

**THE INDIA ACTS**  
AND  
**THE MADRAS ACTS**  
1942

THE MADRAS LAW JOURNAL OFFICE  
MYLAPORE, MADRAS  
1942

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# INDIA ACTS, 1942.

## THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 1942.

### Act No. I of 1942.

[2nd March, 1942.]

*An Act further to amend the Workmen's Compensation Act, 1923.*

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1923, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement. 1. (1) This Act may be called THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 1942.

(2) It shall be deemed to have come into force on the 3rd day of September, 1939.

Amendment of section 15, Act VIII of 1923. 2. In section 15 of the Workmen's Compensation Act, 1923, for clause (5) the following clauses shall be substituted, namely:—

“(5) No compensation shall be payable under this Act in respect of any injury in respect of which provision is made for payment of a gratuity, allowance or pension under the War Pensions and Detention Allowances (Mercantile Marine, etc.) Scheme, 1939, or the War Pensions and Detention Allowances (Indian Seamen, etc.) Scheme, 1941, made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, or under the War Pensions and Detention Allowances (Indian Seamen) Scheme, 1942, made by the Central Government.

(6) Failure to give a notice or make a claim or commence proceedings within the time required by this Act shall not be a bar to the maintenance of proceedings under this Act in respect of any personal injury, if—

(a) an application has been made for payment in respect of that injury under any of the schemes referred to in the preceding clause, and

(b) the Provincial Government certifies that the said application was made in the reasonable belief that the injury was one in respect of which the scheme under which the application was made makes provision for payments, and that the application was rejected or that payments made in pursuance of the application were discontinued on the ground that the injury was not such an injury, and

(c) the proceedings under this Act are commenced within one month from the date on which the said certificate of the Provincial Government was furnished to the person commencing the proceedings”.

Repeal.

3. The Workmen's Compensation (Second Amendment) Act, 1939, is hereby repealed.

## THE INDIAN MERCHANT SHIPPING (AMENDMENT) ACT, 1942.

### Act No. II of 1942.

[2nd March, 1942.]

*An Act further to amend the Indian Merchant Shipping Act, 1923.*

WHEREAS it is expedient further to amend the Indian Merchant Shipping Act, 1923, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE INDIAN MERCHANT SHIPPING (AMENDMENT) ACT, 1942.

Amendment of section 58-A, Act XXI of 1923.

2. To section 58-A of the Indian Merchant Shipping Act, 1923, the following sub-section shall be added, namely:—

"(3) A lascar shall not be entitled under clause (b) of sub-section (1) to receive compensation for the loss of his effects in any case in which provision is made for the payment of compensation for war damage to such effects under the Compensation to Seamen (War Damage to Effects) Scheme, 1939, made under section 6 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, or that Scheme as subsequently amended, or under the Compensation to Indian Seamen (War Damage to Effects) Scheme, 1942, made by the Central Government".

## THE INDUS VESSELS (AMENDMENT) ACT, 1942.

### ACT No. III OF 1942.

[2nd March, 1942.]

*An Act further to amend the Indus Vessels Act, 1863.*

WHEREAS it is expedient further to amend the Indus Vessels Act, 1863, by repealing certain sections thereof;

It is hereby enacted as follows:—

- |   |   |
|---|---|
| Short title.                                    | 1 This Act may be called THE INDUS VESSELS (AMENDMENT) ACT, 1942.   |
| Amendment of long title,<br>Bom. Act I of 1863. | 2. In the long title of the Indus Vessels Act, 1863 (hereinafter referred to as the said Act), the words "and levy of pilotage-fees" shall be omitted.              |
| Amendment of preamble,<br>Bom. Act I of 1863.   | 3. In the preamble to the said Act, the words "and for the establishment of competent pilots, and for the levying of fees in respect of the same" shall be omitted. |
| Repeal.   | 4. Sections 7, 8, 9, 10, 11, 12 and 14 of the said Act are hereby repealed.   |

## THE INDIAN MEDICAL COUNCIL (AMENDMENT) ACT, 1942.

### ACT No. IV OF 1942.

[2nd March, 1942.]

*An Act further to amend the Indian Medical Council Act, 1933.*

WHEREAS it is expedient further to amend the Indian Medical Council Act, 1933, to enable visitors to be appointed to attend at examinations held by medical institutions in British India for the purpose of granting recognized medical qualifications;

It is hereby enacted as follows:—

- |   |   |
|---|---|
| Short title.  | 1. This Act may be called THE INDIAN MEDICAL COUNCIL (AMENDMENT) ACT, 1942.   |
| Insertion of new section<br>16-A in Act XXVII of<br>1933. | 2. After section 16 of the Indian Medical Council Act, 1933 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—<br>"16-A. (1) The Council may appoint such number of visitors as it may deem requisite to attend at any or all of the examinations held by medical institutions in British India for the purpose of granting recognized medical qualifications.<br>(2) Any person, whether he is a member of the Council or not, may be appointed as a visitor under this section; but a person who is appointed as an inspector under section 16 for any examination shall not be appointed as a visitor for the same examination.<br>(3) Visitors appointed under this section shall not interfere with the conduct of any examination, but they shall report to the President of the Council on the sufficiency of every examination which they attend and on any other matters in regard to which the Council may require them to report.<br>(4) The report of a visitor shall be treated as confidential unless in any particular case the President of the Council otherwise directs." |
| Visitors at examinations.                                 |   |
| Amendment of section 17,<br>Act XXVII of 1933.            | 3. In sub-section (1) of section 17 of the said Act, after the words "upon report by the Executive Committee" the words "or by a visitor appointed under section 16-A" shall be inserted.   |

Amendment of section 18, Act XXVII of 1933. 4. In clause (g) of sub-section (1) of section 18 of the said Act, for the word "inspectors" the words "inspectors and visitors" shall be substituted.

## THE INDIAN BOILERS (AMENDMENT) ACT, 1942.

ACT No. V OF 1942.

[2nd March, 1942.]

*An Act further to amend the Indian Boilers Act, 1923.*

WHEREAS it is expedient further to amend the Indian Boilers Act, 1923, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE INDIAN BOILERS (AMENDMENT) ACT, 1942.

Amendment of section 3, Act V of 1923.

2. In sub-section (1) of section 3 of the Indian Boilers Act, 1923,—

(a) to clause (b) the word "or" shall be added;

(b) after clause (b) the following clause shall be added, namely:—

"(c) appertaining to a sterilizer or disinfector of a type such as is commonly used in hospitals, if the boiler does not exceed twenty gallons in capacity."

## THE MULTI-UNIT CO-OPERATIVE SOCIETIES ACT, 1942.

ACT No. VI OF 1942.

[2nd March, 1942.]

*An Act to provide for the incorporation, regulation and winding up of co-operative societies with objects not confined to one province.*

WHEREAS it is expedient to provide for the incorporation, regulation and winding up of co-operative societies with objects not confined to one province;

It is hereby enacted as follows:—

Short title, extent and application.

1. (1) This Act may be called THE MULTI-UNIT CO-OPERATIVE SOCIETIES ACT, 1942.

(2) It extends to the whole of British India.

(3) It applies to all co-operative societies with objects not confined to one province incorporated before the commencement of this Act under the Co-operative Societies Act, 1912, or under any Act relating to co-operative societies in force in any province, and to all co-operative societies with objects not confined to one province to be incorporated after the commencement of this Act.

2. (1) A co-operative society to which this Act applies which has been registered in any province under the law relating to co-operative societies in force in that province shall be deemed in any other province to which its objects extend to be duly registered in that other province under the law there in force relating to co-operative societies, but shall, save as provided in sub-sections (2) and (3), be subject for all the purposes of registration, control and dissolution to the law relating to co-operative societies in force for the time being in the province in which it is actually registered.

(2) Where any such co-operative society has established before the commencement of this Act or establishes after the commencement of this Act a branch or place of business in a province other than that in which it is actually registered, it shall, within six months from the commencement of this Act or the date of establishment of the branch or place of business, as the case may be, furnish to the Registrar of Co-operative Societies of the province in which such branch or place of business is situated a copy of its registered by-laws, and shall at any time it is required to do so by the said Registrar submit any returns and supply any information which the said Registrar might require to be submitted or supplied to him by a co-operative society actually registered in that province.

(3) The Registrar of Co-operative Societies of the province in which a branch or place of business such as is referred to in sub-section (2) is situated may exercise in respect

of that branch or place of business any powers of audit and of inspection which he might exercise in respect of a co-operative society, actually registered in the province.

3. (1) A society which might, if its objects were confined to one province, be registered as a co-operative society in any province under the law relating to co-operative societies in force in that province, shall, notwithstanding that its objects are not confined to the province in which its principal place of business is to be situated, be deemed for the purposes of registration as a co-operative society to be situated wholly in that province, and may be registered by the Registrar of Co-operative Societies of that province in accordance with the law relating to co-operative societies for the time being in force in that province, and if so registered shall be deemed in any other province to which its objects extend to be duly registered in that other province under the law there in force relating to co-operative societies but shall, save as provided in sub-sections (2) and (3), be subject for all the purposes of registration, control and dissolution to the law relating to co-operative societies in force for the time being in the province in which it is actually registered.

(2) Where any such co-operative society establishes a branch or place of business in a province other than that in which it is actually registered, it shall within six months from the date of establishment of the branch or place of business furnish to the Registrar of Co-operative Societies of the province in which such branch or place of business is situated a copy of its registered by-laws, and shall at any time it is required to do so by the said Registrar submit any returns and supply any information which the said Registrar might require to be submitted or supplied to him by a co-operative society actually registered in that province.

(3) The Registrar of Co-operative Societies of the province in which a branch or place of business such as is referred to in sub-section (2) is situated may exercise in respect of that branch or place of business any powers of audit and of inspection which he might exercise in respect of a co-operative society actually registered in that province.

Appointment and powers of Central Registrar of Co-operative Societies.

4. (1) The Central Government may, if it thinks fit, appoint a Central Registrar of Co-operative Societies.

(2) The Central Registrar of Co-operative Societies, if appointed, shall exercise in respect of any co-operative society to which this Act applies, to the exclusion of Provincial Registrars, the powers and functions exercisable by the Registrar of Co-operative Societies of the province in which such society is actually registered.

5. If any co-operative society fails to furnish the information which it is required to furnish by or under sub-section (2) of section 2 or sub-section (2) of section 3, or to submit any return required to be submitted under either of those sub-sections, the society, and any officer or member of the society responsible for the failure, shall each be liable to fine which may extend to fifty rupees, and the registration of the society may, at the discretion of the Registrar of Co-operative Societies of the province in which the society is actually registered, be cancelled.

Power of Central Government to make rules.

6. The Central Government may, by notification in the official Gazette, make rules for carrying into effect the provisions of this Act.

## THE COFFEE MARKET EXPANSION ACT, 1942.

ACT No. VII OF 1942.

[2nd March, 1942.

*An Act to continue the provision made under Ordinance No. XIII of 1940 for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means.*

WHEREAS it is expedient to continue the provision made under the Coffee Market Expansion Ordinance, 1940, for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means;

It is hereby enacted as follows:—

Short title, extent and duration.

1. (1) This Act may be called THE COFFEE MARKET EXPANSION ACT, 1942.

(2) It extends to the whole of British India.

(3) It shall cease to be in force at the end of the twelve months commencing on the 1st day of July subsequent to the termination of the present hostilities.



Declaration as to expediency of Central Government's control.

2. It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the development of the coffee industry.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(a) "the Board" means the Indian Coffee Market Expansion Board constituted under section 4;

(b) "coffee" means the commodity derived from the fruit of the rubiaceae plant known by that name, and includes raw coffee, cured coffee, uncured coffee, roasted coffee and prepared coffee;

(c) "Collector" means a Customs-collector as defined in clause (c) of section 3 of the Sea Customs Act, 1878, or a Collector of Land Customs as defined in clause (c) of section 2 of the Land Customs Act, 1924, as the case may be;

(d) "curing" means the application to raw coffee of mechanical processes other than pulping for the purpose of preparing it for marketing;

(e) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing, and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(f) "estate" means an area administered as one unit which contains land planted with coffee plants;

(g) "Indian Coffee Cess Committee" means the Indian Coffee Cess Committee constituted under the Indian Coffee Cess Act, 1935;

(h) "internal sale quota" means that portion, stated in terms of bulk or weight, of the whole of the coffee produced by the estate in the year, which a registered estate is permitted under this Act to sell in the Indian market;

(i) "owner" includes any agent of an owner;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 14, and includes also any estate in respect of which an owner is required to be registered under the provisions of that sub-section;

(l) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 14;

(m) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 25;

(n) "year" means the period of twelve months beginning with the 1st day of July and ending with the 30th day of June following.

4. (1) The Board constituted by the name of the Indian Coffee Market Expansion Board under section 4 of the Indian Coffee Market Expansion Ordinance, 1940, shall be the Indian Coffee, Market Expansion Board for the purposes of this Act.

(2) No act done by the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board.

5. The Board shall be a body corporate by the name of the Indian Coffee Market Expansion Board, having perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

6. So long as this Act remains in force all property, movable or immovable, of or belonging to the Indian Coffee Cess Committee shall vest in the Board and all debts and liabilities of the said Committee shall be transferred to the Board, and the officers and servants of the said Committee shall be officers and servants on the staff of the Board and the said Committee shall be suspended.

Chairman, committees, staff and agents. 7. (1) The chairman of the Board shall be elected by the Board from among the members of the Board:

Provided that the person who is, at the commencement of this Act, the chairman of the Indian Coffee Market Expansion Board constituted under the Coffee Market Expansion Ordinance, 1940, shall be the first chairman of the Board.

(2) The Board may appoint such committees for such purposes and may employ such staff as it thinks necessary for the efficient discharge of its functions under this Act.

(3) The Board may authorise agents to discharge on its behalf its functions in relation to the marketing, storing and curing of coffee.

8. (1) The Central Government shall appoint an officer, to be called the Controller of Coffee, to exercise such powers and perform such duties under the direction of the Board as may be prescribed by the Central Government.

(2) The Central Government may appoint an officer, to be called the Deputy Controller of Coffee, to exercise such powers and perform such duties of the Controller of Coffee as may be delegated to him by the Controller of Coffee with the previous sanction of the Central Government or as may be prescribed by the Central Government.

(3) The Controller of Coffee and the Deputy Controller of Coffee may be either salaried or unsalaried: if salaried, they shall be paid by the Board such salaries as may be fixed by the Central Government.

(4) The Board shall pay to the Controller of Coffee and the Deputy Controller of Coffee such allowances as may be fixed by the Central Government.

9. The Board may, with the previous sanction of the Central Government, make bye-laws consistent with this Act and the rules made thereunder to provide for all or any of the following matters, namely:—

(a) the procedure to be followed at meetings of the Board and at committees;

(b) the powers exercisable and the duties to be discharged by the chairman of the Board and the members of the staff of the Board;

(c) the travelling or other allowances which may be drawn by members of the Board;

(d) the appointment, promotion and dismissal of members of the staff of the Board, the creation and abolition of such appointments, and the terms of service of members of the staff of the Board;

(e) any other matter in respect of which bye-laws may be made under this Act or the rules made thereunder.

10. When the Board is dissolved by reason of this Act having ceased to be in force, the unexpended balance of all money received by the Board under the Coffee Market Expansion Ordinance, 1940, or under this Act except money in the pool fund shall be disposed of in such manner as the Central Government may direct. The Central Government shall disburse the money in the pool fund in the same manner as the Board would have done had it continued to exist.

*Duties of Customs and of Excise.*

11. A duty of customs shall be levied on all coffee produced in India and exported from British India at the rate of one rupee per hundredweight or at such lower rate as the Central Government may, on the recommendation of the Board, by notification in the official Gazette provide.

12. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Central Government on the recommendation of the Board by notification in the official Gazette on all coffee, except coffee sold and delivered before the estate became subject to the provisions of sub-section (1) of section 14, which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

13. (1) The proceeds of the duty of customs levied under section 11 and of the duty of excise levied under section 12 shall be paid to the Board for credit to the general fund of the Board.

(2) On the last day of each month, or as soon thereafter as may be convenient, the Collector shall pay to the Board the proceeds of the duty of customs recovered during that month after deduction of the expenses, if any, for collection and recovery.

(3) The Central Board of Revenue may make rules providing, on such conditions as may be specified in the rules, for—

(a) the refund of the duty of customs where coffee is exported by land and subsequently imported into India, and

(b) the export by land, without payment of the duty of customs, of coffee which is subsequently to be imported into India.

(4) The duty of excise on coffee shall be payable by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land-revenue.

(5) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(6) No action of the Board under this section shall be called in question, by any Court.

*Registration.*

14. (1) Every person owning land planted with coffee plants aggregating not less than ten acres, whether such land is comprised in one estate or in more than one estate and whether it is situated wholly or only partly in British India, shall, unless it is already registered as required by this sub-section, before the expiration of one month from the date on which he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Provincial Government to be registered as an owner and in respect of each estate owned by him.

(2) The Central Government may, by notification in the official Gazette, declare that the provisions of sub-section (1) shall apply to persons owning land planted with coffee plants aggregating less than ten acres.

(3) A registration once made shall continue in force until it is cancelled by the registering officer.

(4) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee, subject to revision by the Central Government.

15. (1) The Provincial Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 14.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

*Control of Sale, Export and Re-import of Coffee.*

16. (1) The Central Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

17. No registered owner shall, before the estate became subject to the provisions of sub-section (1) of section 14, sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded:

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 14 and if after the estate became so subject no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 14.

18. No registered owner shall sell coffee unless either—  
(a) it has been cured at or is delivered to the buyer through a curing establishment licensed under section 28, or

(b) it is sold under and in accordance with the provisions of a license procured from the Board under section 24.

19. No owner of an estate not registered under this Act shall sell from or store on his estate or cause or permit to be sold from or stored on his estate any coffee not grown on the estate.

20. No coffee shall be exported from British India otherwise than by the Board or under an authorisation granted by the Board in the prescribed manner and in the prescribed cases, and the provisions of the Sea Customs Act, 1878, shall have effect as if the provision made by this section had been made by notification issued under section 19 of that Act:

Provided that nothing herein contained shall apply to coffee dispatched out of British India by post, or carried in a passenger's luggage for his personal use:

Provided further that the Central Government may exempt from the operation of this section, either absolutely or subject to conditions, the export of coffee from British India to an Indian State or to any foreign settlement bounded by India,

Re-import of coffee exported from India.

21. (1) No coffee which has been exported from India shall be re-imported into British India except under and in accordance with a permit granted by the Board.

(2) The Board may in any fit case grant such a permit and no charge shall be made therefor.

Internal sale quota.

22. (1) The Board shall, as soon as may be, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage, common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Board may at any time vary the internal sale quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered owners.

23. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Board may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Board may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for sale of uncured coffee.

24. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Board a licence for the sale from that estate of uncured coffee.

25. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

Surplus coffee and surplus pool.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded; and the coffee delivered shall be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall, with the concurrence of the Controller of Coffee, prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

(6) When coffee has been delivered or is treated as having been delivered for inclusion in the surplus pool, the registered owner whose coffee has been so delivered or is treated as having been so delivered shall retain no rights in respect of such coffee except his right to receive the payments referred to in section 34.

Sales of coffee by the Board.

26. (1) The Board shall take all practical measures to market the coffee included in the surplus pool, and all sales thereof shall be conducted by or through the Board.

(2) The Board may purchase for inclusion in the surplus pool coffee not delivered for inclusion in it.

#### *Curing of Coffee.*

Coffee to be cured in licensed curing establishments.

27. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licensing of curing establishments.

28. Every establishment for curing coffee shall obtain from the Board a licence to operate as such.

29. (1) A registered owner when sending coffee to a curing establishment shall report to the Board, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Board and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Board the amount of coffee in each such part.
- (2) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Board the information specified in sub-section (1).
- (3) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Board the quantity of coffee so obtained and the estate or estates from which it came.
- (4) Every curing establishment shall maintain accounts in such forms as may be required by the Board and such accounts shall be open to inspection at any time by the Board or by an officer authorised in this behalf by the Board.

*Finance.*

Separate funds to be maintained by the Board. 30. The Board shall maintain two separate funds, a general fund and a pool fund.

31. (1) To the general fund shall be credited all proceeds of the duty of customs and the duty of excise levied under section 11 and section 12, respectively, and all receipts including receipts for licences issued by the Board, other than those to be credited under section 32 to the pool fund.
- (2) The general fund shall be applied to meet the expenses of the Board, the cost of such measures as it may consider advisable to undertake for promoting the sale and increasing the consumption in India and elsewhere of coffee produced in India, or for promoting agricultural and technological research in the interest of the coffee industry in India.

Pool fund. 32. (1) To the pool fund shall be credited all sums realised by sales by the Board of coffee from the surplus pool.

(2) Subject to the provisions of sub-section (4) of section 13, the pool fund shall be applied only to—

(a) the making to registered owners of estates of payments proportionate to the value of the coffee delivered by them for inclusion in the surplus pool;

(b) the costs of storing, curing and marketing coffee deposited in and of administering the surplus pool;

(c) the purchase of coffee not delivered for inclusion in the surplus pool.

33. The Board may, subject to any prescribed conditions, borrow on the security of the general fund or the pool fund for any purposes for which it is authorised to expend money from such fund, or on the security of the coffee delivered or treated as delivered for inclusion in the surplus pool for any purposes for which it is authorised to expend money from the pool fund.

34. (1) The Board shall at such times as it thinks fit make to registered owners who have delivered coffee for inclusion in the surplus pool such payments out of the pool fund as it may think proper.

(2) The sum of all payments made under sub-section (1) to any one registered owner shall bear to the sum of the payments made to all registered owners the same proportion as the value of the coffee delivered by him out of the year's crop to the surplus pool bears to the value of all coffee delivered to the surplus pool out of that year's crop.

*Penalties and Procedure.*

35. Any owner of a coffee estate who fails to apply for registration in accordance with section 14 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

36. (1) Any registered owner who contravenes the provisions of sub-section (2) of section 16, or section 17 or section 18, any licensed curer who contravenes the provisions of sub-section (2) of section 16, and any person who contravenes the provisions of section 19 shall be punishable with fine which may extend to one thousand rupees.

(2) When a registered owner is convicted under this section, the Board may thereafter deduct from any payment to be made under section 34 to such registered owner a sum equal to the value as estimated by the Board of any coffee unlawfully sold by him.

Unlicensed curing establishment. 37. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns. 38. Any person who makes in any return to be furnished under section 23 or in any report to be made under section 29 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction. 39. Whoever obstructs any member or officer of the Board or any person authorised by the Board or by the Central Government in the discharge of any duty imposed on or entrusted to him under this Act, or who having control over or custody of any records fails to produce such records when required to do so or refuses information lawfully asked for by a member or officer of the Board or by a person authorised by the Board or by the Central Government to inspect such records or ask for such information shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences. 40. (1) No Court other than the Court of a Magistrate of the first class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under section 35 except on complaint made by an officer authorised in this behalf by the Provincial Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Central Government by an officer authorised in this behalf by the Board.

#### General.

Power of Board to determine amount of coffee sold by an estate. 41. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has, up to the time when it first becomes subject to the provisions of sub-section (1) of section 14, been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purposes of section 12 and section 17.

Control by the Central Government. 42. (1) All acts of the Board shall be subject to the control of the Central Government which may cancel, suspend or modify as it thinks fit any action taken by the Board.

(2) The records of the Board shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Central Government.

Appeals to the Central Government. 43. (1) Any person aggrieved by an order of the Board refusing a licence to or cancelling the licence of a curing establishment may, within sixty days of the making of the order, appeal to the Central Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees which shall be credited to Central Revenues.

Inspection of records. 44. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Central Government or the Board, may enter any estate or any curing establishment and may require the production for his inspection of any records kept therein, or ask for any information relating to the production, storage or sale of coffee by the estate.

Accounts of the Board. 45. (1) The Board shall keep accounts in such manner as may be prescribed of all money received and expended by it.

(2) The accounts shall be kept separately for the general fund and the pool fund.

(3) The Board shall cause the accounts to be audited annually by auditors appointed by the Central Government, and the auditors shall have power to disallow any item of expenditure which has, in their opinion, been incurred otherwise than in accordance with this Act.

(4) The Central Government may on the application of the Board allow any item of expenditure disallowed by the auditors under sub-section (3).

Inspection of records of the Board and obtaining of copies. 46. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may on payment of the prescribed fee obtain copies of any proceedings or orders of the Board.

Contracts. 47. All contracts for the sale of coffee in so far as they are at variance with the provisions of this Act shall be void:

Provided that nothing contained in this section shall apply to contracts to which under section 47 of the Coffee Market Expansion Ordinance, 1940, that Ordinance did not apply.

Power of the Central Government to make rules. 48. (1) The Central Government may, by notification in the official Gazettee, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power rules may be made providing for all or any of the following matters, namely:—

(a) the term of office of members of the Board, the circumstances in which and the authority by which members may be removed, and the filling of casual vacancies in the Board;

(b) the conduct of business by the Board and the number of members which shall form a quorum at a meeting;

(c) the maintenance by the Board of records of business transacted by the Board, and the submission of copies thereof to the Central Government;

(d) the preparation by the Board of estimates of annual receipts and expenditure;

(e) the manner in which the internal sale quota of coffee estates shall be determined;

(f) the manner in which the Board shall exercise its powers of buying and selling coffee in the Indian market;

(g) the appointment by the Board of agents;

(h) the conditions to be fulfilled by a curing establishment before a licence to operate as such can be issued;

(i) the form of and the particulars to be contained in any returns or reports to be made to the Board under this Act;

(j) the form of, manner of application for, fees payable for, procedure in granting and conditions governing the licences and permits to be issued by the Board;

(k) any other matter except the matters referred to in section 15 which is to be or may be prescribed under this Act.

49. (1) So long as this Act remains in force the Indian Coffee Cess Act, 1935, shall be deemed to be repealed, without prejudice however to the continuing validity of any action taken by the Indian Coffee Cess Committee which is not inconsistent with the provisions of this Act.

(2) All rules made by the Central Board of Revenue under section 9 of the Indian Coffee Cess Act, 1935, shall, until replaced by rules made under sub-section (3) of section 13 of this Act, continue to have effect in respect of the duty of customs imposed by section 11 of this Act as they had effect in respect of the coffee cess imposed by that Act.

50. (1) The Coffee Market Expansion Ordinance, 1940, the Coffee Market Expansion (Amendment) Ordinance, 1941, the Coffee Market Expansion (Second Amendment) Ordinance, 1941, and the Coffee Market Expansion (Third Amendment) Ordinance, 1941, are hereby repealed.

(2) Without prejudice to the provisions of section 24 of the General Clauses Act, 1897,—

(a) any trial or proceeding under the Coffee Market Expansion Ordinance, 1940, pending at the time of the repeal of that Ordinance may be continued and completed as if such trial or proceeding were a trial or proceeding under this Act;

(b) all registrations made, all licences issued and all other things done under the said Ordinance shall be deemed to have been made, issued or done under this Act.

## THE INDIAN PENAL CODE (AMENDMENT) ACT, 1942.

ACT No. VIII OF 1942.

[14th March, 1942.

*An Act further to amend the Indian Penal Code.*

WHEREAS it is expedient further to amend the Indian Penal Code for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE INDIAN PENAL CODE (AMENDMENT) ACT, 1942.

Insertion of new section 52-A in Act XLV of 1860.

2. In Chapter II of the Indian Penal Code, after section 52 the following section shall be inserted, namely:—

“52-A. Except in section 157. and in section 130 in the case in which the harbour is given by the wife or husband of the person harboured, the word “harbour” includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this section or not, to evade apprehension.”

Omission of section 216-B, 3. Section 216-B of the Indian Penal Code shall be Act XLV of 1860. omitted.

## THE COTTON GINNING AND PRESSING FACTORIES (AMENDMENT) ACT, 1942.

ACT No. IX OF 1942.

[14th March, 1942.

*An Act further to amend the Cotton Ginning and Pressing Factories Act, 1925.*

WHEREAS it is expedient further to amend the Cotton Ginning and Pressing Factories Act, 1925, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

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| Short title.                                     | 1. This Act may be called THE COTTON GINNING AND PRESSING FACTORIES (AMENDMENT) ACT, 1942.  |
| Insertion of new section 5-A in Act XII of 1925. | 2. After section 5 of the Cotton Ginning and Pressing Factories Act, 1925 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—  |
| Returns from cotton ginning factories.           | “5-A. (1) This section shall be in force in Chief Commissioners' Provinces only; but the Provincial Government of any other Province may, by notification in the official Gazette, bring this section into force in the Province.<br>(2) The owner of every cotton ginning factory shall submit to the prescribed authority, within such time and in such form as may be prescribed, weekly returns showing the quantity of cotton ginned in the factory during the preceding week and from the commencement of the season to the end of that week.<br>(3) The Provincial Government shall compile from the weekly returns so submitted and shall publish in such manner as it thinks fit, a statement showing the total quantity of cotton ginned in the Province during the week and from the commencement of the season to the end of the week, to which the returns relate:<br>Provided that the quantity of cotton ginned in any individual factory shall not be published.<br>(4) If default is made in submitting any return as required by sub-section (2), the owner of the factory shall be punished with fine which may extend to fifty rupees.<br>(5) The provisions of sub-section (4) of section 5 apply to cotton ginning factories and the returns referred to in sub-section (2) of this section as they apply to cotton pressing factories and the returns referred to in sub-section (1) of section 5, and “season” in this section means the season as notified for the purposes of section 5.” |
| Amendment of section 7, Act XII of 1925.         | 3. In sub-section (1) of section 7 of the said Act, after the figure “5” the figure and letter “5-A” shall be inserted.   |
| Amendment of section 13, Act XII of 1925.        | 4. In clause (b) of section 13 of the said Act, for the word and figure “section 5” the words, figures and letter “sections 5 and 5-A” shall be substituted.  |

## THE INDIAN PATENTS AND DESIGNS (EXTENSION OF TIME) ACT, 1942.

ACT X OF 1942.

[14th March, 1942.

*An Act to provide for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder.*

WHEREAS it is expedient to provide for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder;

It is hereby enacted as follows:—

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| Short title, extent and duration,                               | 1. (1) This Act may be called THE INDIAN PATENTS AND DESIGNS (EXTENSION OF TIME) ACT, 1942.<br>(2) It extends to the whole of British India.<br>(3) It shall be in force until the termination of the present hostilities and for one year thereafter.             |
| Power to extend time limits having regard to war circumstances. | 2. (1) The Controller of Patents and Designs appointed under the Indian Patents and Designs Act, 1911, may, subject to such conditions, if any, as he thinks fit to impose, extend the time limited by or under that Act for doing any act, where he is satisfied— |



(a) that the doing of the act within the time so limited was prevented by a person's being on active service or by any other circumstances arising from the existence of the present hostilities which, in the opinion of the Controller, justify an extension of the time so limited, or

(b) that, by reason of circumstances arising from the existence of the present hostilities, the doing of the act within the time so limited would have been or would be injurious to the rights or interests of the person by or on whose behalf the act is or was to be done or to the public interest.

(2) An extension under this section of the time for doing any act—

(a) may be for any period that the Controller thinks fit, notwithstanding that under the Indian Patents and Designs Act, 1911, power is conferred to extend the time for doing that act for a specified period only; and

(b) may be granted, notwithstanding that that time expired before any application or request for extension was made, or that, by reason of that act not having been done within that time, the relevant application, patent, registration or proceeding has ceased or expired, or become void or invalid, or been treated as abandoned, or been refused.

## THE PROTECTIVE DUTIES CONTINUATION ACT, 1942.

ACT No. XI OF 1942.

[14th March, 1942.

*An Act to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect.*

WHEREAS it is expedient to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE PROTECTIVE DUTIES CONTINUATION ACT, 1942.

2. In the First Schedule to the Indian Tariff Act, 1934, in Items Nos. 10 (1), 11 (1), 17, 43, 44, 44 (1), 46, 46 (1), 47, 47 (1), 47 (6), 48, 48 (1), 48 (3), 48 (4), 48 (5), 48 (7), 48 (9), 48 (10), 49 (5), 51 (2), 51 (3), 61 (5), 63 (2), 63 (3), 63 (6), 63 (9), 63 (10), 63 (12), 63 (15), 63 (17), 63 (19), 63 (20), 63 (21), 63 (25), 63 (27) and 74, for the entry or entries in the seventh column "March 31st, 1942" the entry or entries "March 31st, 1944" shall be substituted.

Amendment of the First Schedule; Act XXXII of 1934.

3. In section 3 of the Sugar Industry (Protection) Act, 1932, for the figure "1942" the figure "1944" shall be substituted.

Amendment of section 3, Act XIII of 1932.

## THE INDIAN FINANCE ACT, 1942.

ACT No. XII OF 1942.

[26th March, 1942.

*An Act to fix the duty on salt manufactured in or imported by land into, certain parts of British India to vary the rate of the excise duty on motor spirit leviable under the Motor Spirit (Duties) Act, 1917, to vary the rate of the excise duty on kerosene leviable under section 5 of the Indian Finance Act, 1922, to vary the rate of the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, to levy customs duties in addition to the duties of customs leviable under the Indian Tariff Act, 1934, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax and to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged.*

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the rate of the excise duty on motor spirit leviable under the Motor Spirit (Duties) Act, 1917, to vary the rate of the excise duty on kerosene leviable under section 5 of the Indian Finance Act, 1922, to vary the rate of the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, to levy customs duties in addition to the duties of customs leviable under the Indian Tariff Act, 1934, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax and to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged;

It is hereby enacted as follows:—

- Short title and extent. 1. (1) This Act may be called **THE INDIAN FINANCE ACT, 1942.**
- (2) It extends to the whole of British India.
2. The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Central Government to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India, be construed as if, for the year beginning on the 1st day of April, 1942, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section.
- Fixation of salt duty.
- Excise duty on motor spirit. 13. In sub-section (1) of section 3 of the Motor Spirit (Duties) Act, 1917, for the words "twelve annas" the words "fifteen annas" shall be substituted.
14. In the proviso to section 5 of the Indian Finance Act, 1922, for the words "of two annas and three pies" the words "at which customs duty is for the time being leviable under the Indian Tariff Act, 1934, read with any other enactment for the time being in force" shall be substituted.
- Excise duty on kerosene.
- Excise duty on silver. 15. In sub-section (1) of section 3 of the Silver (Excise Duty) Act, 1930, for the words "three annas" the words "three annas and seven and one-fifth pies" shall be substituted.
16. Where any goods chargeable with a duty of customs under the First Schedule to the Indian Tariff Act, 1934, or under the said Schedule read with any notification of the Central Government for the time being in force, are assessed to duty, there shall up to the 31st day of March, 1943, be levied and collected as an addition to and in the same manner as the total amount so chargeable, a sum equal to one-fifth of such amount:
- Provided that such addition of duty shall not be levied and collected on—
- (a) salt comprised in Item No. 25 (1) of the said Schedule;
- (b) motor spirit comprised in Item No. 27 (6) of the said Schedule;
- (c) raw cotton comprised in Item No. 46 (3) of the said Schedule, so long as the additional duty of customs imposed by the Cotton Fund Ordinance, 1942, continues to be leviable;
- (d) machinery comprised in Items Nos 72, 72 (1), 72 (2) and 72 (3) of the said Schedule;
- (e) the following, when the Customs-collector is satisfied that they are the produce or manufacture of Burma, namely:—
- (i) potatoes and onions comprised in Item No. 7 of the said Schedule.
- (ii) coffee comprised in Item No. 9 of the said Schedule,
- (iii) spices comprised in Item No. 9 (3) of the said Schedule,
- (iv) betelnuts comprised in Item No. 9 (5) of the said Schedule,
- (v) cutch and gambier comprised in Item No. 13 (2) of the said Schedule,
- (vi) sugar excluding confectionery comprised in Item No. 17 of the said Schedule,
- (vii) cigars comprised in Item No. 24 (1) of the said Schedule,
- (viii) matches comprised in Item No. 34 (4) (a) of the said Schedule.
7. For the year beginning on the 1st day of April, 1942, the Schedule contained in Schedule I to this Act shall be inserted in the Indian Post Office Act, 1898, as the First Schedule to that Act.
- Inland postage rates.
- Income-tax and super-tax. 8. (1) Subject to the provisions of sub-sections (2) and (3),—
- (a) income-tax for the year beginning on the 1st day of April, 1942, shall be charged at the rates specified in Part I of Schedule II increased in the cases to which sub-paragraph (b) of paragraph A and paragraph B of that Part apply by a surcharge for the purposes of the Central Government at the rate specified therein in respect of each such rate of income-tax, and
- (b) rates of super-tax for the year beginning on the 1st day of April, 1942, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922, be those specified in Part II of Schedule II increased in the cases to which paragraphs A, B and C of that Part apply by a surcharge for the purposes of the Central Government at the rate specified therein in respect of each such rate of super-tax.

<sup>1</sup> This section came into effect on 1st March, 1942, by virtue of a declaration inserted in the Bill under the Provisional Collection of Taxes Act, 1931 (XVI of 1931).

(2) In making any assessment for the year ending on the 31st day of March, 1943,—

(a) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" or under the head "Interest on Securities" or any income from dividends in respect of which he is deemed under section 49-B of the Indian Income-tax Act, 1922, to have paid income-tax imposed in British India, the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Indian Finance Act, 1941, on his total income the same proportion as the amount of such inclusions bears to his total income;

(b) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" on which super-tax has been or might have been deducted under the provisions of sub-section (2) of section 18 of the Indian Income-tax Act, 1922, the super-tax payable by the assessee on that portion of his total income which consists of such inclusions shall be an amount bearing to the total amount of super-tax payable according to the rates applicable under the operation of the Indian Finance Act, 1941, on his total income the same proportion as the amount of such inclusions bears to his total income.

(3) In cases to which section 17 of the Indian Income-tax Act, 1922, applies, the tax chargeable shall be determined as provided in that section but with reference to the rates imposed by sub-section (1) of this section, and in accordance with the provisions of sub-section (2) of this section where applicable.

(4) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Indian Income-tax Act, 1922.

(5) Notwithstanding anything contained in sub-section (1) or sub-section (2) no tax shall be payable in cases to which sub-paragraph (a) of paragraph A of Part I of Schedule II applies where the assessee deposits with the Central Government in such manner and in accordance with such conditions as the Central Government may by rule prescribe for the purposes of this sub-section an amount representing not less than one rupee for every complete unit of twenty-five rupees by which his total income exceeds seven hundred and fifty rupees:

Provided that where the total income includes any income chargeable under the head "Salaries" or under the head "Interest on Securities" or any income from dividends in respect of which he is deemed under section 49-B of the Indian Income-tax Act, 1922, to have paid income-tax imposed in British India, the amount to be deposited by the assessee in order to obtain the exemption conferred by this sub-section shall be an amount bearing to the minimum required to be deposited under the foregoing provisions of this sub-section the same proportion as the amount of his total income diminished by the amount of such inclusions bears to the amount of his total income.

(6) A deposit made in accordance with the provisions of sub-section (5) shall not in any way be capable of being charged and shall not be liable to attachment under any decree or order of any Civil, Revenue or Criminal Court in respect of any debt or liability incurred by the depositor and neither the Official Assignee nor any receiver appointed under the Provincial Insolvency Act, 1920, shall be entitled to or have any claim on any such deposit

(7) Where the total income of an assessee referred to in sub-paragraph (b) of paragraph A of Part I of Schedule II does not exceed six thousand rupees, an amount representing one rupee for every complete unit of two hundred rupees of his total income as reduced by the deductions, if any, allowed under the second proviso to sub-section (1) of section 7, section 15 and sub-section (1) of section 58-F of the Indian Income-tax Act, 1922, shall be funded for the assessee's benefit and shall be paid to him on such date, not more than twelve months after the termination of the present hostilities, as the Central Government may fix:

Provided that nothing in this sub-section shall apply to any part of total income to which clause (a) of sub-section (2) applies.

*Explanation.*—In computing the amount to be funded under this sub-section if there is an incomplete unit amounting to one hundred rupees or more it shall be reckoned as a complete unit of two hundred rupees.

9. (1) In sub-clause (a) of clause (6) of section 2 of the Continuation of and rate Excess Profits Tax Act, 1940, for the words and figures "31st day of March, 1942" the words and figures "31st day of March, 1943" shall be substituted.

(2) The excess profits tax imposed by section 4 of the Excess Profits Tax Act, 1940, shall, in respect of any chargeable accounting period beginning after the 31st day of March, 1942, be an amount equal to sixty-six and two-thirds per cent. of the amount by which the profits of the business during that chargeable accounting period exceed the standard profits.

10. (1) If before the 1st day of July, 1942, or within thirty days of the date on which any excess profits tax, charged under the provisions of the Excess Profits Tax Act, 1940, at the rate of sixty-six and two thirds per cent. becomes payable, whichever of these dates is later, a further sum not exceeding one-fifth of the amount of the said excess profits tax is deposited with the Central Government, the Central Government shall repay, at such date and subject to such conditions as it may hereafter determine, so much of the said excess profits tax as shall be equal to one-tenth of the amount thereof or to one-half of such further sum deposited, whichever is the less:

Provided that, if the said excess profits tax is thereafter reduced, whether by relief given in respect of a deficiency of profits, or by relief given in respect of double excess profits taxation or otherwise, and whether by refund or otherwise, the portion of the tax to be repaid under this section shall be correspondingly reduced:

Provided further that if the said excess profits tax is so reduced, the maximum sum that may be deposited with the Central Government under this section shall also be correspondingly reduced:

Provided further that the provisions of this section shall apply in respect of excess profits tax to which the section applies which became payable before the commencement of this Act if the further sum referred to herein is deposited before the 1st day of July, 1942:

Provided further that in relation to excess profits tax payable under the Excess Profits Tax Act, 1940, in respect of any profits which are also liable to assessment to excess profits tax under the law in force in the United Kingdom it shall be unnecessary to deposit the further sum referred to in this section, and the amount repayable by the Central Government under this section shall, subject to the first proviso, be one-tenth of the amount of the excess profits tax payable at the rate of sixty-six and two-thirds per cent. under the Excess Profits Tax Act, 1940.

(2) Any sum deposited with the Central Government under sub-section (1) shall carry simple interest at the rate of two per cent. per annum and shall be repaid within twelve months of the date of termination of the present hostilities.

(3) The Central Government may, by notification in the official Gazette make rules for carrying out the purposes of this section and for prescribing the manner and conditions referred to in sub-section (5), of section 8.

#### SCHEDULE I.

Schedule to be inserted in the Indian Post Office Act, 1898.

(See section 7.)

#### “THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

(See section 7.)

##### Letters.

For a weight not exceeding one tola	..	..	One and a half annas.
For every tola, or fraction thereof, exceeding one tola	..	..	Half an anna.

##### Postcards.

Single	..	..	..	..	..	Nine pies.
Reply	..	..	..	..	..	One and a half annas.

##### Book, Pattern and Sample Packets.

For the first five tolas or fraction thereof	..	..	..	..	..	Nine pies.
For every additional two and a half tolas, or fraction thereof, in excess of five tolas	..	..	..	..	..	Three pies.

##### Registered Newspapers.

For a weight not exceeding ten tolas	..	..	..	..	..	Quarter of an anna.
For a weight exceeding ten tolas and not exceeding twenty tolas	..	..	..	..	..	Half an anna.
For every twenty tolas, or fraction thereof, exceeding twenty tolas	..	..	..	..	..	Half an anna.
In the case of more than one copy of the same issue of a registered newspaper being carried in the same packet—						
For a weight not exceeding ten tolas	..	..	..	..	..	Half an anna.
For every additional five tolas, or fraction thereof, in excess of ten tolas	..	..	..	..	..	Quarter of an anna.
Provided that such packet shall not be delivered at any addressee's residence but shall be given to a recognized agent at the post office.						

##### Parcels.

For a weight not exceeding forty tolas	..	..	..	..	..	Four annas.
For every forty tolas, or fraction thereof, exceeding forty tolas.	..	..	..	..	..	Four annas."

## SCHEDULE II.

(See section 8.)

## PART I.

## Rates of Income-tax.

A.—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons not being a case to which paragraph B of this Part applies:—

(a) Where the total income does not exceed Rs. 2,000—

	Rate.	
1. On the first Rs. 750 of total income	.. Nil	
2. On the next Rs. 1,250 of total income	.. Six pies in the rupee.	

Provided that no tax shall be payable on a total income which does not exceed to Rs. 1,500.

(b) Where the total income exceeds Rs. 2,000—

	Rate.	Surcharge.
1. On the first Rs. 1,500 of total income	.. Nil	.. Nil.
2. On the next Rs. 3,500 of total income	.. Nine pies in the rupee.	Six pies in the rupee.
3. On the next Rs. 5,000 of total income	.. One anna and three pies in the rupee.	Nine pies in the rupee.
4. On the next Rs. 5,000 of total income	.. Two annas in the rupee.	One anna and two pies in the rupee.
5. On the balance of total income	.. Two annas and six pies in the rupee.	One anna and three pies in the rupee.

B.—In the case of every company and local authority, and in every case in which under the provisions of the Indian Income-tax Act, 1922, income-tax is to be charged at the maximum rate—

	Rate.	Surcharge.
On the whole of total income	.. Two annas and six pies in the rupee.	One anna and three pies in the rupee.

## PART II.

## Rates of Super-tax.

A.—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which paragraphs B and C of this Part apply—

	Rate.	Surcharge.
1. On the first Rs. 25,000 of total income	.. Nil.	Nil.
2. On the next Rs. 10,000 of total income	.. One anna in the rupee.	Six pies in the rupee.
3. On the next Rs. 20,000 of total income	.. Two annas in the rupee.	One anna in the rupee.
4. On the next Rs. 70,000 of total income	.. Three annas in the rupee.	One anna and six pies in the rupee.
5. On the next Rs. 75,000 of total income	.. Four annas in the rupee.	Two annas in the rupee.
6. On the next Rs. 1,50,000 of total income	.. Five annas in the rupee.	Two annas and six pies in the rupee.
7. On the next Rs. 1,50,000 of total income	.. Six annas in the rupee.	Three annas in the rupee.
8. On the balance of total income	.. Seven annas in the rupee.	Three annas and six pies in the rupee.

B.—In the case of every local authority—

	Rate.	Surcharge.
On the whole of total income	.. One anna in the rupee.	Six pies in the rupee.

C.—In the case of an association of persons being a co-operative society, other than the Sanikatta Saltowners' Society in the Bombay Presidency, for the time being registered under the Co-operative Societies Act, 1912, or under an Act of the Provincial Legislature governing the registration of Co-operative Societies—

	Rate.	Surcharge.
1. On the first Rs. 25,000 of total income	.. Nil.	Nil.
2. On the balance of total income	.. One anna in the rupee.	Six pies in the rupee.

D.—In the case of every company—

	Rate.
On the whole of total income	.. One anna and six pies in the rupee.

**THE AGRICULTURAL PRODUCE (GRADING AND MARKING)  
AMENDMENT ACT, 1942.**

ACT No. XIII 1942.

[30th March, 1942.]

*An Act to amend the Agricultural Produce (Grading and Marking) Act, 1937.*

WHEREAS it is expedient to amend the Agricultural Produce (Grading and Marking) Act, 1937, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

- |   |  |
|---|--|
| Short title and commencement.   | 1. (1) This Act may be called THE AGRICULTURAL PRODUCE (GRADING AND MARKING) AMENDMENT ACT, 1942.  |
| (2) It shall be deemed to have come into force on the 24th day of February, 1937. |  |
| Amendment of long title and preamble, Act I of 1937.                              | 2. In the long title and in the preamble of the Agricultural Produce (Grading and Marking) Act, 1937 (hereinafter referred to as the said Act), after the word "agricultural" the words "and other" shall be inserted. |
| Amendment of section 6, Act I of 1937.  | 3. In section 6 of the said Act, after the words "not included in the Schedule" the words "or to an article other than an article of agricultural produce" shall be inserted.  |

**THE INDIAN TOLLS (ARMY) AMENDMENT ACT, 1942.**

ACT No. XIV OF 1942.

[30th March, 1942.]

*An Act further to amend the Indian Tolls (Army) Act, 1921.*

WHEREAS it is expedient further to amend the Indian Tolls (Army) Act, 1921, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

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|--|---|
| Short title.   | 1. This Act may be called THE INDIAN TOLLS (ARMY) AMENDMENT ACT, 1942.  |
| Amendment of section 1, Act II of 1901.                    | 2. In sub-section (1) of section 1 of the Indian Tolls (Army) Act, 1921 (hereinafter referred to as the said Act), for the brackets and word "(Army)" the brackets and words "(Army and Air Force)" shall be substituted.   |
| Substitution of new section for section 2, Act II of 1901. | 3. For section 2 of the said Act the following section shall be substituted, namely:—   |
| Definitions.   | 2. In this Act, unless there is anything repugnant in the subject or context,—  |
|  | (a) the expression "authorised followers" means persons other than officers, soldiers or airmen, who are employed by, or are in the service of, the Forces or Corps concerned, or are in the service of any officer, soldier or airman of such Forces or Corps;   |
|  | (b) "carriage" means a vehicle for carriage or haulage other than one specially constructed for use on rails;   |
|  | (c) "ferry" includes every bridge and other thing which is a ferry within the meaning of any enactment authorising the levy of tolls on ferries, but does not include any ferry or other thing which is included in the definition of "railway" in section 3 of the Indian Railways Act, 1890;  |
|  | (d) the expression "His Majesty's Regular Forces" has the meaning assigned to it by section 190, clause (8), of the Army Act, and includes His Majesty's Regular Air Force as defined by section 190, clause (8), of the Air Force Act, the Indian Air Force, and also the Indian Reserve Forces when subject to military or air force law, as the case may be; |
|  | (e) "horse" includes a mule and any beast of whatever description which is used for burden or draught or for carrying persons;  |
|  | (f) the expression "Irregular Corps" means any force [other than the Auxiliary Force (India) or the Indian Territorial Force] raised and maintained in India under the authority of the Central Government or of the Crown Representative, or any other force which may be notified in this behalf by order published in the official Gazette;                  |
|  | (g) the expression "Indian Reserve Forces" means the forces constituted by the Indian Reserve Forces Act, 1888, and includes officers belonging to the Army in India Reserve of Officers or to the Indian Regular Reserve of Officers and members of the  |

Royal Air Force Volunteer Reserve and the Indian Air Force Volunteer Reserve when subject to military or air force law, as the case may be;

(h) "landing-place" includes a pier, wharf, quay, jetty and a stage, whether fixed or floating;

(i) "public authority" means the Central Government or the Federal Railway Authority or a Provincial Government or a local authority; and, so far as regards tolls levied by a railway company under section 4 of the Indian Guaranteed Railways Act, 1879, or section 51 of the Indian Railways Act, 1890, includes such a railway company; and

(j) "tolls" includes duties, dues, rates, rents, fees and charges, but does not include customs duties levied under the Indian Tariff Act, 1934, octroi duties or town duties on the import of goods, or fares paid for the conveyance of passengers on a tramway.

Amendment of section 3,  
Act II of 1901.

4. In section 3 of the said Act,—

(a) for clauses (a), (b), (c), (d), (e), (f), (g) and (h) the following clauses shall be substituted, namely:—

"(a) all officers, soldiers and airmen of—

(i) His Majesty's Regular Forces,

(ii) any Irregular Corps, or

(iii) Indian State Forces, when on duty or on the march,

(b) all members of the Auxiliary Force (India) or of the Indian Territorial Force when on duty or when proceeding to or returning from duty,

(c) all officers, soldiers and airmen of the Indian Reserve Forces when proceeding from their place of residence on being called out for service, training, or muster or when proceeding back to their place of residence after such service, training or muster,

(d) all authorised followers of—

(i) His Majesty's Regular Forces,

(ii) the Auxiliary Force (India) or the Indian Territorial Force,

(iii) any Irregular Corps, or

(iv) Indian State Forces, when they accompany any body of such Forces or Corps on the march, or when they are otherwise moving under the orders of military or air force authority,

(e) all members of the families of officers, soldiers, airmen or authorised followers of—

(i) His Majesty's Regular Forces, or

(ii) any Irregular Corps,

when accompanying any body of troops, or any officer, soldier, airman or authorised follower thereof on duty or on the march,

(f) all prisoners under military or air force escort,

(g) the carriages, horses, and baggage, and the persons (if any) employed in driving the carriages or in carrying the baggage, of any persons exempted under any of the foregoing clauses, when such carriages, horses, baggage, or persons accompany the persons so exempted under the circumstances mentioned in those clauses respectively;";

(b) clauses (i), (j), (k) and (l) shall be relettered as clauses (h), (i), (j) and (k), respectively;

(c) after the proviso to the said section the following shall be added, namely:—

"*Explanation.*—The persons or property exempted under clauses (d), (e) (g) and (j) shall be deemed to accompany the Forces, troops, persons or property concerned when the move of the former is the direct result of, or is connected with, the move of the latter, irrespective of the interval of space and time between the two moves."

## THE CANTONMENTS (AMENDMENT) ACT, 1942.

ACT No. XV OF 1942.

[30th March, 1942.

*An Act further to amend the Cantonments Act, 1942.*

WHEREAS it is expedient further to amend the Cantonments Act, 1924, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE CANTONMENTS (AMENDMENT) ACT, 1942.

Amendment of section 17,  
Act II of 1924.

2. In section 17 of the Cantonments Act, 1924 (hereinafter referred to as the said Act),—

(a) to sub-section (1) the following proviso shall be added, namely:—

"Provided that where there are more outgoing members qualified and willing to serve than there are vacancies to be filled under this sub-section, the outgoing members so deemed to have been re-elected shall, failing agreement amongst such members, be determined by lot under the supervision of the President of the Board and in such manner as he may decide.

(b) for sub-section (2) the following sub-section shall be substituted, namely:—

"(2) Vacancies arising in any of the following cases shall be filled by nomination by the Central Government after consultation with the Officer Commanding-in-Chief, the Command, namely:—

(a) where at a casual election no member is elected;

(b) where at an ordinary election no member or an insufficient number of members is elected, or an elected member is unwilling to serve on the Board and the outgoing member is not qualified or is not willing to serve or is dead or cannot be found within a reasonable time;

(c) where at an election held when a Board is constituted for the first time no member or an insufficient number of members is elected or an elected member is unwilling to serve on the Board";

(c) sub-section (3) shall be renumbered as sub-section (4) and after sub-section (2) the following sub-section shall be inserted, namely:—

"(3) For the purposes of sub-section (2) of section 16, a member nominated in pursuance of sub-section (2) of this section shall, where there has been a division of the cantonment into wards or of the inhabitants thereof into classes, be deemed to have been elected by such ward or class, as the case may be, as the Central Government may at the time of making the nomination or at any time thereafter declare."

Amendment of section 20, Act II of 1924.

3. To sub-section (3) of section 20 of the said Act the following words shall be added, namely:—

"in accordance with such procedure as the Central Government may by rule prescribe."

Amendment of section 27, Act II of 1924.

4. In sub-section (1) of section 27 of the said Act, after clause (c) the following *explanation* shall be inserted, namely:—

"*Explanation*.—When any place is declared a cantonment for the first time or when any local area is first included in a cantonment, residence in the area comprising the cantonment on the aforesaid date shall be deemed to be residence in the cantonment for the purposes of this sub-section."

Amendment of section 28, Act II of 1924.

5. In section 28 of the said Act, after sub-section (1) the following sub-section shall be inserted, namely:—

"(1-A) No person shall be qualified for nomination as a member of a Board if he is subject to any of the disqualifications specified in sub-section (2) of section 27."

Amendment of section 34, Act II of 1924.

6. In section 34 of the said Act,—

(a) in clause (a) of sub-section (1), after the word "becomes" the words "or is found to have been at the time of his election or nomination" shall be inserted;

(b) in sub-section (3), after the word "under" the words, brackets and figures "sub-section (1) or sub-section (2) of" shall be inserted.

Amendment of section 76, Act II of 1924.

7. To section 76 of the said Act the following proviso shall be added, namely:—

"Provided that in any cantonment which the Central Government, by notification in the official Gazette, has declared to be a hill cantonment and in respect of which the Central Government by the same or a like notification has declared a portion of the year to be the season for the cantonment, when any building or land is leased for occupation through the season only, but the rent charged is the full annual rent, no remission or refund shall be admissible under this section in respect of any time outside the season during which the building or land remains vacant, but in respect of any time, not being less than sixty consecutive days during which within the season such building or land has remained vacant and unproductive of rent, the Board shall remit or refund such portion of any tax assessed on the annual value thereof as bears to the whole of the tax so assessed the same proportion as the number of days during which the building or land has remained vacant and unproductive of rent bears to the total length of the season."

Amendment of section 99, Act II of 1924.

8. In sub-section (2) of section 99 of the said Act, after the words "any tax on property" the words "other than a tax imposed to cover the cost of specific services rendered by the Board" shall be inserted.

Amendment of section 117, Act II of 1924.

9. (1) Section 117 of the said Act shall be renumbered as sub-section (1) of that section, and in the said section so renumbered,—

(a) in clause (j), after the word "works;" the word "or" shall be added;

(b) in clause (k), the word "or" occurring at the end of the clause shall be omitted;



(c) clause (I) shall be omitted.

(2) To the said section as so renumbered the following sub-section shall be added, namely:—

“(2) A Board may, either within or outside the cantonment, make provision for the doing of anything on which expenditure is declared by the Central Government, or by the Board with the sanction of the Central Government, to be an appropriate charge on the cantonment fund.”

Amendment of section 233, Act II of 1924. 10. To section 233 of the said Act the following sub-section shall be added, namely:—

“(3) The provisions of section 222 shall be applicable in respect of the supply of water by agreement to the Board by the Officer for use for any purpose other than a domestic purpose in like manner as they are applicable to such supply to the owner, lessee or occupier of any building or land in the cantonment.”

Amendment of section 234-A, Act II of 1924. 11. In sub-section (1) of section 234-A of the said Act, after the words “the Board may” the words “and so long as the Board is unable to provide a water-supply of its own, it shall” shall be inserted.

Amendment of section 282, Act II of 1924. 12. In clause (25) of section 282 of the said Act,—

- (a) the word “or” occurring at the end of sub-clause (c) shall be omitted;
- (b) in sub-clause (d), after the word “conveyances;” the word “or” shall be added;
- (c) after sub-clause (d) the following sub-clause shall be added, namely:—
- “(e) for persons practising as nurses, midwives or *dais*”;

## THE INDIAN LIMITATION (AMENDMENT) ACT, 1942.

ACT No, XVI OF 1942.

[30th March, 1942.

*An Act further to amend the Indian Limitation Act, 1908.*

WHEREAS it is expedient further to amend the Indian Limitation Act, 1908, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE INDIAN LIMITATION (AMENDMENT) ACT, 1942.

Amendment of section 20, Act IX of 1908.

2. In section 20 of the Indian Limitation Act, 1908, for the substantive part of sub-section (1) the following shall be substituted, namely:—

Effect of payment on account of debt or of interest on legacy.

“(1) Where payment on account of a debt or of interest on a legacy is made before the expiration of the prescribed period by the person liable to pay the debt or legacy, or by his duly authorised agent, a fresh period of limitation shall be computed from the time when the payment was made.”

## THE INDIAN COMPANIES (AMENDMENT) ACT, 1942.

ACT No. XVII OF 1942.

[30th March, 1942.

*An Act further to amend the Indian Companies Act, 1913.*

WHEREAS it is expedient further to amend the Indian Companies Act, 1913, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE INDIAN COMPANIES (AMENDMENT) ACT, 1942.

Omission of section 54, Act VII of 1913.

2. Section 54 of the Indian Companies Act, 1913 (hereinafter referred to as the said Act), shall be omitted.

Amendment of section 153, Act VII of 1913.

3. In section 153 of the said Act, for sub-section (6) the following sub-section shall be substituted, namely:—

“(6) In this section the expression ‘company’ means any company liable to be wound up under this Act and the expression ‘arrangement’ includes a re-organization of the

share capital of the company by the consolidation of shares of different classes or by the division of shares into shares of different classes or by both those methods, and for the purposes of this section unsecured creditors who may have filed suits or obtained decrees shall be deemed to be of the same class as other unsecured creditors."

## THE WEEKLY HOLIDAYS ACT, 1942.

### ACT No. XVIII of 1942.

[3rd April, 1942.

*An Act to provide for the grant of weekly holidays to persons employed in shops, restaurants and theatres.*

WHEREAS it is expedient to provide for the grant of weekly holidays to persons employed in shops, restaurants and theatres;

It is hereby enacted as follows:—

Short title, extent and commencement. 1. (1) This Act may be called THE WEEKLY HOLIDAYS ACT, 1942.

(2) It extends to the whole of British India.

(3) It shall come into force in a Province or in a specified area within a Province only if the Provincial Government by notification in the official Gazette so directs.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "establishment" means a shop, restaurant or theatre;

(b) "day" means a period of twenty-four hours beginning at midnight;

(c) "restaurant" means any premises in which is carried on principally or wholly the business of supplying meals or refreshments to the public or a class of the public for consumption on the premises but does not include a restaurant attached to a theatre;

(d) "shop" includes any premises where any retail trade or business is carried on including the business of a barber or hair dresser, and retail sales by auction, but excluding the sale of programmes, catalogues and other similar sales at theatres;

(e) "theatre" includes any premises intended principally or wholly for the presentation of moving pictures, dramatic performances or stage entertainments;

(f) "week" means a period of seven days beginning at midnight on Saturday.

Closing of shops. 3. (1) Every shop shall remain entirely closed on one day of the week, which day shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop.

(2) The day so specified shall not be altered by the shop-keeper more often than once in three months.

Weekly holidays in shops, restaurants and theatres. 4. Every person employed otherwise than in a confidential capacity or in a position of management in any shop, restaurant or theatre shall be allowed in each week a holiday of one whole day:

Provided that nothing in this section shall apply to any person whose total period of employment in the week including any days spent on authorised leave is less than six days or entitle to an additional holiday a person employed in a shop who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of section 3.

5. (1) The Provincial Government may, by notification in the official Gazette, require in respect of shops or any specified class of shops that they shall be closed at such hour in the afternoon of one week-day in every week in addition to the day provided for by section 3 as may be fixed by the Provincial Government, and, in respect of theatres and restaurants or any specified class of either or both, that every person employed therein otherwise than in a confidential capacity or in a position of management shall be allowed in each week an additional holiday of one half-day commencing at such hour in the afternoon as may be fixed by the Provincial Government.

(2) The Provincial Government may, for the purposes of this section, fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

(3) The weekly day on which a shop is closed in pursuance of a requirement under sub-section (1) shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop and shall not be altered by the shopkeeper more often than once in three months.

6. No deduction or abatement of the wages of any person employed in an establishment to which this Act applies shall be made on account of any day or part of a day on which the establishment has remained closed or a holiday has been allowed in accordance with sections 3, 4 and 5, and if such person is employed on the basis that he would not ordinarily receive wages for such day or part of a day he shall none the less be paid for such day or part of a day the wages he would have drawn had the establishment not remained closed or the holiday not been allowed on that day or part of a day.

7. (1) The Provincial Government may, by notification in the official Gazette, appoint persons to be inspectors for the purposes of this Act within such local limits as it may assign to each such person.

(2) Every inspector appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

8. (1) Subject to any rules made in this behalf by the Provincial Government, an inspector may, within the local limits for which he is appointed,—

(a) enter and remain in any establishment to which this Act applies with such assistants, if any, being servants of the Crown, as he thinks fit;

(b) make such examination of any such establishment and of any record, register or notice maintained therein in pursuance of rules made under clause (c) of sub-section (2) of section 10, and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of this Act;

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act.

(2) Any person having the custody of any record, register or notice maintained in pursuance of rules made under clause (c) of sub-section (2) of section 10 shall be bound to produce it when so required by the inspector, but no person shall be compellable to answer any question if the answer may tend directly or indirectly to criminate himself.

9. In the event of any contravention of the provisions of section 3, of section 4, of a requirement imposed by notification under sub-section (1) of section 5, of section 6, or of the rules made under clause (c) of sub-section (2) of section 10, the proprietor or other person responsible for the management of the establishment in which such contravention takes place shall be punishable with fine which may extend, in the case of first offence, to twenty-five rupees, and, in the case of a second or subsequent offence, to two hundred and fifty rupees.

10. (1) The Provincial Government may, subject to the condition of previous publication by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) define the persons who shall be deemed to be employed in a confidential capacity or in a position of management for the purpose of sections 4 and 5;

(b) regulate the exercise of their powers and the discharge of their duties by inspectors;

(c) require registers and records to be maintained and notices to be displayed in establishments to which this Act applies and prescribe the form and contents thereof.

11. The Central Government in respect of establishments under its control, and the Provincial Government in respect of all other establishments within the Province may, subject to such conditions, if any as it thinks fit to impose, exempt any establishment to which this Act applies from all or any specified provisions of this Act, and may, on any special occasion in connection with a fair or festival or a succession of public holidays, suspend for a specified period the operation of this Act.

## THE INDUSTRIAL STATISTICS ACT, 1942.

### ACT No XIX OF 1942.

[3rd April, 1942.]

*An Act to facilitate the collection of statistics of certain kinds relating to industries.*

WHEREAS it is expedient to facilitate the collection of statistics of certain kinds relating to industries;

It is hereby enacted as follows:

Short title, extent and commencement.

1. (1) This Act may be called THE INDUSTRIAL STATISTICS ACT, 1942.

(2) It extends to the whole of British India.

(3) It shall come into force in a Province on such date as the Provincial Government may, by notification in the official Gazette, appoint in this behalf for such Province.

Definition.

2. In this Act "prescribed" means prescribed in rules made under this Act or in any form prescribed by those rules.

Collection of statistics.

3. (1) The Provincial Government may, by notification in the official Gazette, direct that statistics shall be collected relating to any of the following matters, namely:—

(a) any matter relating to factories,  
(b) any of the following matters so far as they relate to welfare of labour and conditions of labour, namely:—

(i) prices of commodities,

(ii) attendance;

(iii) living conditions, including housing, water supply and sanitation;

(iv) indebtedness;

(v) rents of dwelling-houses;

(vi) wages and other earnings;

(vii) provident and other funds provided for labour;

(viii) benefits and amenities provided for labour;

(ix) hours of work;

(x) employment and unemployment;

(xi) industrial and labour disputes;

and thereupon the provisions of this Act shall apply to the collection of those statistics.

(2) In clause (a) of sub-section (1), "factory" means a factory as defined in clause (j) of section 2 of the Factories Act, 1934, or any premises deemed to be a factory in pursuance of a declaration made under sub-section (1) of section 5 of that Act.

Appointment of statistics authority.

4. The Provincial Government may appoint an officer to be the statistics authority for the purposes of the collection of any statistics under this Act.

5. (1) The statistics authority may serve or cause to be served on any person a notice requiring him to furnish, at such intervals and in such form

Power of statistics authority to call for returns and information.

and with such particulars as may be prescribed, such information or returns relating to any matter in respect of which statistics are to be collected and to such authority or person and in such manner and at such times as may be prescribed.

(2) The notice referred to in sub-section (1) may be served by post.

Right of access to record or document.

6. The statistics authority or any person authorized by him in writing in this behalf shall, for the purposes of the collection of any statistics under this Act, have access to any relevant record or document in the possession of any person required to furnish any information or return under this Act, and may enter at any reasonable time any premises wherein he believes such record or document to be, and may ask any question necessary for obtaining any information required to be furnished under this Act.

Restriction on the publication of returns and information.

7. (1) No individual return, and no part of an individual return, made, and no information with respect to any particular undertaking given, for the purposes of this Act, shall, without the previous consent in writing of the owner for the time being of the undertaking in relation to which the return or information was made or given or his authorized agent, be published in such manner as would enable any particulars to be identified as referring to a particular undertaking.

(2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code, no person not engaged in connection with the collection of statistics under this Act shall be permitted to see any individual return or information referred to in sub-section (1).

Penalties.

8. If any person required to furnish any information or any return—

(a) wilfully refuses or without lawful excuse neglects to furnish such information or return as required under this Act, or

(b) wilfully furnishes or causes to be furnished any information or return which he knows to be false, or

(c) refuses to answer or wilfully gives a false answer to any question necessary for obtaining any information required to be furnished under this Act, or if any person impedes

the right of access to relevant records and documents or the right of entry conferred by section 6, he shall for each such offence be punishable with fine which may extend to five hundred rupees, and in the case of a continuing offence to a further fine which may extend to two hundred rupees for each day after the first during which the offence continues, and in respect of false information, returns or answers the offence shall be deemed to continue until true information or a true return or answer has been given or made.

9. If any person engaged in connection with the collection of statistics under this Act wilfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both imprisonment and fine.

10. No prosecution under section 8 shall be instituted except by or with the sanction of the statistics authority and no prosecution under section 9 shall be instituted except by or with the sanction of the Provincial Government.

11. The Central Government may give directions to a Provincial Government as to the carrying into execution of this Act in the Province.

12. (1) The Provincial Government may, subject to the condition of previous publication by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, rules may be made under this section regulating the exercise of the right of access to documents and the right of entry conferred by section 6.

## THE MOTOR VEHICLES (AMENDMENT) ACT, 1942.

### ACT No. XX OF 1942.

[3rd April, 1942.]

*An Act further to amend the Motor Vehicles Act, 1939.*

WHEREAS it is expedient further to amend the Motor Vehicles Act, 1939, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

- Short title. 1. This Act may be called THE MOTOR VEHICLES (AMENDMENT) ACT, 1942.
- Amendment of section 3, Act IV of 1939. 2. In section 3 of the Motor Vehicles Act, 1939 (hereinafter referred to as the said Act), sub-section (3) shall be omitted.
- Amendment of section 4, Act IV of 1939. 3. In section 4 of the said Act sub-section (3) shall be omitted.
- Amendment of section 7, Act IV of 1939. 4. In section 7 of the said Act,—
- (a) in sub-section (6),—
- (i) the brackets and letter "(a)" at the beginning of clause (a), the word "or" at the end of that clause and the whole of clause (b) shall be omitted;
- (ii) in the second proviso, the words and figure "Part I of" shall be omitted;
- (b) in the proviso to sub-section (8), the whole of clause (a) and the brackets and letter "(b)" at the beginning of clause (b) shall be omitted.
- Amendment of section 14, Act IV of 1939. 5. In section 14 of the said Act,—
- (a) in sub-section (1), after the words "which are the property" the words "or for the time being under the exclusive control" shall be inserted;
- (b) in sub-section (3), after the words "which is the property" the words "or for the time being under the exclusive control" shall be inserted.
- Amendment of section 21, Act IV of 1939. 6. In sub-section (2) of section 21 of the said Act,—
- (a) for clause (b) the following clause shall be substituted, namely;—

“(b) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees:

Provided that no fee so fixed shall exceed two rupees;”;

(b) for clause (f) the following clause shall be substituted, namely:—

“(f) the exemption of prescribed persons, or prescribed classes of persons from payment of all or any or any portion of the fees payable under this Chapter;”.

Amendment of section 23, Act IV of 1939. 7. In section 23 of the said Act, the brackets and figure “(1)” at the beginning of sub-section (1) and the whole of sub-sections (2) and (3) shall be omitted.

Amendment of section 28 Act IV of 1939. 8. In section 28 of the said Act,—

(a) in sub-section (1), the words “or deemed to be registered under this Act” and the proviso to the sub-section shall be omitted;

(b) in sub-section (2), after the word and figures “April, 1926,” the words “or of any convention modifying the same,” shall be inserted.

Amendment of section 36, Act IV of 1939. 9. In sub-section (1) of section 36 of the said Act, the words “After the commencement of this Act,” and the proviso to the sub-section shall be omitted.

Amendment of section 38, Act IV of 1939. 10. In section 38 of the said Act sub-section (4) shall be omitted.

Amendment of section 39, Act IV of 1939. 11. In section 39 of the said Act,—

(a) in sub-section (1), after the words “which is the property” the words “or for the time being under the exclusive control” shall be inserted, and after the words “remains the property” the words “or under the exclusive control” shall be inserted;

(b) in sub-section (4), after the words “ceases to be the property” the words “or under the exclusive control” shall be inserted.

Amendment of section 41, Act IV of 1939. 12. In sub-section (2) of section 41 of the said Act,—

(a) to clause (a) the words “, the fees to be paid in respect of such appeals and the refund of such fees” shall be added;

(b) after clause (f) the following clause shall be inserted, namely:—

“(ff) the exemption of prescribed persons or prescribed classes of persons from payment of all or any or any portion of the fees payable under this Chapter;”;

(c) in clause (l), after the word “road-rollers” the words “, graders and other vehicles designed and used solely for the construction, repair and cleansing of roads” shall be inserted.

Amendment of section 44, Act IV of 1939. 13. To section 44 of the said Act the following sub-section shall be added, namely:—

“(5) The Provincial Transport Authority and any Regional Transport Authority, if authorized in this behalf by rules made under section 68, may delegate such of its powers and functions to such authority or person and subject to such restrictions, limitations and conditions as may be prescribed by the said rules.”

Amendment of section 62, Act IV of 1939. 14. In section 62 of the said Act, the brackets and figure “(1)” at the beginning of sub-section (1) and the whole of sub-section (2) shall be omitted.

Amendment of section 65, Act IV of 1939. 15. In sub-section (3) of section 65 of the said Act, after the words “The Provincial Government” the following shall be inserted, namely:—

“or, if authorized in this behalf by the Provincial Government by rules made under section 68, the Provincial or a Regional Transport Authority”.

Amendment of section 68, Act IV of 1939. 16. In sub-section (2) of section 68 of the said Act,—

(a) to clause (b) the words “, the fees to be paid in respect of such appeals and the refund of such fees” shall be added;

(b) after clause (g) the following clause shall be inserted, namely:—

“(gg) the exemption of prescribed persons or prescribed classes of persons from payment of all or any or any portion of the fees payable under this Chapter;”;

(c) for clause (w) the following clause shall be substituted, namely:—

“(w) the licensing of and the regulation of the conduct of agents or canvassers who engage in the sale of tickets for travel by public service vehicles or otherwise solicit custom for such vehicles;”.

Amendment of section 75, Act IV of 1939. 17. In sub-section (4) of section 75 of the said Act, after the word "Police" the following brackets and words shall be inserted, namely:—

"(or, in the Presidency-towns, the Chief Presidency Magistrate or the Commissioner of Police)."

18. (1) Section 78 of the said Act shall be renumbered as sub-section (1) of that section and in the sub-section as so renumbered, for the words and letter "a traffic sign included in Part A of the Ninth Schedule" the words "a mandatory traffic sign" shall be substituted.

(2) To the said section as so renumbered the following sub-section shall be added, namely:—

"(2) In this section "mandatory traffic sign" means a traffic sign included in Part A of the Ninth Schedule, or any traffic sign of similar form (that is to say, consisting of or including a circular disc displaying a device, word or figure and having a red ground or border) erected for the purpose of regulating motor vehicle traffic under sub-section (1) of section 75.

Amendment of section 92, Act IV of 1939. 19. In sub-section (3) of section 92 of the said Act, after the word and figures "April, 1926," the words "or any Convention modifying the same" shall be inserted.

Insertion of new section 129-A in Act IV of 1939. 20. After section 129 of the said Act the following section shall be inserted, namely:—

"129-A. Any police officer authorized in this behalf or other person authorized in this behalf by the Provincial Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of sub-section (1) of section 22 or without the permit required by sub-section (1) of section 42 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle."

Insertion of new section 133-A in Act IV of 1939. 21. After section 133 of the said Act the following section shall be inserted, namely:—

"133-A. (1) The Provincial Government may, for the purpose of carrying into effect the provisions of this Act, establish a Motor Vehicles Department and appoint as officers thereof such persons as it thinks fit.

(2) Every such officer shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(3) The Provincial Government may make rules to regulate the discharge by officers of the Motor Vehicles Department of their functions and in particular and without prejudice to the generality of the foregoing power to prescribe the uniform to be worn by them, the authorities to which they shall be subordinate, the duties to be performed by them, the powers (including the powers exercisable by police-officers under this Act) to be exercised by them, and the conditions governing the exercise of such powers."

Amendment of section 134, Act IV of 1939. 22. In section 134 of the said Act sub-sections (2), (4) and (5) shall be omitted.

Amendment of Fourth Schedule, Act IV of 1939. 23. In the Fourth Schedule to the said Act,—

(a) in the heading and in Parts A and B, after the words "the property", wherever they occur, the words "or for the time being under the exclusive control" shall be inserted;

(b) in Part B, to the entry in the second column the words "or any person authorized by him in this behalf" shall be added;

(c) in Part C, for the words beginning with "A broad arrow above two figures" and ending with "not more than four figures" the following shall be substituted, namely:—

"A broad arrow followed by not more than six figures, or a broad arrow followed by a single letter and not more than five figures."

Amendment of Eighth Schedule, Act IV of 1939. 24. In the Eighth Schedule to the said Act, in entry No. 2, clauses (a) and (b) shall be re-lettered as clauses (b) and (d), respectively, and the following shall be inserted as clauses (a) and (c), namely:—

"(a) if all the wheels are fitted with pneumatic tyres and the vehicle is a delivery van and is not drawing a trailer..... No limit.

(c) if all the wheels are fitted with pneumatic tyres and the registered laden weight of the vehicle does not exceed 17,000 pounds *avoirdupois* and the vehicle is not drawing a trailer..... 20"

## THE INDIAN COMPANIES (SECOND AMENDMENT) ACT, 1942.

Act No. XXI of 1942.

[1st October, 1942.

*An Act further to amend the Indian Companies Act, 1913.*

WHEREAS it is expedient further to amend the Indian Companies Act, 1913, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title and commen- 1. (1) This Act may be called THE INDIAN COMPANIES cement. (SECOND AMENDMENT) ACT, 1942.

(2) It shall come into force on such date (not earlier than one year from the date of its publication in the official Gazette after having received the assent of the Governor General) as the Central Government may, by notification in the official Gazette, appoint in this behalf.

Amendment of sec- 2. To section 277-F of the Indian Companies Act, 1913, the tion 277-F, Act VII of 1913. following proviso shall be added, namely:—

'Provided that any company which uses as part of the name under which it carries on business the word "bank", "banker" or "banking" shall be deemed to be a banking company notwithstanding that the accepting of deposits or money on current account or otherwise, subject to withdrawal by cheque, draft or order, is not, or is not shown to be, the principal business of the company.'

## THE INDIAN RUBBER CONTROL (TEMPORARY) AMENDMENT ACT, 1942.

Act No. XXII of 1942.

[1st October, 1942.

*An Act temporarily to amend the Indian Rubber Control Act, 1934.*

WHEREAS it is expedient temporarily to amend the Indian Rubber Control Act, 1934, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title. 1. This Act may be called THE INDIAN RUBBER CONTROL (TEMPORARY AMENDMENT) ACT, 1942.

Temporary amendment of section 45, Act XXVIII of 1934. 2. During the continuance of the present hostilities and for a period of six months thereafter, sub-section (1) of section 45 of the Indian Rubber Control Act, 1934, shall have effect as if—

(a) after the words "operation of all" the words "or any of" had been inserted, and

(b) the words "except those relating to the planting and export of rubber plants" had been omitted.

## THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1942.

Act No. XXIII of 1942.

[1st October, 1942.

*An Act further to amend the Code of Civil Procedure, 1908.*

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title. 1. This Act may be called, THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1942.

Amendment of First Schedule, Act V of 1908. 2. In the First Schedule to the Code of Civil Procedure, 1908, after Order XXVII, the following Order shall be inserted, namely:—



## "ORDER XXVII-A.

*Suits involving a substantial question of law as to the interpretation of the Government of India Act, 1935 or any Order-in-Council made thereunder.*

1. In any suit in which it appears to the Court that a substantial question of law as to the interpretation of the Government of India Act, 1935, or any Order-in-Council made thereunder is involved, the Court shall not proceed to determine that question until after notice has been given to the Advocate-General of India if the question of law concerns the Central Government and to the Advocate-General of the Province if the question of law concerns a Provincial Government.

2. The Court may at any stage of the proceedings order that the Central Government or a Provincial Government shall be added as a defendant in any suit involving a substantial question of law as to the interpretation of the Government of India Act, 1935, or any Order-in-Council made thereunder if the Advocate-General of India or the Advocate-General of the Province as the case may be, whether upon receipt of notice under rule 1, or otherwise, applies for such addition and the Court is satisfied that such addition is necessary or desirable for the satisfactory determination of the question of law involved.

3. Where under rule 2 Government is added as a defendant in a suit, the Advocate-General or the Government shall not be entitled to or liable for costs in the Court which ordered the addition unless the Court having regard to all the circumstances of the case for any special reason otherwise orders.

4. In the application of this Order to appeals the word 'defendant' shall be held to include a respondent and the word 'suit' an appeal."

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT)  
ACT, 1942.

ACT No. XXIV OF 1942.

[1st October, 1942.]

*An Act further to amend the Code of Civil Procedure, 1908.*

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

- Short title. 1. This Act may be called THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) ACT, 1942.
- Amendment of Order XXXIII, Act V of 1908. 2. In order XXXIII in the First Schedule to the Code of Civil Procedure, 1908,—
- (a) after rule 11, the following rule shall be inserted, namely:—
- "11-A. Where the suit abates by reason of the death of the plaintiff or of any person added as a co-plaintiff the Court shall order that the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper shall be recoverable by the Provincial Government from the estate of the deceased plaintiff."
- (b) in rule 12, for the words and figure "or rule 11" the words, figures and letter "rule 11 or rule 11-A" shall be substituted;
- (c) in rule 13, after the word and figure "rule 11" the word, figure and letter "rule 11-A" shall be inserted;
- (d) for rule 14, the following rule shall be substituted, namely:—
- "14. Where an order is made under rule 10, rule 11 or rule 11-A the Court shall forthwith cause a copy of the decree or order to be forwarded to the Collector, who may, without prejudice to any other mode of recovery, recover the amount of court-fees specified therein from the person or property liable for the payment as if it were an arrear of land revenue."
- Procedure where pauper suit abates.
- Recovery of amount of court-fees.

## THE REPEALING AND AMENDING ACT, 1942.

ACT No. XXV OF 1942

[1st October, 1942.

*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 expedient that certain amendments should be made in the enactments specified in the Second Schedule;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE REPEALING AND AMENDING ACT, 1942.

Repeal of certain enactments.

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

Amendment of certain enactments.

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

Savings.

4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such 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, recognised 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.

## THE FIRST SCHEDULE.

## REPEALS.

(See section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
<i>Acts of the Central Legislature.</i>			
1882	XII	The Indian Salt Act, 1882.	Clause (c) in section 7.
1926	XVI	The Indian Trade Unions Act, 1926.	Clauses (c) and (d) in section 14.
1937	II	The Indian Naval Armament (Amendment) Act, 1937.	The whole.
1937	III	The Land Customs (Amendment) Act, 1937.	Do.
1937	IV	The Indian Income-tax (Amendment) Act, 1937.	Do.
1937	V	The Indian Lac Cess (Amendment) Act, 1937.	Do.
1937	VII	The Workmen's Compensation (Amendment) Act, 1937.	Do.
1937	VIII	The Code of Civil Procedure (Amendment) Act, 1937.	Do.
1937	IX	The Code of Civil Procedure (Second Amendment) Act, 1937.	Do.
1937	X	The Indian Electricity (Amendment) Act, 1937.	Do.
1937	XI	The Indian Boilers (Amendment) Act, 1937.	Do.
1937	XII	The Contempt of Courts (Amendment) Act, 1937.	Do.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1937	XIII	The Indian Tea Cess (Amendment) Act, 1937.	The whole.
1937	XIV	The Indian Limitation (Amendment) Act, 1937.	Do.
1937	XV	The Indian Army (Amendment) Act, 1937.	Do.
1937	XVI	The Code of Civil Procedure (Third Amendment) Act, 1937.	Do.
1937	XVII	The Indian Red Cross Society (Amendment) Act, 1937.	Do.
1937	XX	The Repealing and Amending Act, 1937.	Do.
1937	XXI	The Indian Tariff (Amendment) Act, 1937.	Do.
1937	XXII	The Payment of Wages (Amendment) Act, 1937.	Do.
1937	XXVII	The Indian Tariff (Second Amendment) Act, 1937.	Do.
1937	XXVIII	The Indian Securities (Amendment) Act, 1937.	Do.
1937	XXIX	The Indian Mines (Amendment) Act, 1937.	Do.
1938	I	The Repealing Act, 1938	Do.
1938	II	The Indian Companies (Amendment) Act, 1938.	Do.
1938	III	The Dangerous Drugs (Amendment) Act, 1938.	Do.
1938	VI	The Destructive Insects and Pests (Amendment) Act, 1938.	Do.
1938	VII	The Child Marriage Restraint (Amendment) Act, 1938.	Do.
1938	IX	The Workmen's Compensation (Amendment) Act, 1938.	Do.
1938	X	The Cutchi Memons Act, 1938.	Section 4.
1938	XII	The Durgah Khawaja Saheb (Amendment) Act, 1938.	The whole.
1938	XIV	The Sugar Industry Protection (Temporary Extension) Act, 1938.	Do.
1938	XV	The Indian Coffee Cess (Amendment) Act, 1938.	Do.
1938	XVI	The Indian Tariff (Amendment) Act, 1938.	Do.
1938	XVII	The Trade Disputes (Amendment) Act, 1938.	Do.
1938	XVIII	The Delhi Joint Water Board (Amendment) Act, 1938.	Do.
1938	XIX	The Child Marriage Restraint (Second Amendment) Act, 1938.	Do.
1938	XXI	The Indian Emigration (Amendment) Act, 1938.	Do.
1938	XXII	The Indian Aircraft (Amendment) Act, 1938.	Do.
1938	XXIII	The Indian Tea Cess (Amendment) Act, 1938.	Do.
1938	XXV	The Prevention of Cruelty to Animals (Amendment) Act, 1938.	Do.
1938	XXVI	The Employment of Children Act, 1938.	Section 8.
1939	I	The Indian Tariff (Amendment) Act, 1939.	The whole.
1939	II	The Ajmer-Merwara Municipalities Regulation (Amendment) Act, 1939.	Do.
1939	III	The Destructive Insects and Pests (Amendment) Act, 1939.	Do.
1939	V	The Indian Cotton Cess (Amendment) Act, 1939.	Do.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1939	VI	The Indian Merchant Shipping (Amendment) Act, 1939.	The whole.
1939	VII	The Indian Income-tax (Amendment) Act, 1939.	Do.
1939	VIII	The Dissolution of Muslim Marriages Act, 1939.	Section 6.
1939	X	The Indian Merchant Shipping (Second Amendment) Act, 1939.	The whole.
1939	XI	The Insurance (Amendment) Act, 1939.	Do.
1939	XII	The Indian Patents and Designs (Amendment) Act, 1939.	Do.
1939	XIII	The Workmen's Compensation (Amendment) Act, 1939.	The proviso to subsection (2) of section 1 and section 2.
1939	XIV	The Cotton Ginning and Pressing Factories (Amendment) Act, 1939.	The whole.
1939	XV	The Employment of Children (Amendment) Act, 1939.	Do.
1939	XVII	The Indian Succession (Amendment) Act, 1939.	Do.
1939	XVIII	The Indian Tariff (Second Amendment) Act, 1939.	Do.
1939	XX	The Sugar Industry (Protection) Act, 1939.	Do.
1939	XXI	The Chittagong Port (Amendment) Act, 1939.	Do.
1939	XXII	The Criminal Law Amendment Act, 1939	Do.
1939	XXV	The Indian Salt (Amendment) Act, 1939.	Do.
1939	XXVI	The Code of Civil Procedure (Amendment) Act, 1939.	Do.
1939	XXVII	The Indian Tea Cess (Amendment) Act, 1939.	Do.
1939	XXIX	The Indian Tariff (Fourth Amendment) Act, 1939.	Section 2.
1939	XXXI	The Indian Carriage by Air (Amendment) Act, 1939.	The whole.
1939	XXXII	The Indian Rubber Control (Amendment) Act, 1939.	Do.
1939	XXXIII	The Indian Railways (Amendment) Act, 1939.	Do.
1939	XXXIV	The Repealing and Amending Act, 1939.	Do.
1939	XXXVII	The Indian Aircraft (Amendment) Act, 1939.	Do.
1939	XXXVIII	The Panth Piploda Courts (Amendment) Act, 1939.	Do.
1939	XXXIX	The Indian Oaths (Amendment) Act, 1939.	Do.
1939	XL	The Motor Vehicles (Amendment) Act, 1939.	Do.
1939	XLI	The Insurance (Second Amendment) Act, 1939.	Do.
1937	..	<i>Acts of the Governor-General.</i> The Indian Finance Act, 1937.	In the long title and preamble, the words and figures commencing "to fix the duty on salt" and ending "Indian Post Office Act, 1898, and". Sections 2, 3, 4, 5 and 6 and the Schedule.
1938	..	The Indian Finance Act, 1938.	In the long title and preamble, the words and figures commencing "to fix the duty on

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1939	..	The Indian Finance Act, 1939.	salt" and ending "Indian Post Office Act, 1898, and". Sections 2 and 3 and the Schedule 2.
1939	..	The Indian Tariff (Third Amendment) Act, 1939.	In the long title and preamble, the words and figures commencing "to fix the duty on salt" and ending "Indian Post Office Act, 1898, and". Sections 2, 3, 4 and 5 and Schedule I.
1939	..	The Indian Naval Reserve Forces (Discipline) Act, 1939.	The whole.
1939	..	<i>Regulations made by the Governor-General in Council.</i>	Section 8.
1937	I	The Sonthal Parganas Justice (Amendment) Regulation, 1937.	The whole.
1937	II	The Sonthal Parganas Rent (Amendment) Regulation, 1937.	Do.
1937	III	The Sonthal Parganas Settlement (Amendment) Regulation, 1937.	Do.
1937	VI	The Orissa Laws (Amendment) Regulation, 1937.	Do.
1937	IX	The Khondmals Laws (Amendment) Regulation, 1937.	Do.
1937	X	The Angul Laws (Amendment) Regulation, 1937.	Do.
1937	..	<i>Regulations made by the Governor-General.</i>	
1939	I	The Andaman and Nicobar Islands Fisheries (Amendment) Regulation, 1939.	Do.
1939	III	The British Baluchistan Laws (First Amendment) Regulation, 1939.	Do.
1939	IV	The British Baluchistan Frontier Crossing Regulation, 1939.	Sub-section (1) of section 8.
1939	V	The British Baluchistan Laws (Second Amendment) Regulation, 1939.	The whole.
1939	VI	The British Baluchistan Criminal and Civil Justice and Laws Extension Regulation, 1939.	Sections 2, 3 and 4.
1939	VII	The British Baluchistan Courts Regulation, 1939.	Section 40.

## THE SECOND SCHEDULE.

## AMENDMENTS.

(See section 3.)

Year.	No.	Short title.	Amendments.
1	2	3	4
1908	V	<i>Acts of the Central Legislature</i> The Code of Civil Procedure, 1908.	In the First Schedule, in rule 48 of Order XXI,—

Year. 1	No. 2	Short title. 3	Amendments. 4
			<p>(a) in sub-rule (1), for the words "the Central Government or the Provincial Government may by notification in their official Gazette" the words "the appropriate Government may by notification in the official Gazette" shall be substituted;</p> <p>(b) in sub-rule (2), for the words "the Central Government or the Provincial Government, as the case may be" the words "the appropriate Government" shall be substituted;</p> <p>(c) in sub-rule (3), for the words "the Central Government or the Provincial Government", in both places where the words occur, the words "the appropriate Government" shall be substituted;</p> <p>(d) after sub-rule (3) the following Explanation shall be added namely:— 'Explanation.—In this rule "appropriate Government" means—</p> <p>(i) as respects any public officer in the service of the Central Government, or any servant of a Federal Railway or of a cantonment authority or of the port authority of a major port the Central Government;</p> <p>(ii) as respects any public officer employed in connection with the exercise of the functions of the Crown in its relations with Indian States, the Crown Representative; and</p> <p>(iii) as respects any other public officer or a servant of any other railway or local authority, the Provincial Government.'</p>
1922	XI	The Indian Income-tax Act, 1922.	At the end of clause (gg) in section 54 (3) the word "or" shall be inserted.
1925	XIX	The Provident Funds Act, 1925.	In clause (d) of section 2, for the words "its employees" the words "persons in the service of the Crown" shall be substituted.
1934	XXXIV	The Indian Navy (Discipline) Act, 1934.	In section 53 of the Naval Discipline Act as set out in the First Schedule to the Indian Navy (Discipline) Act, 1934,— (i) in clause (1), for the words "shall not be exercisable by the Provincial Government" the words "shall be exercisable by the Central Government and not by the Provincial Government" shall be substituted; (ii) in clause (9), the words "and hard labour, or either of them" shall be omitted.
1938	IV	The Insurance Act, 1938.	In the heading preceding, the marginal note to, and sub-section (4) of section 33, for the word "inspection," the word "investigation" shall be substituted. In sub-section (3) of section 82, for the words, brackets and figure "sub-sec-

Year.	No.	Short title.	Amendments.
1	2	3	4
1940	X	The Arbitration Act, 1940	tion (1) of this sub-section" the words, brackets and figure "sub-section (1) of this section" shall be substituted.
1941	XII	The Delhi Restriction of Uses of Land Act, 1941.	In section 46, after the figure "12" the figure "36" shall be inserted.
1942	XIX	The Industrial Statistics Act, 1942.	In the proviso to sub-section (2) of section 8, for the brackets and figure "(4)" the brackets and figure "(7)" shall be substituted.
1890	III	<i>Act of the Lieutenant-Governor of Bengal in Council.</i> The Calcutta Port Act, 1890	In section 8, for the words "to a further fine" the words "with a further fine" shall be substituted.
1890	III	<i>Act of the Lieutenant-Governor of Bengal in Council.</i> The Calcutta Port Act, 1890	In section 5, for clauses (v) and (vii) the following clauses shall be substituted, respectively, namely:— "(v) The General Manager, Bengal and Assam Railway, <i>ex officio</i> "; "(vii) The Principal Officer, Mercantile Marine Department, Calcutta District, <i>ex officio</i> , and".
1914	V	<i>Act of the Governor of Bengal in Council.</i> The Chittagong Port Act, 1914	For the words "Assam-Bengal Railway" and "Assam-Bengal Railway Company," wherever they occur, the words "Bengal and Assam Railway" shall be substituted.
1891	VII	<i>Regulation made by the Governor-General in Council.</i> The Assam Forest Regulation, 1891.	In sub-section (3) of section 37, the words "in the province" shall be omitted.

## THE FEDERAL COURT (SUPPLEMENTAL POWERS) ACT, 1942.

Act No. XXVI OF 1942.

[1st October, 1942.

*An Act to confer supplemental powers on the Federal Court.*

WHEREAS it is expedient to confer certain supplemental powers on the Federal Court; It is hereby enacted as follows:—

Short title.

1. This Act may be called THE FEDERAL COURT (SUPPLEMENTAL POWERS) ACT, 1942.

2. The Federal Court shall have power to delegate to the Registrar of the Court or any other official of the Court, by name or generally by designation, any judicial, quasi-judicial and non-judicial duties and the Registrar or such official in the discharge of any such delegated duties shall have power to administer oaths.

# MADRAS ACTS, 1942.

## THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT) ACT, 1942.

ACT No. 1 OF 1942.

[7th February, 1942.]

*An Act further to amend the Madras District Municipalities Act, 1920.*

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT) ACT, 1942.

Amendment of section 51, Madras Act V of 1920.

2. In sub-section (1) of section 51 of the Madras District Municipalities Act, 1920, after the words "at the request of the council", the words "or on a direction from the Provincial Government" shall be inserted.

## THE MADRAS REGISTRATION OF BIRTHS AND DEATHS (AMENDMENT) ACT, 1942.

ACT No. II OF 1942.

[17th February, 1942.]

*An Act further to amend the Madras Registration of Births and Deaths Act, 1899.*

WHEREAS it is expedient further to amend the Madras Registration of Births and Deaths Act, 1899, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS REGISTRATION OF BIRTHS AND DEATHS (AMENDMENT) ACT, 1942.

Substitution of new section for section 16, Madras Act III of 1899.

2. For section 16 of the Madras Registration of Births and Deaths Act, 1899 (hereinafter referred to as the said Act), the following section shall be substituted, namely:—

"16. Where the birth of any child has been registered without a name, the parent or guardian of such child shall, within thirteen months of the date of its birth, give information regarding the name of the child to the registrar either orally or in writing, and thereupon the registrar shall enter such name in the register and initial and date the entry."

Amendment of section 18, Madras Act III of 1899.

3. In clause (1) of section 18 of the said Act, for the word and figures "and 12", the figures and word "12, and 16" shall be substituted.



## THE MADRAS UNIVERSITY (AMENDMENT) ACT, 1942.

ACT No. III OF 1942.

[18th February, 1942.]

*An Act further to amend the Madras University Act, 1923.*

WHEREAS doubts have arisen as to whether the quorum prescribed by sub-section (2) of section 17 of the Madras University Act, 1923, for meetings of the Senate, should be present at convocations of the University and meetings of the Senate, held for the purpose of conferring degrees, titles, diplomas and other academic distinctions;

AND WHEREAS it is expedient to remove those doubts and also to validate the proceedings at all convocations and meetings held for the purpose aforesaid, at which the said quorum was not present;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title. 1. This Act may be called THE MADRAS UNIVERSITY (AMENDMENT) ACT, 1942.

Amendment of section 17, Madras Act VII of 1923. 2. To sub-section (2) of section 17 of the Madras University Act, 1923 (hereinafter referred to as the said Act), the following proviso shall be added, namely:—

“Provided that such quorum shall not be required at a convocation of the University or a meeting of the Senate, held for the purpose of conferring degrees, titles, diplomas or other academic distinctions.”

3. No degree, title, diploma or other academic distinction conferred at any convocation of the University or meeting of the Senate, held before the commencement of this Act, shall be deemed to be invalid merely on the ground that the quorum prescribed by sub-section (2) of section 17 of the said Act was not present at such convocation or meeting.

Validation of degrees, titles, etc., already conferred.

of the University or meeting of the Senate, held before the commencement of this Act, shall be deemed to be invalid merely on the ground that the quorum prescribed by sub-section (2) of section 17 of the said Act was not present at such convocation or meeting.

## THE MADRAS FINANCE ACT, 1942.

ACT No. IV OF 1942.

[14th March, 1942.]

*An Act to continue the reduction in the scale of tax leviable under the Madras General Sales Tax Act, 1939, for the year beginning on the 1st day of April, 1942.*

WHEREAS the Madras Finance Act, 1940, reduced the scale of tax leviable under the Madras General Sales Tax Act, 1939, for the year beginning on the 1st day of April, 1940 and the Madras Finance Act, 1941, continued the reduction for the year beginning on the 1st day of April, 1941;

AND WHEREAS it is expedient to continue the reduction in the scale of tax leviable as aforesaid, for the year beginning on the 1st day of April, 1942;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and extent. 1. (1) This Act may be called THE MADRAS FINANCE ACT, 1942.

(2) It extends to the whole of the Province of Madras.

2. Sub-section (1) of section 3 of the Madras General Sales Tax Act, 1939, shall, in regard to the tax payable for the year beginning on the 1st day of April 1942, be construed as if for the words “Five rupees” the words “Four rupees” and for the words “One-half of one per cent” the words “One-quarter of one per cent” were substituted.

Amendment of section 3, Madras Act IX of 1939.

## THE MADRAS UNIVERSITY (SECOND AMENDMENT) ACT, 1942.

AcR No. V OF 1942.

[28th March, 1942.

*An Act further to amend the Madras University Act, 1923.*

WHEREAS it is expedient further to amend the Madras University Act, 1923, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature:

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title. 1. This Act may be called THE MADRAS UNIVERSITY (SECOND AMENDMENT) ACT, 1942.

2. (1) Notwithstanding anything contained in the first paragraph of sub-section (b) of section 14, of section 18 and of section 23 of the Madras University Act, 1923 (hereinafter referred to as the said Act) but subject to the other provisions of the said sections, the Chancellor may extend, for a period not exceeding six months at a time, the term of office of—

(i) the elected and nominated members of the Senate of the University of Madras who were holding office as such on the 25th day of January, 1942; and

(ii) the elected and nominated members of the Syndicate and the Academic Council of the University of Madras who hold office as such on the 30th day of March, 1942:

Provided that the period of such extension shall not continue beyond the 31st day of March, 1944.

(2) Notwithstanding anything contained in section 38 of the said Act, the Chancellor may direct the postponement, for a period not exceeding six months at a time, of the election or nomination to any vacancy existing on or arising after, the 31st day of March, 1942 among the members of the Senate, the Syndicate or the Academic Council of the said University:

Provided that the period of such postponement shall not continue beyond the 31st day of March, 1944.

Commencement, etc. 3. (1) Sub-section (1) of section 2 shall be deemed to have come into operation on the 25th day of January, 1942.

(2) Where the Chancellor has under sub-section (1) of section 2 extended the term of office of any member of the Senate, the Syndicate or the Academic Council of the University of Madras, such member shall be deemed to have continued in office on and from the date on which he vacated or would have vacated office, if his term had not been so extended.

## THE MADRAS CITY MUNICIPAL, DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) ACT, 1942.

ACT No. VI OF 1942.

[31st March, 1942.

*An Act further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920.*

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, as amended by Madras Act XVII of 1941, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title, 1942. 1. This Act may be called THE MADRAS CITY MUNICIPAL, DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) ACT,

2. (1) The term of office of the councillors and aldermen of the Corporation of Madras which, by virtue of section 2 of Madras Act XVII of 1941, extends up to noon on the first day of April, 1942, shall extend instead up to noon on the first day of November, 1942, and the provisions of the Madras City Municipal Act, 1919, as amended by section 2 aforesaid and this section shall have effect accordingly:

Extension of the term of office of the councillors and aldermen of the Corporation of Madras.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall expire at noon on such earlier date as may be fixed by them and from time to time postpone any date so fixed and fix instead another date not being later than the first day of November, 1942.

(2) Where any date earlier than the first day of November 1942, is fixed under the proviso to sub-section (1), the provisions of the Madras City Municipal Act, 1919, shall be subject to the following modifications, namely:—

(a) The Provincial Government shall cause elections and appointments of councillors and aldermen to be held or made to the council, so that the newly elected or appointed councillors and aldermen may come into office on the date fixed under the proviso aforesaid.

(b) The term of office of the newly elected or appointed councillors and aldermen shall, subject to the provisions of the Madras City Municipal Act, 1919, expire at noon on the first day of November 1945.

(c) The election of the Mayor, Deputy Mayor and members of the Standing Committees shall be held at the first meeting of the council held, after the date referred to in clause (a), and the election of the Chairman of each Standing Committee shall be held at the first meeting of such committee.

(d) The Provincial Government shall have power to direct that the election of the Mayor and Deputy Mayor shall not be held, as required by sub-section (1) of section 28 of the Madras City Municipal Act 1919, at the first meeting of the council held after the first day of November 1942.

3. (1) The term of office of the councillors of every municipality constituted under the Madras District Municipalities Act, 1920, which, by virtue of section 3 of Madras Act XVII of 1941, extends up to noon on the first day of April 1942, shall extend instead up to noon on the first day of November 1942, and the provisions of the Madras District Municipalities Act, 1920, as amended by section 3 aforesaid and this section shall have effect accordingly:

Extension of the term of office of the councillors of certain district municipalities.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall, in the case of any municipality, expire at noon on such earlier date as may be fixed by them and from time to time to postpone any date so fixed and fix instead another date not being later than the first day of November 1942.

(2) Where any date earlier than the first day of November 1942 is fixed under the proviso to sub section (1), the provisions of the Madras District Municipalities Act, 1920, shall be subject to the following modifications, namely:—

(a) The Provincial Government shall cause elections to be held to each of the municipalities referred to in sub-section (1), so that the newly elected councillors may come into office on the date fixed under the proviso aforesaid.

(b) The term of office of the newly elected councillors shall, subject to the provisions of the Madras District Municipalities Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on the first day of November 1945.

4. (1) The term of office of the members of every local board constituted under the Madras Local Boards Act, 1920, and situated in any of the districts included in Group I or Group II of the Schedule to the Madras Local Boards (Amendment) Act, 1935, which, by virtue of section 4 of the Madras Act XVII of 1941, extends up to noon on the first day of April 1942, shall extend instead up to noon on the first day of November 1942, and the provisions of the Madras Local Boards Act, 1920, as amended by section 4 aforesaid and this section, shall have effect accordingly:

Extension of the term of office of the members of certain local boards.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall in the case of any local board expire at noon on such earlier date as may be fixed by them and from time to time to postpone any date so fixed and fix instead another date not being later than the first day of November 1942.

(2) Where any date earlier than the first day of November 1942 is fixed under the proviso to sub-section (1), the provisions of the Madras Local Boards Act, 1920, shall be subject to the following modifications, namely:—

(a) The Provincial Government shall cause elections to be held to each of the local boards referred to in sub-section (1), so that the newly elected members may come into office on the date fixed under the proviso aforesaid.

(b) The term of office of the newly elected members shall, subject to the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on the first day of November 1945.

5. If any difficulty arises in giving effect to the provisions of this Act, or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920 or the Madras Local Boards Act, 1920, as amended by Madra. Act XVII of 1941 and this Act, the Provincial Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

## THE MADRAS DISTRICT MUNICIPALITIES (SECOND AMENDMENT) ACT, 1942.

ACT No. VII OF 1942.

[28th March, 1942.

*An Act further to amend the Madras District Municipalities Act, 1920, for a certain purpose.*  
WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS DISTRICT MUNICIPALITIES (SECOND AMENDMENT) ACT, 1942.

Amendment of section 120, Madras Act V of 1920.

2. In section 120 of the Madras District Municipalities Act, 1920, the words "before the end of December" shall be omitted.

## THE TANJORE CHATTRAM ENDOWMENTS (UTILIZATION) ACT, 1942.

ACT No. VIII OF 1942.

[3rd April, 1942.

*An Act to validate the making of contributions from the funds of the Tanjore Chattram Endowments towards the maintenance of certain educational and medical institutions.*

WHEREAS the Mahratta Rulers of Tanjore founded a number of chattrams on the main road to Rameswaram for the accommodation of pilgrims and created various endowments in connexion therewith;

AND WHEREAS no documents expressly defining the objects of the said endowments are now available;

AND WHEREAS the income from the said endowments has for over a century been utilized not only for feeding and otherwise helping pilgrims to Rameswaram but also for other charitable purposes such as the maintenance of schools and the distribution of medicines;

AND WHEREAS by virtue of the Madras Endowments and Escheats Regulation, 1817, the general superintendence of the said endowments was vested in the Board of Revenue;

AND WHEREAS the management and superintendence of the said endowments were transferred later to the Tanjore District Board;

AND WHEREAS contributions from the funds of the said endowments have for a long time been made by the Tanjore District Board towards the maintenance of the institutions specified in the Schedule;

AND WHEREAS doubts are entertained as regards the validity of such contributions and it is expedient to remove such doubts;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE TANJORE CHATTRAM ENDOWMENTS (UTILIZATION) ACT, 1942.

2. The Tanjore District Board or such other authority or person as may for the time being have the management and superintendence of the Tanjore Chattram Endowments may, subject to such restrictions and conditions, if any, as may be imposed by the Provincial Government, contribute from the income derived from the said Endowments towards the expenditure incurred in the maintenance of the institutions specified in the Schedule.
3. All contributions made before the commencement of this Act from the funds of the said Endowments towards the maintenance of the said institutions shall be deemed to have been properly made, and the validity thereof shall not be questioned in any Court of law.

THE SCHEDULE.

*Educational institutions.*

1. The Sanskrit College, Tiruvadi.
2. The High School, Orattanad.
3. The School at Rajamadam (now known as the Middle School, Rajamadam).
4. The Girls' School, Nidamangalam.
5. The Free Mahratta School, Tanjore.
6. The Hostel for Harijan Boys at Sreyaschatram.

*Medical institutions.*

1. The Raja Mirasdar Hospital, Tanjore.
2. The Local Fund Dispensary, Meimisal.
3. The Local Fund Dispensary, Nidamangalam.
4. The Local Fund Dispensary, Tiruvadi.
5. The Local Fund Dispensary, Orattanad.
6. The Local Fund Dispensary, Manamelkudi.

THE ANDHRA UNIVERSITY (AMENDMENT) ACT, 1942.

ACT No. IX OF 1942.

[26th April, 1942.]

*An Act further to amend the Andhra University Act, 1925.*

WHEREAS it is expedient further to amend the Andhra University Act, 1925, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and commencement. 1. (1) This Act may be called THE ANDHRA UNIVERSITY (AMENDMENT) ACT, 1942.

(2) It shall be deemed to have come into force on the 6th day of April, 1942.

Amendment of section 12, Madras Act II of 1926. 2. In clause (a) of sub-section (2) of section 12 of the Andhra University Act, 1925—

(i) for the words "with the sanction of the Chancellor", the words "subject to the control of the Chancellor" shall be substituted; and

(ii) after the words "report the action taken", the words "to the Chancellor and" shall be inserted.

THE MADRAS UNIVERSITY (THIRD AMENDMENT) ACT, 1942.

ACT No. X OF 1942.

[19th May, 1942.]

*An Act further to amend the Madras University Act, 1923.*

WHEREAS it is expedient further to amend the Madras University Act, 1923, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is

pleased to enact as follows:—

Short title and commencement. 1. (1) This Act may be called THE MADRAS UNIVERSITY (THIRD AMENDMENT) ACT, 1942.

(2) It shall be deemed to have come into force on the 15th day of April, 1942.

Amendment of section 12, Madras Act VII of 1923. 2. In clause (a) of sub-section (4) of section 12 of the Madras University Act, 1923—

(i) for the words "with the sanction of the Chancellor or Pro-Chancellor", the words "subject to the Control of the Chancellor" shall be substituted; and

(ii) after the words "report his action", the words "to the Chancellor and" shall be inserted.

## THE RAJAPALAYAM MUNICIPAL EXECUTIVE AUTHORITY (FUNCTIONS VALIDATION) ACT, 1942.

ACT No. XI OF 1942.

[19th May, 1942.

*An Act to validate acts done and proceedings taken by Sri A. C. Kandappa Pillai as executive authority of the Rajapalayam municipality prior to his appointment as such.*

WHEREAS under section 368 of the Madras District Municipalities Act, 1920, Sri A. C. Kandappa Pillai was appointed special officer for the newly constituted Rajapalayam municipality to exercise the powers, discharge the duties and perform the functions of the municipal council, its chairman and executive authority pending the constitution of the council and the election of its chairman;

AND WHEREAS the Rajapalayam municipal council was duly constituted and its chairman was duly elected on the 13th day of June, 1941;

AND WHEREAS on the election of the chairman, the powers, duties and functions of the executive authority became vested in him;

AND WHEREAS even after the election of the chairman, the said Sri A. C. Kandappa Pillai in good faith but without lawful authority continued to exercise the powers, discharge the duties and perform the functions of the executive authority of the Rajapalayam municipality until the 23rd day of October, 1941, on which date he was duly appointed as commissioner of the municipality;

AND WHEREAS it is necessary to validate all acts done and proceedings taken by the said Sri A. C. Kandappa Pillai as executive authority of the said municipality on and from the 13th day of June, 1941, to the 23rd day of October, 1941;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title. 1. This Act may be called THE RAJAPALAYAM MUNICIPAL EXECUTIVE AUTHORITY (FUNCTIONS VALIDATION) ACT, 1942.

2. All acts done and proceedings taken by Sri A. C. Kandappa Pillai as executive authority of the Rajapalayam municipality on and from the 13th day of June, 1941, up to the 23rd day of October, 1941, shall have the same validity and effect as if he had been duly appointed commissioner of the said municipality on the 13th day of June, 1941.

## THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) ACT, 1942.

ACT No. XII OF 1942.

[24th May, 1942.

*An Act further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920.*

WHEREAS it is expedient further to amend the Madras District Municipalities Act 1920, and the Madras Local Boards Act, 1920, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and commencement. 1. (1) This Act may be called THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) ACT, 1942.

(2) It shall be deemed to have come into force on the 21st day of March, 1941.

Amendment of section 77, Madras Act V of 1920. 2. For sub-section (3) of section 77 of the Madras District Municipalities Act, 1920, the following sub-section shall be substituted, namely:—

“(3) No Government servant employed by a municipal council shall be dismissed or removed from such employment—

(a) in case he is employed as a medical officer, without the consent of the Provincial Government; and

(b) in any other case, without the consent of the Provincial Government or until three months' notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which the Government servant belongs.”

Amendment of section 74, Madras Act XIV of 1920. 3. For sub-section (3) of section 74 of the Madras Local Boards Act, 1920, the following sub-section shall be substituted, namely:—

“(3) No Government servant employed by a local board shall be dismissed or removed from such employment—

(a) in case he is employed as a medical officer, without the consent of the Provincial Government; and

(b) in any other case, without the consent of the Provincial Government or until three months' notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which the Government servant belongs”.

## THE MADRAS IRRIGATION (VOLUNTARY CESS) ACT, 1942.

ACT No. XIII OF 1942.

[8th June, 1942.]

*An Act to provide for the levy of a voluntary cess for the maintenance of certain irrigation and drainage works serving ryotwari tracts in the Province of Madras.*

WHEREAS it is expedient to provide for the levy of a cess for the maintenance of certain irrigation and drainage works serving ryotwari tracts in the Province of Madras, where the registered holders of not less than two-thirds of the lands served by such works so desire;

AND WHEREAS the Governor of Madras has, by a Proclamation under the section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title, extent and commencement. 1. (1) This Act may be called THE MADRAS IRRIGATION (VOLUNTARY CESS) ACT, 1942.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once, and the rest of this Act shall come into force on such date as the Provincial Government may, by notification in the *Fort St. George Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) 'drainage work' includes—

(a) channels, either natural or artificial, for the discharge of waste or surplus water and all works connected with or auxiliary to such channels, and

(b) escape channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion,

which are owned or controlled by the Provincial Government, or which are maintained by them otherwise than by an assignment of land or land revenue, or which, having been constructed by the Government or being maintained by an assignment of land or land revenue made by them, have not been made over to any person,

but does not include works for the removal of sewage;

(2) 'estate' shall have the same meaning as in the Madras Estates Land Act, 1908;

(3) 'irrigation work' includes—

(a) all canals, channels, tanks, wells and reservoirs used for the supply or storage of water and all works, embankments and structures (other than escape channels) connected therewith,

which are owned or controlled by the Provincial Government, or which are maintained by them otherwise than by an assignment of land or land revenue, or which, having been constructed by the Government or being maintained by an assignment of land or land revenue made by them, have not been made over to any person;

(b) all such lakes and other natural collections of water or parts thereof as are not situate in an estate or estates or on lands held by registered holders;

(c) all lands used for the purpose of the irrigation works referred to in sub-clauses (a) and (b) and all buildings, machinery, fences, gates and other erections occupied by, or belonging to, the Provincial Government on such lands; and

(d) all such rivers and natural streams or parts thereof as are not situate in an estate or estates or on lands held by registered holders, and all rivers in so far as they are navigable;

(4) 'registered holder' means any person in whose name land not included in an estate is for the time being registered in the revenue accounts of Government.

3. Whenever the registered holders of not less than two-thirds of the lands served by any irrigation or drainage work so desire, the Provincial Government may levy an annual cess from all the registered holders of lands served by such work, at such rate per acre as the Provincial Government may from time to time determine, but not exceeding the maximum rate agreed to by the registered holders of not less than two-thirds of the lands served by such work:

Provided that no cess shall be levied under this section unless the maximum rate aforesaid has been published in the village or villages concerned.

Manner of determining and administering cess. 4. The cess shall be determined and administered in such manner as may be prescribed by rules made under this Act.

5. The cess shall, on demand, be payable by the registered holder or any of the joint registered holders, as the case may be, and if not paid, may be recovered from such holder or any of such holders, as if it were an arrear of land revenue.

6. The Provincial Government may at any time cancel the levy of the cess or reduce the rate at which it is being levied, and shall do so, whenever the registered holders of not less than two-thirds of the lands served by such work so desire. In the latter case, the cancellation or reduction shall take effect on such date as the Provincial Government may direct, not being later than the commencement of the revenue year next succeeding.

District Collector to determine certain questions. 7. If any question arises as to whether any land is or is not served by an irrigation or drainage work, it shall be referred to the District Collector whose decision shall be final.

8. Nothing in this Act shall affect the rights and obligations of the registered holders of lands served by any work to which the Madras Compulsory Labour Act, 1858, applies provided that no customary aid shall be requisitioned under section 6 of the said Act during any period in respect of which a cess is levied under this Act.

Bar of jurisdiction of Civil Courts. 9. No Civil Court shall have authority to take into consideration or decide any question as to the validity or rate of any cess levied under this Act.

Power to make rules. 10. (1) The Provincial Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules as to—

(a) the manner in which, and the authority or authorities through whom, applications from registered holders under section 3 or section 6 shall be submitted to the Provincial Government;

(b) the method of ascertaining the desire of the registered holders of any land where there are two or more registered holders of such land, for all or any of the purposes specified in this Act or in the rules made thereunder;

(c) the determination and the administration of any cess levied under this Act.

(3) All rules made under this section shall be published in the *Fort St. George Gazette*, and upon such publication, shall have effect as if enacted in this Act.



## THE INDIAN TOLLS (MADRAS AMENDMENT) ACT, 1942.

ACT No. XIV OF 1942.

[9th June, 1942.]

*An Act further to amend the Indian Tolls Act, 1851, in its application to the Province of Madras.*

WHEREAS it is expedient further to amend the Indian Tolls Act, 1851, in its application to the Province of Madras, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and commencement. 1. (1) This Act may be called THE INDIAN TOLLS (MADRAS AMENDMENT) ACT, 1942.

(2) It shall be deemed to have come into force on the 19th day of April, 1938.

Amendment of section 2, 1851 (hereinafter referred to as the said Act) shall be lettered as clause (a) of that sub-section and to the sub-section as so lettered, the following clause shall be added, namely:—

“(b) The Provincial Government may farm out the collection of the tolls levied under sub-section (1) and in such a case the farmer and his agents and servants shall be deemed to be persons appointed to collect tolls under this Act.”

Amendment of section 3, Act VIII of 1851. 3. In section 3 of the said Act, for the words “officers appointed to collect the same”, the words “officers and persons appointed to collect the same” shall be substituted.

Amendment of section 9, Act VIII of 1851. 4. In section 9 of the said Act, after the words “method of collection of the tolls”, the words “including the terms and conditions of the farming out thereof” shall be inserted.

## THE MADRAS CITY MUNICIPAL (AMENDMENT) ACT, 1942.

ACT No. XV OF 1942.

[22nd June, 1942.]

*An Act further to amend the Madras City Municipal Act, 1919.*

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title. 1. This Act may be called THE MADRAS CITY MUNICIPAL (AMENDMENT) ACT, 1942,

Amendment of section 279, Madras Act IV of 1919. 2. In sub-section (1) of section 279 of the Madras City Municipal Act, 1919 (hereinafter referred to as the said Act), after the first paragraph ending with the words “or prepared for sale”, the following proviso shall be inserted, namely:—

“Provided that no such licence shall be required for a lodging house as defined in the Madras Public Health Act, 1939, if the keeper thereof has been registered under that Act.”

Amendment of section 288, Madras Act IV of 1919. 3. In section 288 of the said Act—

(i) in clause (b) of sub-section (1), for the words “as aforesaid shall before beginning such construction”, the following shall be substituted, namely:—

“as aforesaid, not being machinery or manufacturing plant exempted by rules, shall before beginning such construction”;

(ii) for sub-section (7), the following sub-section shall be substituted, namely:—

“(7) The grant of permission under this section—

(a) shall, in regard to the replacement of machinery, the levy of fees, the conditions to be observed, and the like, be subject to such restrictions and control as may be prescribed; and

(b) shall not be deemed to dispense with the necessity for compliance with the provisions of sections 234 and 236 or sections 248 and 249, as the case may be."

Amendment of Schedule VIII, Madras Act IV of 1919. 4. In Schedule VIII to the said Act, after the item relating to section 209, the following item shall be inserted, namely:—

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(3)
"215		Failure to provide streets or roads on building sites prior to disposal.	Ten rupees."

### THE PERIYAR IRRIGATION TANKS (PRESERVATION) AMENDMENT ACT, 1942.

ACT No. XVI OF 1942.

[11th July, 1942.

An Act to amend the Periyar Irrigation Tanks (Preservation) Act, 1934, for a certain purpose.

WHEREAS it is expedient to amend the Periyar Irrigation Tanks (Preservation) Act, 1934, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE PERIYAR IRRIGATION TANKS (PRESERVATION) AMENDMENT ACT, 1942.

Amendment of section 8, Madras Act V of 1934.

2. In sub-section (2) of section 8 of the Periyar Irrigation Tanks (Preservation) Act, 1934—

(i) in clause (a), for the words "total average area", the words, brackets and figure "aggregate of (i) the total average area in the estate or estates concerned" shall be substituted;

(ii) in the same clause, the following words, brackets and figure shall be added at the end, namely:—

"and (ii) the total average area of ryotwari wet lands, if any, held under, and of ryotwari wet and dry lands, if any, irrigated with permission from, such tank during the three faslis aforesaid";

(iii) in clause (b), for the words "the total average area", the words "the aggregate area" shall be substituted;

(iv) after Illustration (4), the following Note and Illustrations shall be added, namely:—

"NOTE.—In Illustrations (1) to (4), it is assumed (a) that there are no ryotwari wet lands under the tank, and (b) that there are no ryotwari wet or dry lands irrigated with permission from the tank.

(5) The facts are the same as in Illustration (1), but in addition 10 acres of ryotwari wet lands are held under the tank and 10 acres of ryotwari wet and dry lands are irrigated with permission from the tank. In this case, the landholder should bear  $\frac{\frac{1}{2} \text{ of } 30}{30 + 50 + 20}$  or  $\frac{3}{20}$  of the total cost, and the Government should bear the remainder, namely,  $\frac{17}{20}$ .

(6) The facts are the same as in Illustration (5) except that a contract is proved by which the ryots holding wet lands under the landholder are bound to bear a share of the cost in proportion to their holding. Out of the 30 acres on which water-cess was levied at the rate prescribed for irrigation of wet lands in whole inam and zamindari villages, 20 acres are held by the ryots and the remaining 10 acres by the landholder. The Government have to bear  $\frac{17}{20}$  of the total cost as in Illustration (5), the ryots  $\frac{2}{20}$  and the landholder  $\frac{1}{20}$ .

(7) The facts are the same as in Illustration (3), but in addition 30 acres of ryotwari wet lands are held under the tank and 10 acres of ryotwari wet and dry lands are irrigated

with permission from the tank. Landholder *A* will bear  $\frac{\frac{1}{2} \text{ of } 20}{50+20+10+40}$  or  $\frac{2}{24}$  of the total cost, landholder *B* will bear  $\frac{\frac{1}{2} \text{ of } 10}{50+20+10+40}$  or  $\frac{1}{24}$  of the total cost, and the Government will bear the remainder, namely,  $\frac{21}{24}$ .

(8) The facts are the same as in Illustration (4). The extent of the lands in the estates of the several landholders is 40 acres and in addition 150 acres of ryotwari wet lands are held under the tank and 50 acres of ryotwari wet and dry lands are irrigated with permission from the tank. The several landholders in the estates have to pay  $\frac{\frac{1}{2} \times 400}{400+200}$  or  $\frac{1}{3}$  of the total cost in proportion to the areas lying within their respective estates on which water-cess has been levied and the Government will have to bear the remainder, namely,  $\frac{2}{3}$ .

## THE MADRAS DEBT CONCILIATION (AMENDMENT) ACT, 1942.

ACT No. XVII OF 1942.

[8th July, 1942.

*An Act to amend the Madras Debt Conciliation Act, 1936.*

WHEREAS it is expedient to amend the Madras Debt Conciliation Act, 1936, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS DEBT CONCILIATION (AMENDMENT) ACT, 1942.

Amendment of section 14, Madras Act XI of 1936.

2. For sub-section (3) of section 14 of the Madras Debt Conciliation Act, 1936, the following sub-section shall be substituted, namely:—

“(3) (a) Notwithstanding anything contained in the Indian Registration Act, 1908, it shall not be necessary for the chairman or any member of the board or any party who has signed or otherwise authenticated the agreement referred to in sub-section (1), to appear in person or by agent at any registration office in any proceeding connected with the registration of such agreement, or to sign as provided in section 58 of that Act.

(b) The registering officer to whom any such agreement is sent for registration may, if he thinks fit, refer to the chairman of the board or to any other person for information respecting the same, and on being satisfied of the execution thereof, shall register the agreement.”

## THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (SECOND AMENDMENT) ACT, 1942.

ACT No. XVIII OF 1942.

[20th July, 1942.

*An Act further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920.*

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for the purposes hereinafter appearing:

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (SECOND AMENDMENT) ACT, 1942.

Amendment of section 75, Madras Act V of 1920.

2. To section 75 of the Madras District Municipalities Act, 1920, the following proviso shall be added, namely:—

"Provided that a fine shall not be imposed on any municipal officer or servant unless he is a bill collector or the holder of a post which is classified by the Provincial Government as inferior or menial."

Amendment of section 72, 3. To section 72 of the Madras Local Boards Act, 1920, Madras Act XIV of 1920. the following proviso shall be added, namely:—

"Provided that a fine shall not be imposed on any officer or servant of a local board unless he is a bill collector or the holder of a post which is classified by the Provincial Government as inferior or menial."

## THE ANDHRA UNIVERSITY (TEMPORARY AMENDMENT) ACT, 1942.

ACT No. XIX OF 1942.

[6th August, 1942.

*An Act temporarily to amend the Andhra University Act, 1925.*

WHEREAS sub-section (2) of section 3 of the Andhra University Act, 1925, requires that the headquarters of the Andhra University shall be located at Vizagapatam;

AND WHEREAS sub-section (3) of section 6 of the said Act requires that the University shall not establish a University College or a First Grade College or affiliate any institution as a University College unless the buildings of the institution are situated in the headquarters of the University or within ten miles of the limits thereof;

AND WHEREAS on account of the situation caused by the present war, the headquarters of the University were moved from Vizagapatam to Guntur on the 16th April, 1942 and the three University Colleges established at Vizagapatam were also moved from that place to Guntur on the same date;

AND WHEREAS it is expedient to suspend the operation of sub-section (2) of section 3 and of sub-section (3) of section 6 of the said Act until the termination of the present hostilities and for two years thereafter;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and commencement. 1. (1) This Act may be called THE ANDHRA UNIVERSITY (TEMPORARY AMENDMENT) Act, 1942.

(2) It shall be deemed to have come into force on the 16th April, 1942 and shall be in force until the termination of the present hostilities and for two years thereafter.

Temporary repeal of certain provisions of Madras Act II of 1926. 2. So long as this Act remains in force, the Andhra University Act, 1925, shall have effect as if sub-section (2) of section 3 and sub-section (3) of section 6 of that Act have been omitted.

## THE MADRAS CITY POLICE, TOWNS NUISANCES AND PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) ACT, 1942.

ACT No. XX OF 1942.

[20th August, 1942.

*An Act further to amend the Madras City Police Act, 1888, the Towns Nuisances Act, 1889, and the Prevention of Cruelty to Animals Act, 1890, in its application to the Province of Madras.*

WHEREAS it is expedient further to amend the Madras City Police Act, 1888, the Towns Nuisances Act, 1889, and the Prevention of Cruelty to Animals Act, 1890, in its application to the Province of Madras:

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title. 1. This Act may be called THE MADRAS CITY POLICE, TOWNS NUISANCES AND PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) ACT, 1942.

2. Section 24 of the Madras City Police Act, 1888, shall be renumbered as sub-section (1) of that section and after the Madras Act III of 1888, sub-section as so renumbered, the following sub-section shall be added, namely:—

“(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the Provincial Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under section 53; and the provisions of the Code of Criminal Procedure, 1898, shall apply to an arrest made by such agent as if it had been made by a Police officer.”

3. Section 8 of the Towns Nuisances Act, 1889, shall be renumbered as sub-section (1) of that section and after the Madras Act III of 1889, sub-section as so renumbered, the following sub-section shall be added, namely:—

“(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the Provincial Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under section 5; and the provisions of the Code of Criminal Procedure, 1898, shall apply to an arrest made by such agent as if it had been made by a Police officer.”

4. (1) Section 13 of the Prevention of Cruelty to Animals Act, 1890, shall be renumbered as sub-section (1) of that section and in the sub-section as so renumbered, for the words and figure “under section 4”, the words “under this Act” shall be substituted.

(2) After the sub-section as so renumbered, the following sub-section shall be added, namely:—

“(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the Provincial Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under this Act; and the provisions of the Code of Criminal Procedure, 1898, shall apply to an arrest made by such agent as if it had been effected by a Police officer.”

## THE MADRAS RIVERS CONSERVANCY (AMENDMENT) ACT, 1942.

ACT No. XXI OF 1942.

[14th September, 1942.

*An Act further to amend the Madras Rivers Conservancy Act, 1884.*

WHEREAS it is expedient further to amend the Madras Rivers Conservancy Act, 1884, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS RIVERS CONSERVANCY (AMENDMENT) ACT, 1942.

Substitution of new section for section 11, Madras Act VI of 1884.

2. For section 11 of the Madras Rivers Conservancy Act, 1884 (hereinafter referred to as the said Act), the following section shall be substituted, namely:—

“11. After such surveys have been completed and approved and the notification as provided by this Act made by the Provincial Government, land within the limits of a river-bed as defined in section 7 which has not been cultivated for two years previous to the date on which this Act is applied to the River, shall not, without the previous permission of the Conservator of Rivers in writing, be cultivated, and it shall not be lawful without such permission to cultivate within the limits of a river-bed any new formation of land.

Whoever commences or carries on, or attempts to carry on, any cultivation in contravention of this section and of a notice from the Conservator to desist shall be punishable with fine which may extend to five hundred rupees and in default of payment of fine to simple imprisonment not exceeding three months.

*Explanation.*—‘Cultivation’ shall, for the purposes of this Act, include the growing of plants which require the ground to be ploughed once a year or at shorter intervals and which are ordinarily removed at the end of the season but shall exclude ‘plantation’ as explained in section 13.”

Amendment of section 13,  
Madras Act VI of 1884.

3. In section 13 of the said Act—

(a) in sub-section (1), after the words "within such river-bed", the words "including any new formation of land therein" shall be inserted;

(b) at the end of sub-section (1), the following Explanation shall be added, namely:—

*"Explanation.—*'Plantation' shall, for the purposes of this Act, include the growing of plants, shrubs or trees which do not ordinarily require the ground to be ploughed or cultivated every year and which are generally propagated by the planting of cuttings, sets, seedlings or shoots such as nanal, alchi, tilla, betel, sugarcane, plantain, bamboo and the like."*;*

(c) in sub-section (6), for the words "prohibited by this section", the words "in contravention of this section" shall be substituted,

Amendment of section 17, Madras Act VI of 1884. 4. For the first paragraph of section 17 of the said Act, the following paragraph shall be substituted, namely:—

*"The Conservator of Rivers may do or may cause to be done in connexion with the conservancy of any river to which this Act has been applied, any act which appears to him to be necessary to prevent erosion, breach of embankments or the flooding over them, encroachments by the stream or danger to life or property and for such purpose he may, notwithstanding that his acts may involve interference with private rights of property, enter upon any public or private land whether within or outside the river-bed and may dig and use earth from such land, construct works thereon or alter the course of any stream."*

## THE MADRAS LEGISLATURE (DISTRICT ORGANIZERS REMOVAL OF DISQUALIFICATIONS) ACT, 1942.

ACT No. XXII OF 1942.

[17th September, 1942.]

*An Act for the removal of a disqualification for the membership of the Madras Legislature.*

WHEREAS it is necessary to remove the disqualification imposed on persons holding the office of District Organizer of the National War Front, for being chosen as, and for being, members of the Madras Legislative Assembly or of the Madras Legislative Council;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.  
1942.

1. This Act may be called THE MADRAS LEGISLATURE (DISTRICT ORGANIZERS REMOVAL OF DISQUALIFICATIONS) ACT, 1942.

2. No person shall be disqualified for being chosen as, or for being, a member of the Madras Legislative Assembly or the Madras Legislative Council, by reason only of the fact that he holds the Office of District Organizer of the National War Front and receives the emolument in respect thereof.

## THE MADRAS NURSES AND MIDWIVES (AMENDMENT) ACT, 1942.

ACT No. XXIII OF 1942.

[15th September, 1942.]

*An Act further to amend the Madras Nurses and Midwives Act, 1926.*

WHEREAS it is expedient further to amend the Madras Nurses and Midwives Act, 1926, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS NURSES AND MIDWIVES (AMENDMENT) ACT, 1942.

Amendment of section 3, Madras Act III of 1926.

2. After clause (b) of sub-section (1) of section 3 of the Madras Nurses and Midwives Act, 1926, the following clause shall be inserted, namely:—

“(bb) an officer of the Medical Department of Government, nominated by the Provincial Government;”.

THE MADRAS CITY MUNICIPAL, DISTRICT MUNICIPALITIES AND LOCAL BOARDS (SECOND AMENDMENT) ACT, 1942.

ACT No. XXIV OF 1942.

[5th October, 1942.

*An Act further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920.*

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS CITY MUNICIPAL, DISTRICT MUNICIPALITIES AND LOCAL BOARDS (SECOND AMENDMENT) ACT, 1942.

2 (1) The term of office of the councillors and aldermen of the Corporation of Madras which, under the law now in force, extends up to noon on the first day of November, 1942, shall extend instead up to noon on the first day of November, 1943, and the provisions of the Madras City Municipal Act, 1919, as amended by this section, shall have effect accordingly:

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall expire at, or extend up to, noon on such earlier or later date as may be fixed by them and from time to time to advance or postpone any date so fixed and fix another date instead.

(2) Where any date other than the first day of November of any year is fixed under the proviso to sub-section (1), the provisions of the Madras City Municipal Act, 1919, shall be subject to the following modifications, namely:—

(a) The Provincial Government shall cause elections and appointments of councillors and aldermen to be held or made to the council, so that the newly elected or appointed councillors and aldermen may come into office on the date fixed as aforesaid.

(b) The term of office of the newly elected or appointed councillors and aldermen shall, subject to the provisions of the Madras City Municipal Act, 1919, expire at noon on the first day of November immediately succeeding the expiry of three years from the date referred to in clause (a).

(c) The election of the Mayor, Deputy Mayor and members of the standing committees shall be held at the first meeting of the council held after the date referred to in clause (a), and the election of the chairman of each standing committee shall be held at the first meeting of such committee.

(d) The Provincial Government shall have power to direct that the election of the Mayor and Deputy Mayor shall not be held, as required by sub-section (1) of section 28 of the Madras City Municipal Act, 1919, at the first meeting of the council held after the first day of November immediately succeeding the date referred to in clause (a).

3. The term of office of the councillors of every municipality constituted under the Madras District Municipalities Act, 1920, which under the law now in force extends up to noon on the first day of November 1942, shall extend instead up to noon on the first day of November, 1943, and the provisions of the Madras District Municipalities Act, 1920, as amended by this section, shall have effect accordingly:

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall, in the case of such municipalities or any of them expire at, or extend up to, noon on such earlier or later date as may be fixed by them, and from time to time to advance or postpone any date so fixed and fix another date instead.

4. (1) Where any Municipal Council which has been superseded or dissolved, whether under the Madras District Municipalities Act, 1920, or otherwise, has not been reconstituted before the commencement of this Act, or where any Municipal Council is superseded or dissolved after the commencement of this Act, the provisions of the Madras District Municipalities Act, 1920, shall be subject to the following modifications, namely:—

(a) All the members of the Municipal Council when it is reconstituted shall be appointed by the Provincial Government.

(b) The Provincial Government shall have power to reduce the strength of the reconstituted council and to alter or abolish the reservation of seats for any community or for women in any manner they think fit; but all orders issued under this clause shall cease to have effect at noon on the date fixed under clause (c).

(c) The councillors appointed under clause (a) shall, subject to the provisions of the Madras District Municipalities Act, 1920 and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, hold office up to noon on such date, not being later than twelve months from the termination of the present war, as may be fixed by the Provincial Government:

Provided that the Provincial Government shall have power to advance or postpone the date aforesaid and fix instead another date, not being later than twelve months from the termination of the present war.

(d) Any casual vacancy arising in the office of a councillor before the date fixed under clause (c) shall be filled by appointment by the Provincial Government, and the councillor so appointed shall hold office only up to noon on the date aforesaid and subject to the provisions mentioned in clause (c).

(e) All the provisions of the Madras District Municipalities Act, 1920, relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall, save as regards the disqualification on the ground referred to in section 48 (1) of that Act, be applicable to the councillors appointed under this sub-section.

(2) Save as provided in sub-section (1), the Madras District Municipalities Act, 1920, shall apply to the council as reconstituted under that sub-section in the same manner as it would apply to a council constituted by election under the Act aforesaid, and in particular, the reconstituted council shall elect a chairman and a vice-chairman in accordance with the provisions of section 12 of the said Act.

5. In the case of any municipality constituted under the Madras District Municipalities Act, 1920, to which neither section 3 nor section 4 applies, the

Extension of term of office of councillors of district municipalities in other cases.

Special provision where district municipalities are reconstituted by election with effect from a date other than the 1st November.

6. Where any date other than the first day of November of any year is fixed under the proviso to section 3 or under section 4 (1) (c), or section 5, the provisions of the Madras District Municipalities Act, 1920, shall be subject to the following modifications, namely:—

(a) The Provincial Government shall cause elections to be held to every municipality concerned, so that the newly elected members may come into office on the date fixed as aforesaid.

(b) The term of office of the newly elected councillors shall, subject to the provisions of the Madras District Municipalities Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on the first day of November immediately succeeding the expiry of three years from the date referred to in clause (a).

7. The term of office of the members of every district board constituted under the

Extension of term of office of members of district boards now expiring on 1st November, 1942.

Madras Local Boards Act, 1920, which under the law now in force extends up to noon on the first day of November, 1942 shall extend instead up to noon on the first day of November 1943, and the provisions of the Madras Local Boards Act 1920, as amended by this section, shall have effect accordingly:

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall, in the case of such district boards or any of them, expire at, or extend up to, noon on such earlier or later date as may be fixed by them, and from time to time to advance or postpone any date so fixed and fix another date instead.



8. (1) Where any district board which has been superseded or dissolved, whether under the Madras Local Boards Act, 1920, or otherwise, has not been reconstituted before the commencement of this Act, or where any district board is superseded or dissolved after the commencement of this Act, the provisions of the Madras Local Boards Act, 1920, shall be subject to the following modifications, namely:—

(a) All the members of the district board when it is reconstituted shall be appointed by the Provincial Government.

(b) The Provincial Government shall have power to reduce the strength of the reconstituted board and to alter or abolish the reservation of seats for any community or for women in any manner they think fit; but all orders issued under this clause shall cease to have effect at noon at the date fixed under clause (c).

(c) The members appointed under clause (a) shall, subject to the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, hold office up to noon on such date, not being later than twelve months from the termination of the present war, as may be fixed by the Provincial Government:

Provided that the Provincial Government shall have power to advance or postpone the date aforesaid and fix instead another date, not being later than twelve months from the termination of the present war.

(d) Any casual vacancy arising in the office of a member before the date fixed under clause (c) shall be filled by appointment by the Provincial Government, and the member so appointed shall hold office only up to noon on the date aforesaid and subject to the provisions mentioned in clause (c).

(e) All the provisions of the Madras Local Boards Act, 1920, relating to the duties, powers, liabilities, disqualifications and disabilities of members of district boards shall, save as regards the disqualification on the ground referred to in section 54 (1) of that Act, be applicable to the members appointed under this sub-section.

(2) Save as provided in sub-section (1), the Madras Local Boards Act, 1920, shall apply to the district board as reconstituted under that sub-section in the same manner as it would apply to a district board constituted by election under the Act aforesaid and in particular, the reconstituted district board shall elect a president and a vice-president in accordance with the provisions of section 12 of the said Act.

9. The term of office of the members of every panchayat constituted under the Madras Local Boards Act, 1920, which under the law now in force extends up to noon on the first day of November, 1942, shall extend instead up to noon on the first day of November, 1943, and the provisions of the Madras Local Boards Act, 1920, as amended by this section, shall have effect accordingly:

Extension of term of office of members of panchayats now expiring on 1st November, 1942.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall, in the case of such panchayats or any of them, expire at, or extend up to, noon on such earlier or later date as may be fixed by them, and from time to time to advance or postpone any date so fixed and fix another date instead.

10. In the case of any panchayat constituted under the Madras Local Boards Act, 1920, to which section 9 does not apply, the Provincial Government shall have power to extend the term of office of the members up to noon on such date as may be fixed by them and from time to time to advance or postpone any date so fixed and fix another date instead.

Extension of term of office of members of panchayats in other cases.

11. Where any district board or panchayat has to be reconstituted by election for the first time after the commencement of this Act, the provisions of the Madras Local Boards Act, 1920, shall be subject to the following modifications, namely:—

(a) The Provincial Government shall cause elections to be held to the district board or panchayat, so that the newly elected members may come into office on the date on which the term of the members previously holding office will expire.

(b) The term of office of the newly elected members shall, subject to the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire in such calendar year and on such date therein as the Provincial Government may fix:

Provided that the same calendar year shall be fixed in respect of all district boards and panchayats situated in any of the districts included in the same Group of the Schedule to the Madras Local Boards (Amendment) Act, 1935.

12. If any difficulty arises in giving effect to the provisions of this Act, or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as amended by this Act, the Provincial Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

### THE MADRAS PROBATION OF OFFENDERS (AMENDMENT) ACT, 1942.

ACT No. XXV OF 1942.

[17th November, 1942.]

*An Act to amend the Madras Probation of Offenders Act, 1936.*

WHEREAS it is expedient to amend the Madras Probation of Offenders Act, 1936, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS PROBATION OF OFFENDERS (AMENDMENT) ACT, 1942.

Insertion of new section 12-A in Madras Act III of 1937.

Removal of disqualification attaching to conviction for offences.

2. After section 12 of the Madras Probation of Offenders Act, 1936, the following section shall be inserted, namely:—

“12-A. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence:

Provided that this section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section (3) of section 7 or a penalty was imposed on him under that sub-section.”

### THE MADRAS ESTATES LAND (AMENDMENT) ACT, 1942.

ACT No. XXVI OF 1942.

[22nd November, 1942.]

*An Act further to amend the Madras Estates Land Act, 1908.*

WHEREAS it is expedient further to amend the Madras Estates Land Act, 1908, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS ESTATES LAND (AMENDMENT) ACT, 1942.

Amendment of section 185-A, Madras Act I of 1908.

2. In clause (b) of sub section (2) of section 185-A of the Madras Estates Land Act, 1908, after the words “a Judicial officer eligible for appointment as a Judge of the High Court”, the words “or a retired Judicial officer who immediately before his retirement was so eligible” and after the words “experienced Revenue officer”, the words “whether in active service or retired” shall be inserted.

### THE MADRAS CITY MUNICIPAL AND DISTRICT MUNICIPALITIES (AMENDMENT) ACT, 1942.

ACT No. XXVII OF 1942.

[22nd November, 1942.]

*An Act further to amend the Madras City Municipal Act, 1919, and the Madras District Municipalities Act, 1920.*

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, and the Madras District Municipalities Act, 1920, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

- Short title. 1. This Act may be called THE MADRAS CITY MUNICIPAL AND DISTRICT MUNICIPALITIES (AMENDMENT) ACT, 1942.
- Amendment of Madras Act IV of 1919. 2. In the Madras City Municipal Act, 1919,—
- (i) in sub-section (2) of section 178, after the words "on any premises," the words "or if within such distance a public drain or other place for the discharge of drainage is about to be provided or is in the process of construction," shall be inserted; and
- (ii) in sub-section (1) of section 179, for the words "about to be constructed", the words "about to be provided or in the process of construction" shall be substituted.
- Amendment of Madras Act V of 1920. 3. In the Madras District Municipalities Act 1920,—
- (i) in sub-section (2) of section 139, after the words "on any premises", the words "or if within such distance a public drain or outfall is about to be provided or is in the process of construction," shall be inserted; and
- (ii) in sub-section (1) of section 141, for the words "about to be constructed", the words "about to be provided or in the process of construction" shall be substituted.

### THE MADRAS HEREDITARY VILLAGE-OFFICES (AMENDMENT) ACT, 1942.

ACT No. XXVIII OF 1942.

[26th November, 1942.

*An Act further to amend the Madras Hereditary Village-offices Act, 1895.*

WHEREAS it is expedient further to amend the Madras Hereditary Village-offices Act 1895, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

- Short title. 1. This Act may be called THE MADRAS HEREDITARY VILLAGE-OFFICES (AMENDMENT) ACT, 1942.
- Amendment of section 13, Madras Act III of 1895. 2. In proviso (ii) to sub-section (1) of section 13 of the Madras Hereditary Village-offices Act, 1895 (hereinafter referred to as the said Act), after the words "the Collector shall", the following shall be inserted, namely:—
- "except where the office is one falling under class (4) in section 3 and the land was on or at any time after the 14th July 1942 in the possession of the person then holding the office,"
- Amendment of section 14, Madras Act III of 1895. 3. After proviso to sub-section (1) of section 14 of the said Act, the following proviso shall be added namely:
- "Provided further that, in the case of a village office for the holding of which minority is not a disqualification, a suit for such office or for the recovery of the emoluments thereof may be preferred at any time after the cause of action has arisen but before the expiry of three years from the date on which the claimant attains majority."
4. For the removal of doubts, it is hereby declared that the following suits and appeals shall be decided in accordance with the provisions of the said Act as amended by section 2 of this Act, if they relate to the recovery of the emoluments of any of the offices falling under class (4) in section 3 of the said Act:—

(a) Suits under section 13 (1) of the said Act which are pending on the 14th July 1942 or which are instituted after the said date and before the commencement of this Act.

(b) Appeals under section 23 (1) of the said Act which are pending on the said date or which are preferred after the said date against any decree or order passed before that date.

5. Except in the appeals referred to in clause (b) of section 4, no decision of any Revenue Court under section 13 (1) or section 23 (1) of the said Act, passed before the 14th July 1942 and holding that the emoluments of any office falling under class (4) in section 3 of the said Act consisted of an assignment of revenue payable in respect of land, shall be liable to be questioned or reopened, whether in the same or in any other Revenue Court, merely on the ground that such decision was arrived at on the assumption referred to in the said section 13 (1), namely, that only the said assignment constituted the emoluments of the said office.

Saving of mortgages and leases subsisting at commencement of Act.

6. Any question as to the validity of any mortgage or lease executed by the holder of any office falling under class (4) in section 3 of the said Act and subsisting on the 14th July 1942 shall be decided as if this Act had not been passed.

## THE MADRAS UNIVERSITY (FOURTH AMENDMENT) ACT, 1942.

ACT No. XXIX OF 1942.

[5th December, 1942]

*An Act further to amend the Madras University Act, 1923.*

WHEREAS it is expedient further to amend the Madras University Act, 1923, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and commencement.

1. (1) This Act may be called THE MADRAS UNIVERSITY (FOURTH AMENDMENT) ACT, 1942.

(2) It shall be deemed to have come into force on the 15th February 1942.

2. Notwithstanding anything contained in the Madras University Act, 1923, the Syndicate of the University of Madras shall have power to continue to recognize a Constituent College as such although it was removed to a place outside the limits of the University on account of the situation caused by the present war.

Constituent Colleges moved out of University limits.

## THE MADRAS PROHIBITION (AMENDMENT) ACT, 1942.

ACT No. XXX OF 1942.

[10th December, 1942.]

*An Act further to amend the Madras Prohibition Act, 1937.*

WHEREAS it is expedient further to amend the Madras Prohibition Act, 1937, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS PROHIBITION (AMENDMENT) ACT, 1942.

Amendment of section 4, Madras Act X of 1937.

namely:—

“shall be punished—

(i) in the case of an offence falling under clause (b), clause (f), clause (g), clause (h) or clause (i), or an offence falling under clause (k) in so far as it relates to an act specified in any of the clauses aforesaid, with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both; and

(ii) in any other case,”

Amendment of section 5, Madras Act X of 1937.

substituted.

3. In section 5 of the said Act, for the words “six months”, the words “two years”, and for the words “one thousand rupees”, the words “five thousand rupees” shall be

THE MADRAS CITY POLICE (AMENDMENT) ACT, 1942.

ACT No. XXXI OF 1942.

[7th December, 1942.

*An Act further to amend the Madras City Police Act, 1888.*

WHEREAS it is expedient further to amend the Madras City Police Act, 1888, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS CITY POLICE (AMENDMENT) ACT, 1942.

2. In section 7 of the Madras City Police Act, 1888, for the words "The Commissioner shall by virtue of his office be a Presidency Magistrate" the words "The Commissioner and his Deputies shall by virtue of their respective offices be Presidency Magistrates", for the words "his powers as Magistrate" the words "their powers as Magistrates", and for the words "he shall not" the words "they shall not", shall be substituted.

THE ANDHRA UNIVERSITY (SECOND AMENDMENT) ACT, 1942,

ACT No. XXXII OF 1942.

[17th December, 1942,

*An Act further to amend the Andhra University Act, 1925.*

WHEREAS it is expedient further to amend the Andhra University Act, 1925, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE ANDHRA UNIVERSITY (SECOND AMENDMENT) ACT, 1942.

2. In section 2 of the Andhra University Act, 1925 (hereinafter referred to as the said Act)—

(i) clauses (f) to (o) shall be relettered as (h) to (q) respectively and for clauses (a) to (e) the following clauses shall be substituted, namely:—

"(a) 'University College' means a college established or maintained by the University and providing courses of study qualifying students for admission to University examinations in accordance with the Regulations prescribed;

(b) 'Affiliated College' means a college within the University area affiliated to the University as providing courses of study qualifying students for admission to University examinations in accordance with the Regulations prescribed;

(c) 'Honours College' means a University college in which provision is made for Honours or post-graduate courses of study leading up to the higher Degrees of the University;

(d) 'First-grade College' means a college established by or affiliated to the University as providing courses of study qualifying students for admission to the examinations for the ordinary Degree in Arts or Science in accordance with the Regulations prescribed;

(e) 'Second-grade College' means a college established by or affiliated to the University as providing courses of study qualifying students for the Intermediate Examination in Arts and Science according to the Regulations prescribed but not to the Degree examinations of the University;

(f) 'Oriental College' means a college recognized by or affiliated to the University as providing courses of study in Oriental learning and for the preparation of students for degrees, titles or diplomas of the University in such learning in accordance with the Regulations prescribed;

(g) 'Professional College' means a college established or maintained by the University or affiliated to the University as providing courses of study leading up to the professional Degrees of the University in accordance with the Regulations prescribed;";

(ii) in clause (n) as so relettered, after the word "affiliated" the words "or oriental" shall be inserted.

Amendment of section 3,  
Madras Act II of 1926.

3. Sub-section (1) of section 3 of the said Act shall be lettered as clause (a) of that sub-section and after the clause as so lettered, the following clause shall be added, namely:—

"(b) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar."

Amendment of section 4,  
Madras Act II of 1926.

4. In section 4 of the said Act—

(i) in clause (7), after the word "exhibitions"; the words "bursaries, studentships" shall be inserted;

(ii) in clause (8), for the words "to maintain" the words "to institute and maintain", for the words "to recognize" the words "to affiliate or recognize", and for the words "such recognition" the words "such affiliation or recognition" shall be substituted;

(iii) in clause (12), for the words "provide funds for the maintenance of" the word "manage" shall be substituted.

Amendment of section 6,  
Madras Act II of 1926.

5. In section 6 of the said Act—

(i) in sub-section (2), the words "a University College" shall be omitted and for the words "or a Special Grade College" the words "an Oriental College or a Professional College" shall be substituted;

(ii) after sub section (2), the following subsection shall be inserted, namely:—

"(2A) The University shall have power to grant recognition to a college as an Oriental College in accordance with the Statutes."

Amendment of section 9,  
Madras Act II of 1926.

6. In clause (v) of section 9 of the said Act, for the words "other officers" the words "other persons" shall be substituted.

Amendment of section 12,  
Madras Act II of 1926.

7. In sub-section (1) of section 12 of the said Act—

(i) in clause (d), after the words "meetings of the Senate" the words "and at convocations of the University" shall be inserted;

(ii) in clause (e), for the words "such authority" the words "the authority concerned" shall be substituted.

Amendment of section 13  
Madras Act II of 1926.

8. In section 13 of the said Act—

(i) for sub-sections (1) and (2) the following sub-section shall be substituted, namely:—

"(1) The Registrar shall be a whole-time paid officer of the University appointed by the Syndicate on such terms as may be prescribed by the Statutes;"

(ii) sub-section (3) shall be renumbered as sub-section (2).

Amendment of section 14,  
Madras Act II of 1926.

9. In clause (vi) of section 14 of the said Act, for the words "other authorities" the words "other bodies" shall be substituted.

Amendment of section 15,  
Madras Act II of 1926.

10. In section 15 of the said Act—

(i) in clause (2) under the heading "Class II—Life Members", for the word "purposes" the words "general purposes" shall be substituted;

(ii) in sub-clauses (a) and (b) of clause (5) under the heading "Class III—Other Members"—

(a) the words "and taluk boards" shall be omitted;

(b) for the words "these bodies" the words "municipal councils" shall be substituted;

(iii) in clause (8) under the same heading—

(a) for sub-clause (a) the following sub-clause shall be substituted, namely:—

"(a) every association making a donation of not less than Rs. 25,000, and every person making a donation of not less than Rs. 10,000 but not amounting to Rs. 25,000 or more, to or for the general purposes of the University shall be entitled to nominate one person to the Senate who shall be a member for five years and if such member vacates his office before the expiry of the period of five years, another person may be nominated in his place by the association or person concerned, who shall hold office for the residue of such period and the same provision shall apply in all cases of vacancies arising before the expiry of such period;"

(b) in sub-clause (b), for the word "purposes" the words "general purposes" shall be substituted;

(iv) the last paragraph and the proviso thereto shall be omitted.

Amendment of section 16,  
Madras Act II of 1926.

11. In section 16 of the said Act—

(a) in sub-section (1), for the words "or the Ordinances" the words "the Ordinance or the Regulations" shall be substituted;

(b) in sub-section (2)—

(i) for clause (c) the following clause shall be substituted, namely:—

"(c) to institute and maintain University Colleges;" ;

(ii) for clause (g) the following clause shall be substituted, namely:—

"(g) (i) to affiliate Colleges to the University as First-grade, Second-grade, Oriental or Professional Colleges under conditions to be prescribed by the Statutes and to withdraw affiliation from them on the recommendation of the Syndicate and after consultation with the Academic Council;

(ii) to grant recognition to Oriental Colleges under conditions to be prescribed by the Statutes and to withdraw recognition from Colleges on the recommendation of the Syndicate and after consultation with the Academic Council;

(iii) to control in general all such Colleges in the manner prescribed by the Statutes";

(iii) in sub-clause (i) of clause (h), for the words "in an affiliated college" the words "in a University College or an affiliated College or an Oriental College" shall be substituted;

(iv) in clause (f), after the word "exhibitions" the words "bursaries, studentships" shall be inserted;

(v) in clause (l), for the words "maintain and manage" the words "and maintain" shall be substituted;

(vi) clauses (m), (n) and (r) shall be omitted and clauses (o), (p), (q) and (s) shall be relettered as clauses (m), (n), (o) and (p) respectively;

(vii) in clause (m) as so relettered, after the word "affiliation" the words "or recognition" shall be inserted, and the words "for admission to the examinations, degrees and diplomas of the University" shall be omitted.

Amendment of section 18,  
Madras Act II of 1926.

12. In section 18 of the said Act—

(i) in the proviso under the heading "Class II—Other Members", for the word "teacher" the words "salaried teacher" shall be substituted;

(ii) the last paragraph and the proviso thereto shall be omitted.

Amendment of section 19,  
Madras Act II of 1926.

13. In section 19 of the said Act—

(i) for clause (c) the following clause shall be substituted, namely:—

"(c) (i) shall appoint the teachers of the University below the rank of Readers, fix their emoluments and define their duties and conditions of service;

(ii) shall appoint the teachers of the University of and above the rank of Readers, on the recommendation of the Board of Appointments, fix their emoluments and define their duties and conditions of service;

Provided that it shall be competent for the Syndicate to make a temporary appointment of a teacher of the rank of Reader without consulting the Board of Appointments, but the period of such appointment shall not extend beyond the academic year in which it is made or for one year whichever is less;" ;

(ii) in clause (d), for the word "Statutes" the word "Ordinances" shall be substituted;

(iii) in clause (g), for the words "prizes, medals and scholarships" the words "fellowships, travelling fellowships, scholarships, exhibitions, bursaries, studentships, medals and prizes" shall be substituted;

(iv) after clause (g), the following clause shall be inserted, namely:—

"(gg) shall have power to appoint members of the Boards of Studies;" ;

(v) in clause (i), after the word "affiliated" the words "and oriental" shall be inserted;

(vi) in clause (j), after the words "University examinations" the word "approve" shall be inserted;

(vii) after clause (j), the following clause shall be inserted, namely:—

"(jj) shall prescribe the fees to be charged for admission to the examinations, degrees and diplomas of the University subject to the approval of the Senate;" ;

(viii) in sub-clause (i) of clause (m), for the words "concerning the University" the words "concerning the administration of the University" shall be substituted and for the words "and the Ordinances" the words "the Ordinances and the Regulations" shall be substituted;

(ix) in clause (n), the words "by the Ordinances" shall be added at the end;

(x) after clause (o), the following clauses shall be added, namely:—

“(p) shall manage and control all colleges, hostels, libraries, laboratories, museums and the like instituted and maintained by the University;

(q) shall have power to recognize hostels not maintained by the University and to withdraw recognition therefrom;

(r) shall have power to supervise and control the residence and discipline of the students of the University and make arrangements for promoting their health and well-being.”

Amendment of section 21, Madras Act II of 1926.

14. To sub-section (3) of section 21 of the said Act, the following proviso shall be added, namely:—

“Provided that the Senate shall not increase the total financial estimates on the expenditure side.”

Amendment of section 22, Madras Act II of 1926.

15. In section 22 of the said Act, sub-section (iii) shall be omitted.

Amendment of section 23, Madras Act II of 1926.

16. In sub-section (2) of section 23 of the said Act—

(i) in clause (a), after the word “matters” the words “including the control and management of the libraries” shall be added;

(ii) in clause (e), after the word “affiliated” the words “and Oriental” shall be inserted;

(iii) clause (g) shall be omitted and clauses (h) to (m) shall be relettered as clauses (g) to (l) respectively.

Substitution of new sections for sections 24 and 25, Madras Act II of 1926.

17. For sections 24 and 25 of the said Act the following sections shall be substituted, namely:—

“24. (1) The University shall include Faculties of Arts, Science, Medicine, Commerce, Teaching and Oriental Learning and such other Faculties as may be prescribed by the Statutes. Each Faculty shall comprise such departments of teaching as may be prescribed by the Statutes.

(2) Each Faculty shall consist of—

(a) such members of the Academic Council as are appointed to it, and

(b) teachers in the University Colleges and Professional Colleges who are not members of the Academic Council but are members of Boards of Studies in the subjects included in the Faculty.

The functions of the Faculties shall be prescribed by the Statutes.

25. Separate Boards of Studies shall be attached to each department of teaching. The constitution and functions of the Boards of Studies shall be prescribed by the Statutes.”

The Boards of Studies.

Substitution of new section for section 30, Madras Act II of 1926.

18. For section 30 of the said Act, the following section shall be substituted, namely:—

“30. (1) Save as otherwise provided, the Senate, the Syndicate, the Finance Committee and the Academic Council shall be reconstituted at or about the same time every three years and members of these authorities shall [except in the case of *ex officio* or life members and of members of the Senate under section 15, class III (8)], hold office as members thereof up to the date of the next reconstitution.

(2) Any vacancy in the said membership occurring before the next reconstitution shall be filled up as soon as conveniently may be, by the body or person who elected, nominated, appointed or co-opted the member whose place has become vacant and the person so elected, nominated, appointed or co-opted shall be a member only for the residue of the term for which the person whose place he has filled would have been a member:

Provided that no vacancy in the said membership occurring within six months before the next reconstitution shall be filled up until such reconstitution.

(3) No member of an authority specified in sub-section (1) who is elected, nominated, appointed or co-opted in his capacity as a member of a particular electorate or the holder of a particular appointment shall continue to be a member of such authority on his ceasing to be a member of the particular electorate or the holder of the particular appointment:

Provided that a member returned to the Senate by the electorate referred to in section 15, class III (5), shall not cease to be a member of the Senate by his ceasing to be a member of such electorate for a period of less than three months at a time.

(4) Where an elected, nominated, appointed or co-opted member of an authority specified in sub-section (1) is appointed temporarily to any of the offices by virtue of which he is



entitled to be a member of that authority *ex officio*, he shall by notice in writing signed by him and communicated to the Vice-Chancellor within seven clear days from the date of his taking charge of his temporary appointment, choose whether he will continue to be a member of that authority by virtue of his election, nomination, appointment or co-option or whether he will vacate office as such member and become a member *ex officio* by virtue of his temporary appointment and the choice shall be final. On failure to make such choice, he shall be deemed to have vacated his office as an elected or nominated or appointed or co-opted member.

(5) Vacancies arising by efflux of time among elected members of any authority specified in sub-section (1) may be filled at elections which may be fixed by the Vice-Chancellor to take place on such days, not earlier than three months before the date on which the vacancies arise, as he thinks fit."

Insertion of new section 34-A in Madras Act II of 1926.

Constitution of Board of Appointments.

19. After section 34 of the said Act, the following section shall be inserted, namely:—

"34-A. There shall be constituted a Board of Appointments which shall consist of the following persons namely:—

(1) The Vice-Chancellor who shall *ex officio* be the Chairman of the Board.

(2) The Director of Public Instruction or a senior official of the Education Department to be deputed by him to act in his place during his absence.

(3) One person to be nominated by the Maharaja Saheb of Jeypore or his successors: Provided that the Maharaja Saheb or his successors shall be entitled to make a nomination only—

(i) so long as the present annual contribution of one lakh of rupees to the University continues, or

(ii) if a capitalized grant of fifteen lakhs of rupees to the University is made, in accordance with the deed executed by the Maharaja Saheb.

(4) If the Chancellor empowers any other person or body making a donation of not less than ten lakhs of rupees to the general purposes of the University, to nominate a member, the person nominated by such donor.

(5) The Chairman of the Honours Board of Studies concerned.

(6) Two persons nominated by the Syndicate (not being members of that body), for each appointment or class of appointments.

(7) The Principal of the University College.

*Explanation.*—The power to nominate under clauses (3) and (4) shall include the power to cancel a nomination previously made and to make a fresh nomination."

Amendment of section 39, Madras Act II of 1926.

20. In section 39 of the said Act, at the end of clause (j), the word "and" shall be inserted, clause (k) shall be omitted and clause (l) shall be relettered as clause (k).

21. In section 40 of the said Act, sub-section (1) shall be omitted and sub-sections (2) to (5) shall be renumbered as sub-sections (1) to (4) respectively.

22. In section 41 of the said Act, after clause (a), the following clause shall be inserted, namely:—

"(aa) the fees to be charged for admission to the examinations, degrees and diplomas of the University, subject to the approval of the Senate;—"

23. In sub-section (1) of section 43 of the said Act, clauses (e) and (f) shall be omitted.

24. Chapter X of the said Act and the Schedule thereto shall be omitted.

25. The Andhra University (Third Amendment) Act 1929, is hereby repealed.

*Transitional provisions.*

26. Notwithstanding anything contained in the said Act or in this Act—

(a) the term of office of the members of the Senate, the Syndicate, the Finance Committee and the Academic Council holding office at the commencement of this Act shall, subject to the provisions of section 30 of the said Act as amended by this Act, extend to or expire on, as the case may be, such date as the Provincial Government may fix and the Provincial Government shall cause elections to be held so that the newly elected members may come into office on the date fixed for the retirement of the old members;

(b) the Provincial Government may from time to time postpone any date fixed by them under clause (a) and fix another date in lieu thereof;

(c) no vacancy in the office of any member of the Senate, the Syndicate, the Finance Committee or the Academic Council which is in existence at the commencement of this Act or which occurs before the date fixed under clause (a) or clause (b) shall be filled.

27. If any difficulty arises as to the first constitution or reconstitution after the commencement of this Act of the Senate, the Syndicate, the Finance Committee or the Academic Council, or otherwise in giving effect to the provisions of this Act or of the said Act as amended by this Act, the Provincial Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

## THE MADRAS UNIVERSITY (FIFTH AMENDMENT) ACT, 1942.

ACT No. XXXIII OF 1942.

[17th December, 1942.

*An Act further to amend the Madras University Act, 1923.*

WHEREAS it is expedient further to amend the Madras University Act, 1923, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS UNIVERSITY (FIFTH AMENDMENT) ACT, 1942.

2. In the first paragraph of sub-section (b) of section 14, of sub-section (b) of section 18 and of sub-section (b) of section 23 of the Madras University Act, 1923 (hereinafter referred to as the said Act), the words "from the date of the election or nomination as the case may be" shall be omitted.

Amendment of sections 14, 18 and 23, Madras Act VII of 1923.

3. To section 38 of the said Act, the following proviso shall be added, namely:—

"Provided that vacancies arising by efflux of time among elected members of any authority or other body of the University may be filled at elections which may be fixed by the Vice-Chancellor to take place on such days not earlier than two months from the date on which the vacancies arise, as he thinks fit."

## THE MADRAS MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1942.

ACT No. XXXIV OF 1942.

[12th December, 1942

*An Act further to amend the Madras Motor Vehicles Taxation Act., 1931.*

WHEREAS it is expedient further to amend the Madras Motor Vehicles Taxation Act, 1931, for a certain purpose;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 98 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1942.

2. After section 15-A of the Madras Motor Vehicles Taxation Act, 1931, the following section shall be inserted namely:—

"15-B. (1) A Court taking cognizance of an offence punishable under sub-section (1) of section 6, or under sub-section (3) of that section, in so far as it relates to failure to stop a motor vehicle when required to do so by a police-officer, or under section 7, may state upon the summons to be served on the accused person that he—

(a) may appear by pleader and not in person, or

(b) may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter and remit to the Court such sum not exceeding fifty rupees and

in the case of an offence punishable under section 7, also such sum on account of the tax due from him, as the Court may specify.

(2) Where an accused person pleads guilty and remits the sum specified by the Court no further proceedings in respect of the offence shall be taken against him."

## THE MADRAS PROHIBITION (SECOND AMENDMENT) ACT, 1942.

ATC No. XXXV OF 1942.

[28th December, 1942.

*An Act further to amend the Madras Prohibition Act, 1937.*

WHEREAS it is expedient further to amend the Madras Prohibition Act, 1937, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and duration.

1. (1) This Act may be called THE MADRAS PROHIBITION (SECOND AMENDMENT), ACT, 1942.

(2) It shall be in force during the continuance of the present war and for a period of six months thereafter.

Insertion of new section 2-A in Madras Act X of 1937.

"2-A. (1) Nothing in this Act with certain exceptions not to apply to His Majesty's and allied Armed Forces, etc.

intoxicating drugs consigned

(2) The members, canteen-keepers and persons aforesaid shall be subject to all the enactments mentioned in the Schedule with any subsequent statutory modifications thereof, and the said enactments with the said modifications shall, in relation to them, be deemed to be in force in the district of Salem and the local areas notified under section 1 (3) (b) (ii)."

Amendment of section 3, Madras Act X of 1937.

"(2-A) 'canteen-keeper' 'canteen-keeper..'

medical or other staff attached to the said Forces."

2. After section 2 of the Madras Prohibition Act, 1937 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

3. In section 3 of the said Act, after clause (2), the following clause shall be inserted, namely:—

means any person duly empowered by the Military, Naval or Air Force authority concerned, to supply liquor or intoxicating drugs to members of the Armed Forces of His Majesty or of any State in alliance with His Majesty or to members of the

## THE MADRAS CITY MUNICIPAL AND DISTRICT MUNICIPALITIES (SECOND AMENDMENT) ACT, 1942.

ACT No. XXXVI OF 1942.

[30th December, 1942.

*An Act further to amend the Madras City Municipal Act, 1919, and the Madras District Municipalities Act, 1920,*

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, and the Madras District Municipalities Act, 1920, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS CITY MUNICIPAL AND DISTRICT MUNICIPALITIES (SECOND AMENDMENT) ACT, 1942.

Amendment of section 100, Madras Act IV of 1919,

2. In section 100 of the Madras City Municipal Act, 1919, after sub-section (2), the following sub-section shall be added, namely:—

"(3) The Provincial Government shall have power to make rules regarding the manner in which, the person or persons by whom and the intervals at which, the value of the land, the present cost of erecting the building and the amount to be deducted for depreciation, shall be estimated or revised, in any case or class of cases to which clause (a) of the first proviso to sub-section (2) applies, and they may, by such rules, restrict or modify the application of the provisions contained in Schedule IV to such case or class of cases."

Amendment of section 82, Madras Act V of 1920. 3. In section 82 of the Madras District Municipalities Act 1920, after sub-section (2), the following sub-section shall be added, namely:—

"(3) The Provincial Government shall have power to make rules regarding the manner in which, the person or persons by whom and the intervals at which, the value of the land, the present cost of erecting the building and the amount to be deducted for depreciation, shall be estimated or revised, in any case or class of cases to which clause (a) of the proviso to sub-section (2) applies, and they may, by such rules, restrict or modify the application of the provisions contained in Schedule IV to such case or class of cases."

## THE MADRAS COTTON CONTROL (AMENDMENT) ACT, 1942.

ACT No. XXXVII OF 1942.

[29th December, 1942.

*An Act to amend the Madras Cotton Control Act, 1932.*

WHEREAS it is expedient to amend the Madras Cotton Control Act, 1932, for the purposes hereinafter appearing;

AND, WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS COTTON CONTROL (AMENDMENT) ACT, 1942.

2. In section 4 of the Madras Cotton Control Act, 1932 (hereinafter referred to as the said Act), for the words "twenty rupees," the words "fifty rupees" and for the words "fifty rupees", the words "one hundred rupees" shall be substituted.

Amendment of section 5, Madras Act VII of 1932.

3. In section 5 of the said Act—

(i) for sub-section (2), the following sub-section shall be substituted, namely:

"(2) (a) Every officer seizing any cotton under this section shall forthwith—

(i) take a sample of the cotton seized, separate it then and there into three equal parts and securely pack and seal each of them with his seal in the presence of the occupier of the land, building, vessel or place on or in which such seizure was made and of two witnesses and in case the occupier wishes to seal them, they shall be sealed also with his seal; and

(ii) subject to such rules as the Provincial Government may prescribe, send one of the sealed packages to the nearest cotton breeding station and forward another such package to the Cotton Specialist authorized by the Provincial Government to receive it, for examination and report to the Director of Agriculture, Madras, and deliver the third sealed package to the occupier.

(b) The officer referred to in clause (a) shall have discretion either to entrust the remainder of the seized cotton to the occupier himself or to make other arrangements for its safe custody. If the officer decides to entrust the cotton to the occupier, the latter shall take charge of the same and shall give an undertaking in writing to produce the said cotton before any Court when required to do so by the said officer.

(c) The officer referred to in clause (a) shall forthwith make a report of the seizure to the Magistrate having jurisdiction to try the offence committed in respect of such cotton, together with particulars of such cotton and furnish a copy of such particulars to the occupier."

(ii) in sub-section (3), for the words, letter, figure and brackets "the authorized officer referred to in clause (b) of sub-section (2)", the words, letter, figures and brackets "the Cotton Specialist referred to in clause (a) (ii) of sub-section (2)" shall be substituted;

(iii) after sub-section (3), the following sub-section shall be added, namely:—

"(4) If the occupier refuses to take charge of the cotton when required under clause (b) of sub-section (2) or to give the undertaking referred to in that clause, or fails to produce the cotton before the Court when required, he shall be guilty of an offence under this Act and liable to fine amounting to twice the value of such cotton."

Insertion of new section 8-A in Madras Act VII of 1932.

4. After section 8 of the said Act, the following section shall be inserted, namely:—

“8-A. (1) At the conclusion of an inquiry into, or trial of, an offence under this Act, the Court shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, if it finds that the cotton seized under section 5 and produced before it is pulichai cotton or any cotton mixed with pulichai cotton, order its destruction by burning.

(2) An order made under this section shall not be carried out for a period of one month or, if an appeal has been preferred, until the disposal of such appeal.”

## THE MADRAS DISTRICT MUNICIPALITIES (THIRD AMENDMENT) ACT, 1942.

ACT No. XXXVIII OF 1942,

[29th January 1942,

*An Act further to amend the Madras District Municipalities Act, 1920.*

WHEREAS it is expedient further amend the Madras District Municipalities Act 1920, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS DISTRICT MUNICIPALITIES (THIRD AMENDMENT) ACT, 1942.

Amendment of section 12, Madras Act V of 1920.  
namely:—

2. For sub-section (7) of section 12 of the Madras District Municipalities Act, 1920 (hereinafter referred to as the said Act), the following sub-section shall be substituted

“(7) When the office of chairman is vacant or the chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated and there is either a vacancy in the office of vice-chairman, or the vice-chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the revenue divisional officer shall, after giving notice of not less than seven clear days to the councillors, convene a meeting for the election of a chairman, if there is a vacancy in that office and until a new chairman or vice-chairman is elected and assumes office, or either the chairman or the vice-chairman returns to jurisdiction or recovers from his incapacity as the case may be, the revenue divisional officer shall, notwithstanding anything contained in this Act or in the rules or notifications thereunder, be *ex officio* member and chairman of the council.”

Insertion of new section 16 in Madras Act V of 1920.

3. After section 15 of the said Act, the following section shall be inserted, namely:—

Power of executive authority to incur petty contingent expenditure.

“16. The executive authority may, without the sanction of the council, incur petty contingent expenditure incidental to the municipal administration, not exceeding twenty-five rupees in each case:

Provided that—

(a) provision to meet the expenditure is available under the relevant head of account in the budget framed by the council, with the modifications, if any, made therein by the Provincial Government; and

(b) the executive authority shall report any expenditure incurred under this section and the reasons therefor to the council at its next meeting.”

Amendment of section 36, Madras Act V of 1920.

4. In sub-section (1) of section 36 of the said Act, after the proviso, the following proviso shall be added, namely:—

“Provided further that nothing in this sub-section shall enable the Provincial Government to set aside any election which has been held.”

Amendment of section 63, Madras Act V of 1920.

5. Section 63 of the said Act shall be renumbered as sub-section (1) of that section, and to the section as so renumbered, the following sub-section shall be added, namely:—

“(2) The Board of Revenue may of its own motion and shall on a direction from the Provincial Government, by notification, resume the management and superintendence of any endowment made over to a municipal council under sub-section (1); and upon such resump-

tion, all the powers and duties attaching to the council in respect of the endowment shall cease and determine."

Amendment of section 98, Madras Act V of 1920.

6. In sub-section (1) of section 98 of the said Act, after the word "kept", the words "or used" shall be inserted.

Amendment of section 99, Madras Act V of 1920.

7. In section 99 of the said Act—

(i) in sub-sections (1) and (4), after the word "kept", the words "or used" shall be inserted:

(ii) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) Notwithstanding anything contained in sub-sections (1) and (2), no person shall be liable—

(a) to pay tax to the municipality during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid to the municipality by some other person; or

(b) to pay to the municipality on account of any carriage or animal in respect of which tax has already been paid to any other municipality or any local board or Cantonment Board, whether under this Act, the Madras City Municipal Act, 1919, the Madras Local Boards Act, 1920, or the Cantonments Act, 1924, more than the excess, if any, of the tax payable in the municipality in respect of such carriage or animal, over the tax already paid to the other municipality, the local board or Cantonment Board, as the case may be."

Amendment of section 100, Madras Act V of 1920.

8. In section 100 of the said Act—

(i) clauses (d) and (e) shall be omitted, and clause (f) shall be relettered as clause (d);

(ii) the proviso at the end shall be omitted.

Amendment of section 102, Madras Act V of 1920.

9. In sub-section (1) of section 102 of the said Act, after the word "kept", the words "or used" shall be inserted.

Amendment of section 103, Madras Act V of 1920.

10. In section 103 of the said Act, after the word "keep" the words "or use" shall be inserted.

Amendment of section 104, Madras Act V of 1920.

11. In clause (b) of sub-section (1) of section 104 of the said Act, after the word "kept", the words "or used" shall be inserted.

Amendment of section 105, Madras Act V of 1920.

12. In section 105 of the said Act—

(i) In sub-section (1), after the word "kept", the words "or used" shall be inserted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1-A) Notwithstanding anything contained in sub-section (1), no person shall be liable—

(a) to pay tax to the municipality during any half-year on account of any cart in respect of which the tax for the same half-year has already been paid to the municipality by some other person; or

(b) to pay to the municipality on account of any cart in respect of which tax has already been paid to any other municipality or any local board or Cantonment Board, whether under this Act, the Madras City Municipal Act, 1919, the Madras Local Boards Act 1920, or the Cantonments Act, 1924, more than the excess, if any, of the tax payable in the municipality in respect of such cart, over the tax already paid to the other municipality, the local board or the Cantonment Board, as the case may be."

13. In section 106 of the said Act, for the words "The executive authority may remit any portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept," the following words shall be substituted, namely:—

Amendment of section 106, Madras Act V of 1920.

"The tax on carts shall not be levied on any cart which is shown to the satisfaction of the executive authority to have been kept or used."

Substitution of new section and heading for section 244 of Madras Act V of 1920 and the heading thereto.

14. For section 244 of the said Act and the heading thereto, the following heading and section shall be substituted, namely:—

*"General exemption.*

244. Nothing in this Act or in any rule, by-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, by-law or regulation in respect of any place in the occupation or under the control of the Central or the Provincial Government or of a market committee established under the Madras Government and market committees not to obtain licences and permissions.

nothing in this Act or in any rule, by-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, by-law or regulation in respect of any place in the occupation or under the control of the Central or the Provincial Government or of a market committee established under the Madras

Commercial Crops Markets Act, 1933, or in respect of any Crown property or of any property belonging to such market committee."

15. In sub-section (1) of section 245 of the said Act, for the words "shall, in the first month of every year, or in the case of a place to be newly opened, within one month before the opening of such place, apply to the executive authority for a licence for the use of same for any such purpose of profit," the words "shall apply to the executive authority for a licence not less than thirty and not more than ninety days before the opening of such place, or the commencement of the year for which the licence is sought to be renewed, as the case may be," shall be substituted.

Amendment of section 249, Madras Act V of 1920. 16. In section 249 of the said Act—

(i) in sub-section (5), for the words "not less than thirty days" in both the places where they occur, the words "not less than thirty and not more than ninety days" shall be substituted;

(ii) after sub-section (5), the following sub-section shall be added, namely:—

"(6) Where a licence is granted or renewed under this section for the use of any place outside the municipal limits, the municipal council shall pay to the panchayat, if any, having jurisdiction over such place, or if there is no such panchayat, to the district board having such jurisdiction, such portion of the fee received for the grant or renewal of the licence as the Provincial Government may, by general or special order, direct."

Amendment of section 250, Madras Act V of 1920. 17. In section 250 of the said Act—

(i) in clause (b) of sub-section (1), after the words "as aforesaid," the words "not being machinery or manufacturing plant exempted by rules" shall be inserted;

(ii) in sub-section (2), after the words "The application", the words "shall specify the maximum number of workers proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises, and" shall be inserted;

(iii) in clause (a) of sub-section (4), after the word "shall" at the commencement, the words "if more than nine workers are proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises" shall be inserted;

(iv) in clause (b) of the same sub-section, for the words "district medical officer" the words "district health officer" shall be substituted;

(v) for sub-section (5), the following sub-sections and Explanation shall be substituted, namely:—

"(5) More than nine workers shall not be simultaneously employed at any time in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorizes such employment, or unless fresh permission authorizing such employment has been obtained from the municipal council. Before granting such fresh permission, the council shall obtain the approval of the Inspector of Factories referred to in clause (a) of sub-section (4) as regards the plan of the factory, workshop, work-place or premises, with reference to the matters specified in that clause.

(6) The grant of permission under this section—

(a) shall, in regard to the replacement of machinery, the levy of fees, the conditions to be observed and the like, be subject to such restrictions and control as may be prescribed; and

(b) shall not be deemed to dispense with the necessity for compliance with the provisions of sections 197 and 199 or sections 208 and 209, as the case may be.

*Explanation.*—The word "worker" in sub-sections (2), (4) and (5) shall, in relation to any factory, workshop, work-place or premises, have the same meaning as in the Factories Act, 1934."

Amendment of section 254, Madras Act V of 1920. 18. In section 254 of the said Act—

(i) to sub-section (1), the following words shall be added at the end, namely:—

"at such rates as it may think fit";

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The council may—

(a) place the collection of such rents and fees under the management of such persons as may appear to it proper; or

(b) farm out such collection for any period not exceeding three years at a time and on such terms and conditions as it may think fit."

19. In sub-section (1) of section 255 of the said Act, for the words "shall in the first month of every year or, in the case of a place to be newly opened, one month before the opening of the same, apply to the executive authority for a licence", the words "shall apply to the executive authority for a licence not less than thirty

Amendment of section 255, Madras Act V of 1920.

and not more than ninety days before the opening of such place as a slaughter-house or the commencement of the year for which the licence is sought to be renewed, as the case may be" shall be substituted,

Amendment of section 260, Madras Act V of 1920. 20. In sub-section (2) of section 260 of the said Act, after the words "farm out such fees", the words "for any period not exceeding three years at a time and" shall be inserted.

Amendment of section 262, Madras Act V of 1920. 21. In sub-section (2) of section 262 of the said Act, for the words "not less than six weeks before such place is opened as a market or before the commencement of the year for which the licence is sought," the words "not less than thirty and not more than ninety days before such place is opened as a market, or the commencement of the year for which the licence is sought to be renewed" shall be substituted.

Amendment of section 270-E, Madras Act V of 1920. 22. In sub-section (2) of section 270-E of the said Act, for the words "not less than six weeks before such place is opened as a cart-stand or before the commencement of the year for which the licence is sought", the words "not less than thirty and not more than ninety days before the opening of such place as a cart-stand, or the commencement of the year for which the licence is sought to be renewed" shall be substituted.

Amendment of section 292, Madras Act V of 1920. 23. In the proviso to section 292 of the said Act, for the word "sub-section", the word "section" shall be substituted.

Amendment of section 306, Madras Act V of 1920. 24. In sub-clause (c) of clause (14) of section 306 of the said Act, for the words "provided or licensed by the municipal council", the words "provided by the municipal council or licensed by the executive authority, as the case may be" shall be substituted.

Amendment of section 321, Madras Act V of 1920. 25. In section 321 of the said Act—

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The council may—

(a) place the collection of such fees under the management of such persons as may appear to it proper; or

(b) farm out such collection for any period not exceeding three years at a time and on such terms and conditions as it may think fit;"

(ii) after sub-section (9), the following sub-section shall be inserted, namely:—

"(9-A) Save as otherwise expressly provided in or may be prescribed under this Act, every application for a licence or permission or for registration or the renewal of a licence or permission or registration, shall be made not less than thirty and not more than ninety days before the commencement of the year or of such less period as is mentioned in the application."

Amendment of section 363, Madras Act V of 1920. 26. Section 363 of the said Act shall be renumbered as sub-section (1) of that section, and to the section as so renumbered, the following sub-section shall be added, namely:—

"(2) The exercise of any powers delegated under sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification, and also to control and revision by the Provincial Government or by such persons as may be empowered by them in this behalf. The Provincial Government shall also have power to control and revise the acts or proceedings of any persons so empowered."

Amendment of Schedule III, Madras Act V of 1920. 27. In rule 2 of Schedule III to the said Act, after sub-rule (2), the following sub-rule shall be added, namely:—

"(3) In municipalities in which there is a commissioner, the agenda for the meeting shall be prepared by the commissioner in consultation with the chairman. The commissioner may include in the agenda any subject which in his opinion should be considered by the council and shall include therein any subject specified by the chairman. On any subject included in the agenda, the chairman as well as the commissioner shall have the right of recording his views in a note and such note shall be circulated to the councillors or placed before the council before or at the time of the consideration of such subject by the council."

Amendment of Schedule V, Madras Act V of 1920. 28. In Schedule V to the said Act, after the proviso, the following proviso shall be added, namely:—

"Provided further that no licence shall be required under this Act for a lodging house as defined in the Madras Public Health Act, 1939, if the keeper thereof has been registered under that Act",



Amendment of Schedule VIII, Madras Act V of 1920. 29. In Schedule VIII to the said Act, after the item relating to section 167, the following item shall be inserted, namely:—

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
"175	..	Failure to provide roads, etc., on building sites prior to disposal.	Five rupees."