards Regulation, 1940.
1940	VII	The Madras Agency Rules (Second Amendment) Regulation, 1940.
1942	III	The Amindivi Islands Court Fees Regulation 1942

1942	IV	The Madras Agency Rules (Amendment) Regulation, 1942-
1943	V	The West Godavari (Ganjam and Vizagapatam Act Extension) Regulation, 1942.
1943	I	The Madras (Partially Excluded Areas) (Estates Land Repealing) Regulation, 1943.
1943	II	The Golconda and Polavaram Taluks (Local Taxation and Fees) Regulation, 1943.
1944	I	The Madras Agriculturists Relief (Partially Excluded Areas Amendment) Regulation, 1944.
1945	II	The Madras (partially Excluded Areas) Compulsory Vaccination Regulation, 1945.
1946	I	The Madras Agency Rules (Amendment) Regulation, 1946.
1946	II	The Madras Agency Rules (Second Amendment) Regulation, 1946.
1947	I	The Madras Agency Rules (Amendment) Regulation, 1947.
1947	II	The Madras Agency Rules (Second Amendment) Regulation, 1947.
1948	I	The Madras Agency Rules (Amendment) Regulation, 1948.
1949	II	The Madras Agency Rules (Amendment) Regulation, 1949
1951	I	The Madras Scheduled Areas (Validation of Succession Certificates) Regulation, 1951.
1951	II	The Madras Agency Rules (Amendment) Regulation, 1950.
1951	III	The Scheduled Areas Estates Land (Reduction of Rent Amendment) Regulation, 1951.
1951	IV	The Madras Scheduled Areas Estates (Abolition and Conversion into Ryotwari) Regulation, 1951.

Year.	Number.	Short title.
(1)	(2)	(3) Madras Acts.
1917	I	The Agency Tracts Interest and Land Transfer Act, 1917.
1920	XIII	The Mulgeni Rent Enhancement Act, 1920.
1926	II	The Andhra University Act, 1925.
1926	VII	The Kirlampudi Band C Estates, Dontamuru and Rayavaram Impartible Estates Act, 1926.
1928	V	The Jaggampeta A and D Estates Impartible Estates Act, 1928.
1929	VIII	The Mirzapuram and Pedagonnur Impartible Estates Act, 1929.
1929	IX	The Ellamaru and Penjendra Impartible Estates Act, 1929.

1933	I	The Kapileswarapuram Impartible Estate Act, 1932.
1932	II	The Anakapalle and other Impartible Estates Act, 1932.
1947	VII	The Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947.
1947	XIII	The Tungabhadra Project (Prevention of Speculation in Land) Act, 1947.
1949	XIV	The West Godavari District (Assimilation of Laws on Provincial and Concurrent Subjects) Act, 1949.
1950	XII	The Andhra University (Amendment) Act, 1950.
1951	XXIX	The Andhra University (Amendment) Act, 1951.
1953	XV	The Tuticorin Port Trust (Application to Mangalore) Act, 1953.
1955	II	The South Kanara Cultivating Tenants Protection (Amendment) Act, 1935
1956	II	The South Kanara Cultivating Tenants Protection (Amendment) Act, 1956.

SCHEDULE 2

SECOND SCHEDULE

THE SECOND SCHEDULE.

Repeals.

(See section 3.)

Year. (1)	Number. (2)	Short title. (3)	Extent of repeal. (4)
Regulation of the Governor of Fort St. George in Council.			
1802	XXIX	The Madras Karnams Regulation, 1802. Madras Acts.	Sections 3 and 10.
1864	II	The Madras Revenue Recovery Act, 1864.	Section 61
1878	VIII	The Madras Coffee-stealing Prevention Act, 1878.	Section 13,
1871	I	The Madras Cattle Disease (Amendment) Act, 1879.	The whole.

Year. (1)	Number. (2)	Short title. (3)	Extent of repeal (4)
Madras Acts--cont.			
1881	I	The Madras Ports Police Act.	The whole.

1881		The Madras City Police Act, 1881.	The whole.
1888	III	The Madras City Police Act, 1888.	Section 4.
1895	III	The Madras Hereditary Village-offices Act, 1895.	Sub-sections (2) and (3) of section 2.
1908	I	The Madras Estates Land Act, 1908.	Section 2.
1909	IV	The Madras Estates Land (Amendment) Act, 1909.	Section 9.
1909	VI	The Arni Jagir Act, 1909.	The whole.
1911	IV	The Madras Limited Proprietors Act, 1911.	Section 2.
1913	II	The Madras Irrigation Cess (Amendment) Act, 1913.	Sections 1 to 4.
1914	III	The Madras Proprietary Estates Village-service (Amendment) Act, 1914.	Section 2.
1914	VIII	The Madras Decentralization Act, 1914.	The Schedule.
1918	II	The Doddappanayakkanur and Vuyyuru Impartible Estates Act, 1918.	The whole.
1933	IV	The Madras District Municipalities (Second Amendment) Act, 1933.	The whole.
1933	V	The Madras Local Boards (Second Amendment) Act, 1933.	The whole.
1933	XX	The Madras Commercial Crops Markets Act, 1933.	Sub-section (3) of section 11.
1935	XIII	The Madras Local Boards (Amendment) Act, 1935.	The whole.
1938	II	The Madras City Municipal District Municipalities and Local Boards (Amendment) Act, 1938.	, The whole.
1938	XXI	The Madras Removal of Civil Disabilities Act, 1938.	The whole.
1940	VI	The Madras Irrigation Cess (Amendment) Act, 1940.	The whole.
1943	XIX	The Madras Local Boards (Second Amendment) Act, 1943.	The whole.
1943	XXIII	The Madras Pawnbrokers Act, 1943.	Sub-section (1) of section 23.
1943	XXVIII	The Madras Elementary	The whole.

		The Madras Elementary Education (Amendment) Act, 1943.	
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Year,	Number.	Short title.	Extent of repeal.
(1)	(2)	(3) Madras Acts--cont.	(4)
1944		The Madras Estates Land (Temporary Amendment) Act, 1944.	The whole.
1944	III	The Madras City Municipal and District Municipalities (Amendment) Act, 1944.	The whole.
1945	II	The Madras Estates Land (Amendment) Act, 1945.	The whole.
1946	VII	The Madras District Municipalities and Local Boards (Amendment) Act, 1946.	The whole.
1946	VIII	The Madras Elementary Education (Amendment) Act 1946.	The whole.
1947	VI	The Madras City Municipal (Second Amendment) Act, 1947.	The whole.
1947	XII	The Madras High Court (Jurisdictional Limits) Amendment Act, 1947.	The whole.
1947	XXVI	The Madras Hindu Womens Rights to Property (Extension to Agricultural Land) Act, 1947.	The whole.
1948	XVI	The Madras General Sales Tax (Amendment) Act, 1948.	The whole.
1949	XII	The Industrial Disputes (Madras Amendment) Act, 1949.	The whole.
1950	I	The Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1950,	The whole.
1950	II	The Madras Appropriation Act, 1950.	The whole.
1950	VIII	The Madras Tenants and Ryots Protection (Amendment) Act, 1950.	The whole.
1950	XXVII	The Madras Appropriation	The whole.

		The Madras Appropriation (No. 2) Act, 1950.	
1951	III	The Madras Appropriation Act, 1951.	The whole.
1951	IV	The Madras Appropriation- (No. 2) Act, 1951.	The whole.
1951	XII	The Madras Village Panchayats (Amendment) Act) 1951.	The whole.
1951	XXI	The Madras District Boards (Amendment) Act, 1951.	The whole.
1951	XXXVII	The Madras Appropriation (No. 3) Act. 1951.	The whole.

Year. (1)	Number. (2)	Short title. (3)	Extent of repeal. (4)
		Madras Acts--cant.	
1952	I	The Madras Appropriation Act, 1952.	The whole.
1952	II	The Madras Consolidated Fund (Withdrawal of Moneys) Act, 1952.	The whole.
1952	VII	The Madras District Boards (Amendment) Act, 1952.	The whole.
1952	XVII	The Indian Registration (Madras Amendment) Act, 1952.	The whole

SCHEDULE 3

THIRD SCHEDULE

THE THIRD SCHEDULE.

Amendments.

(See section 4.)

Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
	Regulation of the Governor of Fort St, George in Council.		
1803	II	The Madras Collectors Regulation, 1803.	In section 2, the words "who shall be covenanted civil servants of the Government" shall be omitted and in the marginal note to that section, for the words "covenanted civil servants", the word "Collectors" shall be substituted.
Central Act of Local Application.			
1851	XII	The Madras City Land-revenue Act, 1851.	1. In section 1, for the words "walls of George Town," the words "Presidency-town of Madras" shall be substituted. 2. In section 3, for the word "laid", the word "levied" shall be substituted.
		Madras Acts.	
1864	II	The Madras Revenue Recovery Act, 1864.	1. In section 62, the words and figures "Regulation XXVIII of 1802 and" shall be omitted, and in the marginal note to that section, the figures and words "XXVIII of 1802 and" shall be omitted.

Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
		Madras Acts--cont.	
1864--cont.	II--cont.	The Madras Revenue Recovery Act., 1864--cont.	2. In section 63, the words and figures "Regulation V of 1804 and of" shall be Omitted, and in the marginal note to that section, for the words and figures "Regulations V of 1804 and", the word "Regulation" shall be substituted.
1888	III	The Madras City Police Act, 1888.	In section 71, clause (xvi)-- (i) for the words "upon the public place," the words "upon any public place " shall be substituted; (ii) for the words "the public place or any such building", the words "any such public place or any such building" shall be substituted.

1889	I	The Madras Village Courts Act, 1888.	1. In section 9, sub-section (3-A), for the words "Depressed or Backward classes", the words "members of the Scheduled Castes or Scheduled Tribes or Backward classes" shall be substituted. 2. In the marginal note to section 77, for the word "section", the word "sections" shall be substituted.
1891	I	The Madras General Clauses Act, 1891.	In section 3, clause (28), for the words and letters "a Part A State or a Part C State", the word "India" shall be substituted.
1896	III	The Malabar Land Registration Act, 1895.	In section 18, the words " of the Madras Code " shall be Omitted,
1898	V	The Malabar Wills Act, 1898.	In section 1, sub-section (3), the proviso shall be omitted.
1902	I	The Madras Court of Wards Act, 1902.	In section 33 -- (i) in clause (d), for the words and letters "any Act of the Legislature of a Part A State or a Part C State", the words: " any State Act" shall be substituted; (ii) in clause (f), for the words and letters "a Part A State or a Part C State", the word "India" shall be substituted.

Year. (1)	Number. (2)	Short title. (3)	Amendments. (4)
		Madras Acts--cont.	
1919	IV	The Madras City Municipal Act, 1919,	1. In the proviso to section no, for the words "Indian Companies Act", the words and figures "Companies Act, 1956 " shall be substituted. 2. In section 129-A, Explanation 2, in the proviso to clause (b), for the words "do not extend", the words "does not extend" shall be substituted.
1920	IV	The Madras Children Act, 1920,	In section 35-A, in the provisos to sub-sections (1) and (2), the word "State" shall be omitted.
1920	V	The Madras District Municipalities Act, 1920.	1. In section 3, clause (8-B) for the words "State of India", the words "part of India" shall be substituted.

			2. In section 331, sub-section (1), clause (d), for the words "fixing the same in some conspicuous part", the words "affixing the same on some conspicuous part " shall be substituted.
1920	VII	The Madras Town-Planning Act, 1920.	1. In section 38, sub-section (1), for the words "on this behalf", the words "in this behalf" shall be substituted. 2. In section 48, sub-section (1), clause (c), after the words "Code of Criminal Procedure", the figures "1898" shall be inserted.
1920	XIV	The Madras District Boards Act, 1920.	In section 3, clause (7-B), for the words " State of India", the words "part of India", shall be substituted.
1922	VI	The Madras Stamp (Amendment) Act, 1922.	In new section 19-A of the Indian Stamp Act, 1899, inserted by section 7-- (i) for the words and letters "any part A State or Part C State", the words "any part of India" shall be substituted; (ii) for the words "the State concerned", in the two places where they occur, the words "that part" shall be substituted;

Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
		Madras Acts--cont.	
1922--cont.	VI-- cont.	The Madras Stamp (Amendment) Act, 1922--cont.	(iii) for the words and letter "any State other than a Part B State", the word "India" shall be substituted.
1923	VIII	The Madras Survey and Boundaries Act, 1923.	In section 15, sub-section (3), for the word, brackets and figure "sub-clause (2)", the word, brackets and figure "sub-section (2)" shall be substituted.
1926	V	The Madras Borstal Schools Act, 1925.	In section 13-A-- (i) in sub-sections (1) and (2), for the words "any other State in India", the words "any other part of India" shall be

			substituted; (ii) in the provisos to sub-sections (1) and (2), for the words "other State concerned" the words "other State concerned or the Central Government, as the case may be" shall be substituted; (iii) in sub-section (3), for the words "any other State in India", the words "any other part of India" shall be substituted.
1932	VI	The Madras Go-operative Societies Act, 1932.	In section 43, sub-section (5), for the word "Provincial", the word "State" shall be substituted.
1933	XX	The Madras Commercial Crops Markets Act, 1933.	In section 20, sub-section (3), for the words "provincial revenues", the words "the revenues of the State" shall be substituted.
1935	VII	The Madras Debtors Protection Act, 1934.	In section 2, in sub-clause (a) of clause (1) and sub-clause (a) of clause 12), for the words "any State", the word "India" shall be substituted.
1938	IV	The Madras Agriculturists Relief Act, 1938.	In section 3, clause (ii)-- (i) in proviso (A), for the words and letter "Part B State", the words, figures and letters "territory which immediately before the 1st November 1956 was comprised in a Part B State" shall be substituted;

Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
		Madras Acts--cont.	
1938--cont.	IV-cont.	The Madras Agriculturists Relief Act, 1938--cont.	(ii) in provisos (B) and (C), for the words "any other State in India", the words "any other State or Union territory in India" shall be substituted.
1939	IX	The Madras General Sales Tax Act, 1939.	In section 2-A, in sub-section (5), for the word, brackets and figure "sub-section (3)", the word, brackets and figure "sub-section (4)" shall be substituted.
1940	XX	The Indian Medical Degrees (Madras	In section 6-A of the Indian Medical Degrees Act, 1916,

		Amendment) Act, 1940.	inserted by section 3, in sub-section (1), clause (b), sub-clause (i), for the words and letters "any Part A State Or Part C State", the word "India" shall be substituted.
1943	XVIII	The Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943.	In section 3, sub-section (1), clause (a), for the word "clauses " the word "clause" shall be substituted.
1943	XXIII	The Madras Pawnbrokers Act, 1943.	In section 2, clause (2), sub-clause (a), for the words "in any State Or", the words "in India Or" shall be substituted.
1947	IX	The Bar Councils and Legal Practitioners (Madras Amendment) Act, 1947.	To new sections 13-A and 22-A of the Legal Practitioners Act, 1879, inserted by section 3, the following marginal notes shall respectively be inserted, namely:-"Pleaders and Mukhtars not to be punished for holding political opinions, etc.", "Revenue agents not to be punished for holding political opinions, etc "
1947	XXXI	The Madras Devadasis (Prevention of Dedication) Act, 1947.	In section 3, sub-section (i), for the words, figures and letter "section 44-A of the Madras Hindu Religious Endowments Act, 1926", the words and figures "section 34 of the Madras Hindu Religious and charitable Endowments Act, 1951" shall be substituted.
1948	II	The Madras Silkworm Diseases (Prevention and Eradication) Act, 1948.	In section 4, sub-section (1), for the word "thereof", the word "whereof" shall be substituted.

Year.	Number.	Short title.	Amendments
(1)	(2)	(3)	(4)
		Madras Acts--cont.	
1948	XIV	The Madras Aided Institutions (Prohibition of Transfers of Property) Act, 1948.	In section 2, clause (2), sub-clause (c), for the words "class of institution", the words "class of institutions" shall be substituted.
1948	XXIV	The Madras Public Libraries Act, 1948.	In section 15, for the words " the Act", in the two places where they occur, the words "this Act" shall be

			substituted.
1948	XXVI	The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.	In section 3, clause (3)-- (i) for the words "The Madras Estates", the words "the Madras Estates" shall be substituted; (ii) for the words "in so far it relates" the words "in so far as it relates" shall be substituted.
1949	xviii	The Muslim Personal Law (Shariat) Application (Madras Amendment) Act, 1949.	1. In section 2, after the brackets and word "(Shariat)", the word "Application" shall be inserted. 2. In section 3-- (i) the following marginal note shall be inserted, namely:-- "Substitution of new section for section 2 Central Act XXVI of 1937": (ii) before the word "Notwithstanding", the figure "2" shall be inserted.
1949	XXV	The Madras Buildings (Lease and Rent Control) Act, 1949.	1. For section 9, the following section shall be, and shall be deemed always to have been, substituted, namely:-- "9. Execution of orders-- Every Order made under section 7 or section 8 and every order passed on appeal under section 12 or on revision under section 12-B shall be executed-- (i) in the City of Madras, by the Principal Judge of the Madras City Civil Court and during the vacation of that Court, by the Vacation Judge of the Court of Small Causes, Madras;

Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
		Madras Acts--cont.	
1949-- Cont.	XXV-- cont.	The Madras Building (Lease and Rent Control) Act, 1949 --cont.	(ii) elsewhere-- (a) by the District Munsif or if there are more than one District Munsif, by the Principal District Munsif having Original jurisdiction over the area in which the building is situated; or

			<p>(b) if there is no such District Munsif, by the Subordinate Judge, or if there are more than one Subordinate Judge, by the Principal Subordinate Judge having original jurisdiction over the area aforesaid; Or</p> <p>(c) if there is no such District Munsif or Subordinate Judge, by the District Judge having jurisdiction;</p> <p>as if it were a decree passed by him:</p> <p>Provided that an order passed in execution under this section shall not be subject/to an appeal, but shall be subject to revision under section 12-B".</p> <p>2. In sections 10, 18 (i)(iii) and 22, for the words "Extra-Provincial Jurisdiction Act", the words "Foreign Jurisdiction Act" shall be substituted.</p>
1949	XXIX	The Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949.	<p>1. In sections 9 (1) (b), 20 (1) (c) and 22, for the words "Extra-Provincial Jurisdiction Act" the words "Foreign Jurisdiction Act" shall be substituted.</p> <p>2. In section 21, sub-section (1), clause (a), after the words "Pudukkottai State", the words and figures " under the Foreign Jurisdiction Act, 194" shall be inserted.</p>

Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
		Madras Acts--cont.	
1950	X	This Madras Village Panchavats Act, 1950.	In section 94 and in the heading and marginal note to that section, before the word "Places", the word "Madras" shall be inserted.
1954	XIX	The Madras Land Revenue (Surcharge) Act, 1954.	In the second proviso to section 5-A, after the words "further that", the word "at" shall be inserted.
1955	I	The Madras Indebted	In section 2. clause (a). item

		The Madras Agriculturists (Repayment of Debts) Act, 1955.	In section 2, clause (a), for the words "under the law of any other State relating to sales tax", the words "under the law of any other part of India relating to sales tax" shall be substituted.
1955	XXXIV	The Code Of Criminal Procedure (Madras Amendment) Act, 1955.	In paragraph (2) under the heading (I) CHARGES WITH ONE HEAD" in Form No. XXVIII in Schedule V to the Code of Criminal Procedure, 1898 amended by section 48, clause (b), for the words "Governor or Rajpramukh" in the three places where they occur, the words "or Governor" shall be substituted.
1956	XLIV	The Madras Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956.	In section 1 sub-section (2) before the word and figures "section 23", the word "and" shall be inserted.