

THE INDIA ACTS
AND
THE MADRAS ACTS
1943

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MADRAS ACTS, 1943.

THE MADRAS SALES OF MOTOR SPIRIT TAXATION (AMENDMENT) ACT, 1943.

ACT No. I OF 1943.

[9th January, 1943.]

An Act to amend the Madras Sales of Motor Spirit Taxation Act, 1939.

WHEREAS it is expedient to amend the Madras Sales of Motor Spirit Taxation Act, 1939, 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 SALES OF MOTOR SPIRIT TAXATION (AMENDMENT) ACT, 1943.

(2) It shall come into force on such date as the Provincial Government may, by notification in the *Port St. George Gazette*, appoint.

Amendment of certain sections of Madras Act VI of 1939. 2. In sections 5 (b), 7 (1), 8 (b), 17 (2), 21 (1) and 24 (1) of the Madras Sales of Motor Spirit Taxation Act, 1939 (hereinafter referred to as the said Act), for the words "District Collector" wherever they occur, the words "District Commercial Tax Officer" shall be substituted.

Amendment of section 17, Madras Act VI of 1939. 3. In section 17 (1) of the said Act, before the word "Excise," the words "Commercial Taxes," shall be inserted.

Removal of doubts. 4. For the removal of doubts, it is hereby declared that—

(a) the powers conferred by section 7 (1) of the said Act shall, after the commencement of this Act, be exercised by the District Commercial Tax Officer although the return referred to in the said section was or ought to have been submitted to the District Collector before such commencement;

(b) an appeal shall lie to the Board of Revenue under section 24 (1) (a) of the said Act against orders passed by a District Collector before the commencement of this Act;

(c) the District Commercial Tax Officer shall pass orders on appeals preferred under section 24 (1) (b) of the said Act and not decided by the District Collector before the commencement of this Act, after giving the appellant an opportunity of being heard or of being heard again if he has already been heard by the District Collector.

THE MADRAS ELECTRICITY DUTY (AMENDMENT) ACT, 1943.

ACT No. II OF 1943.

[22nd January, 1943.]

An Act further to amend the Madras Electricity Duty Act, 1939.

WHEREAS it is expedient further to amend the Madras Electricity Duty Act, 1939, 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 ELECTRICITY DUTY (AMENDMENT) ACT, 1943,

Amendment of section 3, Madras Act V of 1939. 2. In section 3 of the Madras Electricity Duty Act, 1939 (hereinafter referred to as the said Act)—

(i) the Explanation to sub-section (1) shall be omitted;

(ii) after sub-section (3), the following sub-section and Explanation shall be added, namely:—

“(4) Where a licensee who is liable to pay duty under this section sells energy to the Central Government for consumption by that Government or to the Federal Railway Authority or a railway company operating a Federal Railway for consumption in the construction, maintenance or operation of a Federal Railway, the price charged on such sales shall be less by the amount of the duty than the price charged to other consumers of a substantial quantity of energy, provided the price last mentioned is more than two annas per unit.

In this sub-section, the expression ‘price charged to other consumers’ shall include the duty, if any, recoverable from the consumer under sub-section (1) of section 7.

Explanation.—The expression ‘Federal Railway’ in this section shall have the meaning assigned to it in sub-section (2) of section 311 of the Government of India Act, 1935.”

Amendment of section 7, Madras Act V of 1939. 3. In the Explanation to sub-section (1) of section 7 of the said Act, for the words “The duty”, the following shall be substituted, namely:—

“Save as provided in sub-section (4) of section 3, the duty”.

Amendment of section 9, Madras Act V of 1939. 4. In sub-section (2) of section 9 of the said Act, clauses (b) to (e) shall be relettered as clauses (c) to (f) respectively, and the following shall be inserted as clause (b), namely:—

“(b) refunds to the Central Government, the Federal Railway Authority and railway companies operating Federal Railways, when the price paid by them is found to exceed the limit specified in sub-section (4) of section 3;”.

Act to have retrospective effect. 5. The said Act shall be read and construed as if the amendments made by sections 2, 3 and 4 had formed part of the said Act from its commencement.

THE LEGAL PRACTITIONERS (MADRAS AMENDMENT) ACT, 1943.

MADRAS ACT No. III OF 1943.

[23rd February, 1943.]

An Act further to amend the Legal Practitioners Act, 1879, in its application to the Province of Madras.

WHEREAS it is expedient further to amend the Legal Practitioners Act, 1879, in its application to the Province of Madras, 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 LEGAL PRACTITIONERS (MADRAS AMENDMENT) ACT, 1943.

Insertion of new section 15-A in Act XVIII of 1879.

2. After section 15 of the Legal Practitioners Act, 1879 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

“15-A. When passing an order under section 13, section 14 or section 15, the High Court may pass such order as it thinks fit as regards the payment of the costs of the inquiry under section 13, or of the inquiry under section 14 and the hearing in the High Court, as the case may be.”

Amendment of section 36, Act XVIII of 1879.

3. In section 36 of the said Act—

(a) In sub-section (1), after the words “Sessions Judge,” the words “Subordinate Judge, District Munsif,” shall be inserted, after the words “District Magistrate,” the words “Sub-divisional Magistrate” shall be inserted, and after the words “Collector of a district,” the words “the Madras City Civil Court” shall be inserted;

(b) in sub-section (2-A), for the words “may send to any Court,” the words, brackets, figure and letter “may, of its own motion or on a report from the Committee referred to in sub-section (2-B), send to any Court” shall be substituted;

(c) after sub-section (2-A), the following sub-section shall be inserted, namely:—

“(2-B) (i) There shall be constituted at the Presidency-town of Madras a Committee consisting of seven legal practitioners in active practice appointed by the Chief Judge of the Court of Small Causes, Madras, after consulting the Principal Judge of the Madras City Civil Court, the Chief Presidency Magistrate and the representatives of the Advocates' Association and the Bar Association, Madras.

(ii) There shall be constituted at the headquarters of each District Judge and at the headquarters of each taluk comprised within the jurisdiction of a District Judge not being his own headquarters, a Committee consisting of not less than three and not more than five legal practitioners in active practice, appointed by the District Judge after consulting the salaried gazetted Judicial Officers, Civil and Criminal, at such headquarters or having jurisdiction over the taluk in which such headquarters are situated or any part of such taluk.

(iii) Every member of a Committee constituted under clause (i) or clause (ii) shall hold office for a renewable term of three years but may resign his office earlier or may be removed therefrom by the Chief Judge of the Court of Small Causes, Madras, or the District Judge, as the case may be, for sufficient cause recorded in writing. The Chief Judge or District Judge shall, subject to the provisions of clause (i) or clause (ii), as the case may be, have power to fill any vacancy in the Committee arising by resignation, death or removal.

(iv) The Committee constituted at the Presidency-town of Madras may be consulted in connexion with any action proposed to be taken under sub-section (1) or (2-A) by any Court which, or any Judge, Magistrate or Officer whose Court or Office, is situated at the Presidency-town of Madras.

(v) The Committee constituted at the headquarters of any District Judge may be consulted in connexion with any action proposed to be taken under sub-section (1) or (2-A) by any Court which, or any Judge, Magistrate or Officer whose Court or Office, is situated at such headquarters and also by any Court, Judge, Magistrate or Officer having jurisdiction over the taluk in which such headquarters are situated or any part of such taluk.

(vi) The Committee constituted at the headquarters of any taluk may be consulted in connexion with any action proposed to be taken under sub-section (1) or (2-A) by any Court, Judge, Magistrate or Officer having jurisdiction over the taluk or any part thereof.

(vii) Any Committee may report the name of any person alleged or suspected to be a tout to any Court, Judge, Magistrate or Officer entitled to consult it under clause (iv) or clause (v) or clause (vi), as the case may be, for such action as such Court, Judge, Magistrate or Officer may deem fit to take under this section.

(viii) Every Committee shall function solely in an advisory capacity and its opinion or report shall not be binding in any way on any Court, Judge, Magistrate or Officer.”; and

(d) after sub-section (6), the following sub-section shall be added, namely:—

“(7) (a) If the offence referred to in sub-section (6) is alleged to have been committed by any person, the authority by which his name was included in the list of touts shall also be competent, notwithstanding anything contained in the Code of Criminal Procedure, 1898, to take cognizance of and try such offence and sentence such person if found guilty.

(b) Any person sentenced under clause (a) by any authority other than the High Court may, notwithstanding anything contained in the Code of Criminal Procedure, 1898, appeal—

(i) in case he is sentenced by a District Munsif or Sub-divisional Magistrate to the authority to which appeals ordinarily lie from decrees, sentences or orders passed by such District Munsif or Sub-divisional Magistrate; and

(ii) in other cases to the High Court.

(c) The provisions of Chapter XXXI of the Code aforesaid shall, so far as they are applicable, apply to appeals under clause (b) and the appellate authority may alter or reverse the finding or reduce or reverse the sentence appealed against.”

THE MADRAS MEDICAL REGISTRATION (AMENDMENT)
ACT, 1943.

ACT NO. IV OF 1943.

[2nd March, 1943.

An Act further to amend the Madras Medical Registration Act, 1914.

WHEREAS it is expedient further to amend the Madras Medical Registration Act, 1914, 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 MEDICAL REGISTRATION (AMENDMENT) ACT, 1943.

Amendment of section 5, Madras Act IV of 1914.

2. In clauses (a) and (b) of sub-section (1) of section 5 of the Madras Medical Registration Act, 1914 (hereinafter referred to as the said Act), for the words "Academic Council", the word "Senate" shall be substituted.

Amendment of section 8, Madras Act IV of 1914.

3. In section 8 of the said Act—

(i) the word "and" at the end of clause (6) shall be omitted;

(ii) after clause (7), the following clause shall be added, namely:—

"(8) in case he was elected under clause (c), clause (d) or clause (e) of sub-section (1) of section 5 and has ceased to be a member of the staff of the Medical College concerned, also on the expiry of three months from the date of such cessation or on the election of his successor, whichever occurs earlier."

Insertion of new section 9-A in Madras Act IV of 1914.

4. After section 9 of the said Act, the following section shall be inserted, namely:—

"9-A. (1) There shall be an Executive Committee of the Council, consisting of its president and vice-president, *ex-officio*, and three other members of the Council who shall be elected every year in the prescribed manner by the Council at its first meeting held in that year.

(2) (a) Every member of the Executive Committee so elected shall hold office as such until the next annual election; and if any casual vacancy occurs before such election, the Executive Committee shall fill that vacancy by electing a member of the Council:

Provided that if before the vacancy is so filled, a meeting of the Council has been called for, the vacancy shall be filled by the Council by electing one of its members.

(b) A member of the Committee elected to fill a casual vacancy shall hold office as such only until the next annual election.

(3) The Council may with the previous sanction of the Provincial Government, delegate any of its powers and duties to the Executive Committee.

(4) The Provincial Government shall have power to cancel any delegation made under sub-section (3).

(5) No business shall be transacted at a meeting of the Executive Committee unless at least three members thereof are present.

All questions which may come before the Executive Committee shall be decided in accordance with the votes of the majority of the members present and voting at the meeting. In the case of an equality of votes, the president, vice-president or any councillor presiding at the meeting shall have a casting vote."

Amendment of section 14, Madras Act IV of 1914.

5. In section 14 of the said Act—

(i) in sub-section (1), for the words "fifteen rupees", the words "twenty rupees" shall be substituted;

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

"Provided that any person whose name has been registered under any Act for the registration of medical practitioners for the time being in force in any other part of British India shall be required to pay a registration fee of only five rupees if the Act aforesaid provides for the registration of persons registered under this Act without the payment of any fee or on payment of a fee not exceeding five rupees."

(iii) in sub-section (2), after the words "applies to the Registrar for registration", the words "under a new name, or" shall be inserted;

(iv) sub-section (3) shall be omitted.

Amendment of section 17, Madras Act IV of 1914.

6. In sub-section (1) of section 17 of the said Act, for the sentence "The decision of the committee shall be deemed to be the decision of the Council.", the following sentence shall be substituted, namely:—

"When the inquiry is held by a committee, it shall make a report to the Council which shall pass orders under section 13 or section 16, as the case may be."

Amendment of section 19, Madras Act IV of 1914.

7. In section 19 of the said Act, for the words "by this Act", the words "by or under this Act" shall be substituted, and after the words "the Council", the words "or the Executive Committee" shall be inserted.

Amendment of section 24,
Madras Act IV of 1914.

8. In section 24 of the said Act—

(i) after clause (ii) of sub-section (1), the following clause shall be inserted, namely:—

“(ii-a) for the election of the members of the Executive Committee;”;

(ii) in clause (i) of sub-section (2), after the word “Council”, the words “and of the Executive Committee” shall be added.

THE PRESIDENCY-TOWNS INSOLVENCY (MADRAS AMENDMENT) ACT, 1943.

ACT No. V OF 1943.

[13th February, 1943.]

An Act to amend the Presidency-towns Insolvency Act, 1909, in its application to the Presidency-town of Madras.

WHEREAS it is expedient to amend the Presidency-towns Insolvency Act, 1909, in its application to the Presidency-town of Madras, 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 PRESIDENCY-TOWNS INSOLVENCY (MADRAS AMENDMENT) ACT, 1943.

(2) 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.

Repeal of section 61, Act III of 1909.

2. Section 61 of the Presidency-towns Insolvency Act, 1909 (hereinafter referred to as the said Act) shall be omitted.

Amendment of section 68, Act III of 1909.

3. In sub-section (2) of section 68 of the said Act, after the words “in such manner”, the words “as is laid down in this Act or” shall be inserted.

Amendment of section 71, Act III of 1909.

4. In section 71 of the said Act—

(a) in sub-section (1), for the words “in his hands”, the words “under his control” shall be substituted;

(b) in sub-section (2), for the words “in hand” the words “realized by the official assignee” shall be substituted.

Amendment of section 72, Act III of 1909.

5. In section 72 of the said Act, for the words “in the hands”, the words “under the control” shall be substituted.

Amendment of section 74, Act III of 1909.

6. In section 74 of the said Act, for the words “pay it, and also to pay out of his own money interest thereon”, the words “pay such dividend and interest thereon” shall be substituted.

Amendment of section 77, Act III of 1909.

7. In section 77 of the said Act—

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

“The official assignee, the deputy official assignee or assignees, if any, and all other officers and servants subordinate to the official assignee (other than those employed in estates under his administration) shall form part of the staff attached to the said Court.”;

(b) in sub-section (2), the words “shall give such security and” shall be omitted.

Insertion of new section 77-A in Act III of 1909.

8. After section 77 of the said Act, the following section shall be inserted, namely:—

“77-A. (1) The official assignee shall be corporation sole by the name of the official Assignee of Madras and as such Official Assignee shall have perpetual succession and an official seal and may sue and be sued in his corporate name and may do all acts necessary or expedient to be done in the execution of his office.

Official assignee to be corporation sole.

(2) In all suits or proceedings by or against the official assignee, there shall be inserted after his official title the description 'as assignee of the property of an insolvent (naming the particular insolvent)'."

Repeal of section 81, Act III of 1909.

9. Section 81 of the said Act shall be omitted.

Amendment of section 82, Act III of 1909.

10. Section 82 of the said Act shall be renumbered as sub-section (1) of that section, and after the section as so renumbered, the following sub-sections shall be added, namely:—

"(2) The revenues of the Province shall be liable to make good all sums which the official assignee is required by order of the Court to pay under sub-section (1) in respect of any misfeasance, neglect or omission occurring after the commencement of the Presidency-towns Insolvency (Madras Amendment) Act, 1943.

(3) Nothing in sub-section (2) shall prevent the Provincial Government from recovering any sum paid by them under that sub-section from the person who was holding the office of official assignee or deputy official assignee or any office subordinate to the official assignee, when the misfeasance, neglect or omission occurred."

Insertion of new sections 82-A and 82-B in Act III of 1909.

11. After section 82 of the said Act, the following sections shall be inserted, namely:—

Liability of Provincial Government for costs in legal proceedings, etc.

"82-A. (1) Where the official assignee has incurred, whether before or after the commencement of the Presidency-towns Insolvency (Madras Amendment) Act, 1943, in the matter of any insolvency—

(a) any cause in legal proceedings taken by him under the direction of the Court, or

(b) any civil liability *bona fide* in the discharge of his duties,

the revenues of the Province shall be liable for the payment of such costs or to meet such liability, in so far as the assets realized and not distributed by the official assignee in respect of such insolvency are insufficient to pay such costs or to meet such liability.

(2) Any sum paid out of the revenues of the Province under sub-section (1) in respect of an insolvent's estate shall be repaid to the Provincial Government by the official assignee out of any assets of the estate which may subsequently become available, in priority to all other claims and charges on such assets other than fees and percentages chargeable by the official assignee under this Act.

82-B. (1) Where an insolvent's estate has no available assets, the official assignee shall not incur any costs, charges or expenses in respect of such estate without the express direction of the Court, but the Court may, on the application of the official assignee, empower him to spend an amount specified by it in payment of any costs, charges and expenses of, or in connexion with, the realization or administration of the estate of the insolvent.

(2) Nothing contained in sub-section (1) shall be deemed to authorize the official assignee to spend any amount in excess of the balance for the time being available in the fund placed at his disposal by the Provincial Government for expenditure under that sub-section.

(3) Any amount spent in respect of an insolvent's estate by the official assignee out of the fund referred to in sub-section (2) shall, if any assets of the estate subsequently become available to the official assignee, be paid back by him into such fund, in priority to all other claims and charges on such assets other than fees and percentages chargeable by the official assignee under this Act."

Repeal of section 83, Act III of 1909.

12. Section 83 of the said Act shall be omitted.

13. In section 84 of the said Act, for the words "an official assignee", the words "a person for the time being holding the office of official assignee" and for the word "vacate", the words "be deemed to have vacated" shall be substituted.

Insertion of new section 84-A in Act III of 1909.

14. After section 84 of the said Act, the following section shall be inserted, namely:—

"84-A. (1) (a) The official assignee shall maintain an account with the Reserve Bank of India in the prescribed manner and shall pay into such account, after making any prescribed deductions, all money received by him in the realization of insolvents' estates and any other sums the payment of which may be prescribed.

(b) All payments to be made by the official assignee in respect of liabilities arising from insolvents' estates shall, except in the case referred to in section 82-B, be made by cheques drawn by the official assignee on the said account or by cash realized from the proceeds of such cheques.

(2) Subject to such rules as may be made under section 112, whenever the cash balance standing to the credit of the said account is, in the opinion of the official assignee, in excess of the amount which is required for the time being to meet demands in respect of insolvents' estates or to make the payments required under section 122 or any other payments that may be prescribed, the official assignee shall transfer such excess to the account and credit of the Provincial Government with the Reserve Bank of India.

(3) The provisions of sub-sections (1) and (2) shall apply to all moneys in the hands of the official assignee at the commencement of the Presidency-towns Insolvency (Madras Amendment) Act, 1943.

(4) All investments of moneys made before such commencement by the official assignee or on his behalf by the Registrar of the High Court, other than investments exclusively appertaining to the estates of particular insolvents, shall be transferred to the Provincial Government in such manner as may be prescribed.

(5) The revenues of the Province shall be liable to meet all claims—

(a) upon any moneys transferred to the account and credit of the Provincial Government under sub-section (2) or under sub-section (3) read with sub-section (2); and

(b) upon any investments transferred to the Provincial Government under sub-section (4)."

Amendment of section 112, Act III of 1909. 15. In sub-section (2) of section 112 of the said Act—

(i) clause (b) shall be omitted,

(ii) in clause (f), after the word "audit", the words "and inspection" shall be inserted,

(iii) clause (g) shall be omitted,

(iv) in clause (h), the words "out of the proceeds aforesaid" shall be omitted,

(v) in clause (i), after the words "direction of the Court", the words "or otherwise, in his official capacity" shall be added,

(vi) the last paragraph beginning with the words "and in the case of the High Court at Madras" and ending with the words "expenses of his establishment" shall be omitted.

Amendment of section 125, Act III of 1909. 16. Section 125 of the said Act shall be renumbered as sub-section (1) of that section and after the section as so renumbered, the following sub-section shall be added, namely:—

"(2) The official assignee shall transfer to the account and credit of the Provincial Government, in such manner and at such times as may be prescribed in this behalf—

(a) all fees and percentages received by him under this Act after the commencement of the Presidency-towns Insolvency (Madras Amendment) Act, 1943, and

(b) all fees, percentages, commission and other remuneration received by him after such commencement either as a trustee in a composition or as an agent of another official assignee or an official receiver."

17. The Provincial Government may make rules consistent with this Act to provide Power to make rules. for any matter for which provision is in their opinion necessary or convenient for the purpose of giving effect to the provisions of this Act.

THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT) ACT, 1943.

ACT No. VI OF 1943.

[22nd February, 1943.

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, 1943.

Amendment of section 84, Madras Act V of 1920.

2. (1) In sub-section (1) of section 84 of the Madras District Municipalities Act, 1920 (hereinafter referred to as the said Act)—

and (a) in the proviso, after the word "Provided", the word "further" shall be inserted;

(b) before the proviso, the following proviso shall be inserted, namely:—

"Provided that when any class of property tax is levied on lands used exclusively for agricultural purposes on their annual value as calculated in accordance with the provisions of section 79 of the Madras Local Boards Act, 1920, the rate of such tax may be higher than the rate of the same class of property tax on buildings:"

(2) The amendments made by sub-section (1) shall be deemed to have taken effect from the commencement of the Madras District Municipalities (Amendment) Act, 1930.

3. Nothing contained in this Act shall be deemed to invalidate any decree or order passed by a Civil Court before the commencement of this Act which has become final.

Saving.

THE MADRAS COURT OF SMALL CAUSES (VALIDATION OF PROCEEDINGS) ACT, 1943.

Act No. VII of 1943.

[28th February, 1943.]

An Act to validate certain proceedings and acts of the Court of Small Causes of Madras.

WHEREAS the Court of Small Causes of Madras was located at Trivellore outside the Presidency-town of Madras from the 13th April 1942 to the 13th June 1942, both days inclusive;

AND WHEREAS doubts have consequently arisen as to the validity of the proceedings and acts of the said Court during the period aforesaid;

AND WHEREAS it is expedient to remove these doubts and validate such proceedings and acts;

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 COURT OF SMALL CAUSES (VALIDATION OF PROCEEDINGS) ACT, 1943.

2. All decrees and orders passed, all complaints, written statements, applications, petitions and other documents received, all proceedings taken, and all other acts and things done, by or before the Court of Small Causes of Madras or any Judge or officer thereof, during the period from the 13th April 1942 to the 13th June 1942, both days inclusive, shall be deemed to have been validly passed, received, taken or done, notwithstanding that the said Court was located outside the Presidency-town of Madras during the period aforesaid.

Validation of certain proceedings and acts of the Court of Small Causes, Madras.

THE MADRAS FINANCE ACT, 1943.

Act No. VIII of 1943.

[14th March, 1943.]

An Act to continue the reduction in the sale of tax leviable under the Madras General Sales Tax Act, 1939 for the year beginning on the first day of April, 1943.

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 and the Madras Finance Act, 1942, continued the reduction for the years beginning on the 1st day of April 1941 and the 1st day of April 1942 respectively;

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 1943;

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 may be called THE MADRAS FINANCE ACT, 1943.

(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 1943, 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.

THE MADRAS DEBT CONCILIATION (AMENDMENT) ACT, 1943.

ACT No. IX OF 1943.

[12th March, 1943.]

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

WHEREAS it is expedient further to amend the Madras Debt Conciliation Act, 1936, 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 DEBT CONCILIATION (AMENDMENT) ACT, 1943.

Amendment of section 10, Madras Act XI of 1936.

2. In section 10 of the Madras Debt Conciliation Act, 1936 (hereinafter referred to as the said Act)—

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

"(2) If no statement is submitted by a creditor in compliance with the provisions of sub-section (1) in respect of debts owed to him by the debtor, then, subject to the provisions of sub-section (3)—

(a) in the case of any debt included in the particulars furnished by the debtor under sub-section (1) of section 6 or sub-section (3) of section 8, the creditor shall not be entitled, in any proceeding before a board or civil Court or on any other occasion, to dispute the accuracy of the said particulars in regard to such debt; and

(b) every other debt shall be deemed for all purposes and on all occasions to have been duly discharged;"

(ii) in sub-section (3), for the words "revive the debt" the following shall be substituted, namely, "remove the disability imposed by clause (a) of sub-section (2) in regard to the debts referred to in that clause, and revive the debts referred to in clause (b) of that sub-section".

3. In sub-section (4) of section 14 of the said Act, before the words "any debt is revived", the words "the disability in respect of any debt is removed or" shall be inserted, and for the words "such reviver", the words "such removal or reviver" shall be substituted.

Amendment of section 14, Madras Act XI of 1936.

4. In sub-clause (4) of clause (a) of section 19 of the said Act, after the words "discharged under", the words, letter and brackets "clause (b) of" shall be inserted.

5. Any debt deemed to have been duly discharged before the commencement of this Act under sub-section (2) of section 10 of the said Act shall, for the purpose of applying the said Act as amended by this Act to such debt, be deemed to have been duly discharged under clause (b) of sub-section (2) of section 10 of the said Act as amended by this Act.

THE ANNAMALAI UNIVERSITY (AMENDMENT) ACT, 1943.

ACT No. X OF 1943.

[8th May, 1943.]

An Act to amend the Annamalai University Act, 1928.

WHEREAS it is expedient to amend the Annamalai University Act, 1928, 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 ANNAMALAI UNIVERSITY (AMENDMENT) ACT, 1943.

Amendment of section 33, Madras Act I of 1929,

2. In section 33 of the Annamalai University Act 1928—

(i) in sub-section (1), the words "as member thereof from the date of his election or nomination thereto" shall be omitted;

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

"(2) Vacancies among elected members of any such authority or body occurring by efflux of time on the date of the reconstitution thereof, may be filled at elections which may be fixed by the Vice-Chancellor to take place on such days as he thinks fit, not being earlier than two months from the date aforesaid."

(iii) in sub-section (3), as so renumbered, for the words "vacancy in the said membership occurring before the said reconstitution" the words "vacancy in the membership of any such authority or body occurring before the reconstitution thereof" and for the word "appointed" in both the places where it occurs, the word "nominated" shall be substituted.

THE MADRAS CITY MUNICIPAL (AMENDMENT) ACT, 1943.

ACT No. XI OF 1943.

[8th June, 1943.

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 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 (AMENDMENT) ACT, 1943.

2. In the proviso at the end of section 91 of the Madras City Municipal Act, 1919, after the word "Provided" the word "further" shall be inserted, and before the proviso as so amended, the following proviso shall be inserted, namely:—

"Provided that any amendment or modification made by the standing committee or the council shall relate only to alterations in, additions to, or omissions from, the schedule previously in force, which are proposed by the commissioner:—"

THE INDIAN LUNACY (MADRAS AMENDMENT) ACT, 1943.

ACT No. XII OF 1943.

[17th May 1943.

An Act further to amend the Indian Lunacy Act, 1912, in its application to the Province of Madras.

WHEREAS it is expedient further to amend the Indian Lunacy Act, 1912, 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.

1. This Act may be called THE INDIAN LUNACY (MADRAS AMENDMENT) ACT, 1943.

Amendment of section 33-A, Act IV of 1912.

2. In section 33-A of the Indian Lunacy Act, 1912, for the word and figures "sections 14", the word and figures "sections 7, 10, 14," shall be substituted.

THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1943.

ACT No. XIII OF 1943.

[25th June 1943.]

An Act to amend the Madras Local Boards Act, 1920.

WHEREAS it is expedient further to amend 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 LOCAL BOARDS (AMENDMENT) ACT, 1943.

Amendment of section 63, Madras Act XIV of 1920.

2. In section 63 of the Madras Local Boards Act, 1920 (hereinafter referred to as the said Act)—

(i) sub-section (1) 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 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 local board under clause (a); and upon such resumption, all the powers and duties attaching to the local board in respect of the endowment shall cease and determine.”;

(ii) in sub-section (2), the following words shall be added at the end, namely:—

“; and may revoke any assignment so made.”

Amendment of section 80, Madras Act XIV of 1920.

3. In sub-section (1) of section 80 of the said Act—

(i) the following paragraph shall be inserted at the commencement, namely:

“The rent value of the lands referred to in clause (iii) of section 79 shall be fixed by the district collector for a triennium and shall not be revised or altered during the triennium, provided that clerical or arithmetical mistakes may be corrected.”;

(ii) for the words “The district collector may” the words “For the purpose of fixing the rent value of the lands aforesaid, the district collector shall” shall be substituted and after the words “furnish him”, the words “every fasli year” shall be inserted.

Substitution of new section for section 81, Madras Act XIV of 1920.

4. For section 81 of the said Act the following section shall be substituted, namely:—

“81. If the district collector is satisfied with the lists furnished by a landholder or sub-landholder in compliance with requisitions made under section 80 for each of the three fasli years preceding any triennium, he shall assess such landholder or sub-landholder for the triennium with reference to the average annual rent value of his lands as disclosed in the lists aforesaid”.

District collector to assess cess according to lists if they are correct.

Amendment of section 82, Madras Act XIV of 1920.

5. In section 82 of the said Act, after the words and figures “as provided in section 83”, the words “but the penalty imposed shall in no case exceed three thousand rupees” shall be inserted.

6. In section 83 of the said Act, after the words “a landholder or sub-landholder”,

Amendment of section 83, Madras Act XIV of 1920.

the words “in respect of any one or more of the three fasli years preceding the triennium” and after the words “such landholder or sub-landholder”, the words “for the triennium” shall be inserted.

Amendment of section 84, Madras Act XIV of 1920.

7. In section 84 of the said Act, after the words “such lists shall not have been furnished”, the words “for any of the three fasli years preceding the triennium” shall be inserted.

Substitution of new section for section 85, Madras Act XIV of 1920.

8. For section 85 of the said Act, the following section shall be substituted, namely:—

Power of district collector to amend lists and assess landholder or sub-landholder according to lists as amended.

“85. (1) If after due inquiry, the district collector is dissatisfied with any list or lists furnished by a landholder or sub-landholder for any one or more of the three fasli years preceding the triennium, he shall amend such list or lists and supply the landholder or sub-landholder with a copy of the list or lists as so amended.

(2) The district collector shall assess the landholder or sub-landholder for the triennium with reference to the average annual rent value of his lands as disclosed by the lists for the three fasli years preceding the triennium, as amended under sub-section (1) and furnish the landholder or sub-landholder with a statement showing the annual rent value of his lands as fixed for the triennium."

Amendment of section 86,
Madras Act XIV of 1920.

9. In section 86 of the said Act—

(i) in sub-section (1), for the words and figures "the decision of the district collector under section 85", the words, figures and brackets "any assessment made by the district collector under sub-section (2) of section 85" shall be substituted;

(ii) in sub-section (2), for the words "the copy of the amended list is supplied". the words, figures and brackets "the statement referred to in sub-section (2) of section 85 is furnished" shall be substituted.

THE MADANAPALLE TUBERCULOSIS SANATORIUM (REGULATION OF BUILDINGS) ACT, 1943.

ACT No. XIV OF 1943.

[27th June, 1943.]

An Act to provide for the control of the construction of buildings in the neighbourhood of the Tuberculosis Sanatorium at Madanapalle, and for the exclusion, modification or restriction of enactments relating to public health from or in such neighbourhood.

WHEREAS it is expedient to provide for the control of the construction of buildings in the neighbourhood of the Tuberculosis Sanatorium at Madanapalle, and for the exclusion, modification or restriction of enactments relating to public health from or in such neighbourhood;

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, application and commencement. 1. (1) This Act may be called THE MADANAPALLE TUBERCULOSIS SANATORIUM (REGULATION OF BUILDINGS) ACT, 1943.

(2) It applies to the Madanapalle Sanatorium area as notified by the Provincial Government from time to time in the *Fort St. George Gazette*:

Provided that no place shall be included therein unless it is situated within two miles of some portion of the boundary of the Union Mission Tuberculosis Sanatorium at Madanapalle.

(3) It 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) 'building' includes—

(a) a house, outhouse, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether wholly or partially constructed of masonry, bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without any foundation;

(c) a tent, van and any other structure used for human habitation;

(2) a person shall be deemed 'to re-erect a building' if he—

(a) makes any material alteration to, or enlargement of, a building or

(b) converts into a dwelling place any building not originally constructed for that purpose, or

(c) converts into two or more dwelling places a building originally constructed as a single dwelling place, or

(d) converts two or more dwelling places into a larger number of such places, or

(e) converts into a stable, cattle-shed or cow-house any building originally constructed as a dwelling place, or

(f) makes any alteration which is likely to affect prejudicially the stability or safety of a building, or the condition of a building in respect of its drainage, sanitation or hygiene, or

(g) makes any alteration to a building which increases or diminishes its height or the area covered by it or the cubic capacity thereof, or which reduces the cubic capacity of any room therein;

(3) 'Sanatorium area' means the area notified under sub-section (2) of section 1.

3. (1) As soon as may be after this Act comes into force, the Provincial Government shall, by notification in the *Fort St. George Gazette* and with effect from such date as may be specified therein, constitute an authority to be called the Madanapalle Sanatorium Local Authority (hereinafter referred to as the Sanatorium Local Authority) for the purpose of controlling the construction of buildings in the Sanatorium area.

(2) The Sanatorium Local Authority shall consist of—

(a) the President of the District Board, Chittoor, *ex officio* ;

(b) the Revenue Divisional Officer, Madanapalle, *ex officio* ;

(c) the Medical Superintendent of the Madanapalle Tuberculosis Sanatorium, *ex officio* ;

(d) an official of the Madanapalle Tuberculosis Sanatorium appointed by the Provincial Government ;

(e) one other member appointed by the Provincial Government.

(3) The term of office of any member appointed under clauses (d) and (e) of sub-section (2) shall be fixed by the Provincial Government.

(4) The member appointed under clause (d) of sub-section (2) shall be the Secretary of the Sanatorium Local Authority, and the Provincial Government shall appoint one of the other four members to be its Chairman.

4. The Provincial Government may, by notification in the *Fort St. George Gazette*, direct that the provisions of the Madras Local Boards Act, 1920, or of the Madras Public Health Act, 1939, or of any other enactment for the time being in force in the Province of Madras and relating to public health, shall not apply to the Sanatorium area or shall apply thereto only to such extent and subject to such modifications and restrictions as may be specified in the notification. In particular, the notification may authorize the Sanatorium Local Authority or its Chairman or Secretary to perform any duty or exercise any power assigned to a panchayat or its president or to any other authority or officer under the provisions so applied, subject to such control as may be specified in the notification.

5. No person shall, except with the previous sanction of the Sanatorium Local Authority, erect or re-erect a building on any land in the Sanatorium area, not being land situated within the boundary of the Union Mission Tuberculosis Sanatorium at Madanapalle.

6. (1) Application for such sanction shall be made in writing and shall—

(a) specify the purpose for which it is intended to use the building ; and

(b) furnish such information and be accompanied by such plans as may be required by rules made under this Act.

(2) The applicant shall also furnish to the Sanatorium Local Authority any further information or plans which it may require, within such time as may be fixed by it.

7. (1) The Sanatorium Local Authority may refuse to sanction the erection or re-erection of a building, or may sanction such erection or re-erection either unconditionally or subject to such conditions as it thinks fit to impose in respect of all or any of the following matters, namely:—

(a) the free passage or way to be left in front of the building ;

(b) the open space to be left about the building to secure free circulation of air and the prevention of fire and to facilitate scavenging ;

(c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist ;

(d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for rubbish or filth ;

(e) the level and width of the foundation, the level of the lowest floor, and the stability of the structure ;

(f) the line of frontage with neighbouring buildings if the building abuts on a street ;

(g) the means to be provided for egress from the building in case of fire ;

(h) the materials to be used for, and the method of construction of, external and partition walls, rooms, floors, fireplaces and chimneys ;

(i) the height and slope of the roof above the uppermost floor on which human beings are to live or cooking is to be done ;

(j) any other matter affecting the ventilation and sanitation of the buildings,

(2) Any conditions imposed under sub-section (1) shall be in writing, and the person erecting or re-erecting the building shall comply therewith in every particular.

8. Every sanction given for the erection or re-erection of a building shall be available for a period of one year from the date on which it is given, and if the sanctioned erection or re-erection is not commenced within that period, it shall not be commenced thereafter, unless the Sanatorium Local Authority on application made therefor has extended the period.

Punishment for illegal erection or re-erection. 9. Whoever begins, continues or completes the erection or re-erection of a building—

(a) before such erection or re-erection has been sanctioned by the Sanatorium Local Authority, or

(b) without complying with any condition imposed under section 7, or

(c) when sanction has been refused by the Sanatorium Local Authority, or after the sanction has ceased to be available by virtue of the provision contained in section 8, shall be punished with fine which may extend to five hundred rupees.

Power to stop erection or re-erection or to order demolition, etc. 10. (1) The Sanatorium Local Authority may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the Sanatorium area—

(a) to stop the erection or re-erection of any building, or

(b) to alter or demolish, within such time as may be specified in the notice, any building or any part thereof,

if, in the opinion of such authority, the erection or re-erection of such building or part constituted, or will constitute, an offence under section 9.

(2) If any direction given under clause (b) of sub-section (1) is not complied with, within the time specified therefor in the notice, the Sanatorium Local Authority may have such direction carried into effect at its cost and have the amount thereof recovered from the defaulter in such manner as may be authorized by the rules.

Appeals and revision. 11. (1) Any person aggrieved by any order passed under this Act by the Sanatorium Local Authority may appeal to the District Collector who shall pass such orders thereon as he thinks fit.

(2) The Provincial Government may in their discretion, at any time, either *suo motu* or on application, call for and examine the record of any order passed under this Act by the Sanatorium Local Authority or the District Collector for the purpose of satisfying themselves as to the legality or propriety of such order, and may pass such order in reference thereto as they think fit.

Bar of compensation. 12. No compensation shall be claimed by any person for any damage or loss sustained by him in consequence of—

(a) the refusal of the Sanatorium Local Authority to sanction the erection or re-erection of any building, or

(b) any condition imposed by such authority in regard to such erection or re-erection under section 7, or of any order passed by it under section 10, or

(c) any order passed by the District Collector or the Provincial Government under section 11.

Power to make rules. 13. (1) The Provincial Government may, by notification in the *Fort St. George Gazette*, make rules to carry out all or any of the purposes of this Act.

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

(a) the rules of business of the Sanatorium Local Authority;

(b) the manner in which applications for sanction to erect or re-erect buildings shall be made to the Sanatorium Local Authority, and the information and plans to be furnished either along with such applications or subsequently;

(c) the type or description of building which may or may not, and the purpose for which a building may or may not, be erected or re-erected in any specified area or areas;

(d) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;

(e) the circumstances in which a mosque, temple, church or other sacred building may be erected or re-erected;

(f) the manner in which the costs referred to in section 10 may be recovered;

(g) the form in which and the time within which appeals under section 11 may be preferred;

(h) the fees which may be charged in respect of any application made, appeal preferred, or proceeding taken, under this Act.

THE MADRAS AGRICULTURISTS RELIEF (AMENDMENT)
ACT, 1943.

ACT No. XV OF 1943.

[4th August, 1943.

An Act further to amend the Madras Agriculturists Relief Act, 1938.

WHEREAS it is expedient further to amend the Madras Agriculturists Relief Act, 1938, 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 AGRICULTURISTS RELIEF (AMENDMENT), ACT, 1943.

Insertion of new section 19-A in Madras Act IV of 1938.

"19-A. (1) Where any

Application for the determination of the amount of debt due.

2. After section 19 of the Madras Agriculturists Relief Act, 1938 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

debt incurred before the 22nd March 1938, other than a decree debt, is due by any person who claims that he was an agriculturist both on that date and on the 1st October, 1937, the debtor or the creditor may apply to the Court having jurisdiction for a declaration of the amount of the debt due by the debtor on the date of the application:

Provided that no such application shall be presented or be maintainable if a suit for the recovery of the debt is pending.

Explanation.—The Court having jurisdiction under this section shall be the Court which would have jurisdiction to entertain a suit for the recovery of the debt as unsealed.

(2) The provisions of sub-section (1) shall apply also to any person claiming to be such an agriculturist, who contends that any such debt due by him has been discharged.

(3) All persons who would have been necessary parties to a suit for the recovery of the debt shall be impleaded as parties to the application under sub-section (1) or under that sub-section read with sub-section (2).

(4) (a) When any such application is made, the Court shall first decide whether the debtor was such an agriculturist or not, and if it finds that he was such an agriculturist, pass an order declaring the amount due by him or declaring that the debt has been discharged, as the case may be.

(b) The Court shall dismiss the application if it finds that the debtor was not such an agriculturist.

(5) At any time after passing an order under clause (a) of sub-section (4), the Court shall on payment by the creditor of the court-fee payable on a suit for the amount declared due to him, grant a decree to the creditor for such amount:

Provided that the creditor may on his application be granted a decree for an amount less than that declared due to him on paying the appropriate court-fee.

(6) The Court may order that the court-fee, if any, paid by the creditor under sub-section (5) shall be paid by the debtor in addition to the amount decreed.

(7) If the debtor pays into the Court the amount declared to be due under clause (a) of sub-section (4) or the amount of the decree granted under sub-section (5) together with the costs, if any, ordered to be paid under sub-section (6), the Court shall grant to the debtor a certificate that the debt has been discharged.

(8) The procedure laid down in the Code of Civil Procedure, 1908, for the trial of suits shall as far as may be, apply to applications under this section.

(9) No Court shall entertain a suit by the creditor for the recovery of a debt—

(i) if an application has been made under sub-section (1) in respect of such debt to a Court having jurisdiction and is pending in such Court; or

(ii) if a Court having jurisdiction has passed an order under clause (a) of sub-section (4) in respect of such debt.

(10) In computing the period of limitation prescribed for a suit by the creditor for the recovery of a debt, the time, if any, during which the Court was prevented from entertaining the suit by virtue of the provision contained in clause (i) of sub-section (9) shall be excluded.

Insertion of new section 25-A in Madras Act IV of 1938.

3. After section 25 of the said Act, the following section shall be inserted, namely:—

"25-A. (1) An appeal shall lie from any of the following orders passed by a Court under this Act, as if such order related to the execution, discharge or satisfaction of a decree within the meaning of section 47 of the Code of Civil Procedure, 1908:—

Appeals.

(a) An order under sub-section (1) of section 18 amending or refusing to amend a decree;

(b) An order under section 19 amending or refusing to amend a decree or entering or refusing to enter satisfaction in respect of a decree;

(c) An order under clause (a) of sub-section (4) of section 19-A declaring the amount due to the creditor or declaring the debt to have been discharged;

(d) An order under section 22 directing or refusing to direct the refund of any excess realized in execution of a decree;

(e) An order under section 23 setting aside or refusing to set aside any sale or foreclosure of immovable property;

(f) An order under section 24 directing or refusing to direct the repayment of any purchase money realized in execution of a decree.

(2) From any order passed on an appeal presented to it under the provisions of sub-section (1) by a Court subordinate to the High Court, an appeal shall lie to the High Court on any of the grounds mentioned in sub-section (1) of section 100 of the Code of Civil Procedure, 1908."

4. An order passed by a Court before the commencement of this Act dismissing an application for a declaration of the amount of the debt due to a creditor or for a declaration that the debt has been discharged

Saving of certain orders. on the ground that a suit for the recovery of the debt was instituted subsequently by the creditor shall not be called in question or reopened in any Court.

Amendment made by section 3 to have retrospective operation.

5. The amendment made by section 3 of this Act shall be deemed to have come into operation on the 27th October, 1939.

THE MADRAS STAMP (INCREASE OF DUTIES) ACT, 1943.

ACT No. XVI OF 1943.

[22nd September, 1943.

An Act to increase the stamp duties chargeable on certain instruments under the Indian Stamp Act, 1899, as in force in the Province of Madras.

WHEREAS it is expedient to increase the stamp duties chargeable on certain instruments under the Indian Stamp Act, 1899, as in force in the Province of Madras and for that purpose to modify certain provisions of that Act;

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 STAMP (INCREASE OF DUTIES) ACT, 1943.

(2) It shall come into force on the 1st day of October, 1943,

2. Any instrument described in any of the undermentioned Articles of Schedule 1-A to the Indian Stamp Act, 1899 (hereinafter referred to as the said Act), shall be chargeable with twice the amount of the stamp duty with which such instrument was chargeable immediately before the passing of this Act, and the said Articles shall be read and construed accordingly:—

Rates of stamp duty on certain instruments to be doubled;

Articles 4; 5; 7; 9; 11; 13; 14; 15; 16; 19; 20; 22; 23; 26; 27; 28; 29; 30; 32; 33; 34; 36; 38; 39; 40 (f); 43; 44; 45; 46; 47; 48; 50 (a) and (b); 51; 52 and 53.

3. Any instrument described in any of the undermentioned Articles of Schedule 1A to the said Act, as amended by clause (d) (i) of section 4 of this Act, shall be chargeable with one and a half times the amount of the stamp duty with which such instrument was chargeable immediately before the passing of this Act, and the said Articles shall be read and construed accordingly:—

Rates of stamp duty on certain other instruments to be increased by fifty per cent.

Articles 1A; 2; 3; 6; 17; 18; 24; 31; 35; 40 (b), (d), (e) and (g); and 50 (d) and (e).

Act II of 1899 to have effect subject to certain amendments.

4. During the continuance of this Act, the said Act shall have effect as if—

(a) in sub-section (I) of section 4 and the proviso to section 6, for the words "one rupee eight annas" the words "three rupees" had been substituted;

(b) in clause (a) of section 11, before the words "one anna" the words "one and a half annas" had been inserted;

(c) in clause (c) of the proviso at the end of section 32, clause (a) of the proviso to section 35, sub-section (1) of section 40 and section 41, before the words "one anna", the words "one and a half annas" had been inserted, and for the words "two annas" the words "four annas" had been substituted;

(d) in Schedule 1A—

(i) Article 1 had been renumbered as Article 1A and the following had been inserted as Article 1, namely:—

"1. ACKNOWLEDGMENT of a debt exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass-book) or on a separate piece of paper when such book or paper is left in the creditor's possession: provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property. One and a half annas."

(ii) in Article 13, for the entry "Administration Bond (No. 1)", the entry "Administration Bond (No. 1A)" had been substituted;

(iii) after Article 16, the following Article and entry had been inserted, namely:—

"16A. CERTIFICATE OR OTHER DOCUMENT evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such company or body. Three annas"

See also LETTER OF ALLOTMENT OF SHARES (No. 30A)

(iv) in clauses (a) and (b) of Article 21, for the words "one rupee eight annas" the words "three rupees" had been substituted;

(v) before the entry relating to DEPOSIT OF TITLE DEEDS, the following Article had been inserted, namely:—

"23A. DELIVERY ORDER IN RESPECT OF GOODS, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees. One and a half annas."

(vi) in Article 25, the word "Vakil" in the first paragraph had been omitted, and for the figures "1884" occurring after the words "Legal Practitioners Act", in the same paragraph, the figures "1879" had been substituted; and for clauses (a) and (b) and the Exemption, the following clauses and Exemptions had been substituted, namely:—

"(a) in the case of an Advocate.

Six hundred and twenty-five rupees; or if previously enrolled as an attorney in the same or any other High Court, three hundred and twelve rupees eight annas.

(b) in the case of an Attorney.

Three hundred and twelve rupees eight annas.

Exemptions—

(a) Entry as an Advocate on the roll of any High Court when he has been previously enrolled as a Vakil in the same High Court or as an Advocate or Vakil in any other High Court.

(b) Entry as an Attorney on the roll of any High Court when he has been previously enrolled as an Advocate or Vakil in the same High Court or as an Advocate, Vakil or Attorney in any other High Court.

(vii) before the entry relating to LETTER OF GUARANTEE, the following Article and entry had been inserted, namely:—

"30A. LETTER OF ALLOTMENT OF SHARES in any company or proposed company, or in respect of any loan to be raised by any company or proposed company. Three annas.

See also CERTIFICATE OR OTHER DOCUMENT

(No. 16A)

(viii) after Article 48, the following entry and Article had been inserted, namely:—

"SCRIP. See CERTIFICATE.

(No. 16-A).

48A. SHIPPING—ORDER for or relating to the conveyance of goods on board of any vessel. One and a half annas.

(ix) in clauses (a) and (b) of Article 49, for the words "seven rupees eight annas" the words "fifteen rupees" had been substituted;

(x) in clause (c) of Article 50, for the words "seven rupees eight annas" in both the places where they occur, the words "fifteen rupees" had been substituted.

THE MADRAS FINANCE (No. 2) ACT, 1943.

ACT No. XVII OF 1943.

[8th] September, 1943.

An Act to increase the rates of the taxes leviable under the Madras Betting Tax Act, 1935, and the Madras General Sales Tax Act, 1939.

WHEREAS it is expedient to increase the rates of the taxes leviable under the Madras Betting Tax Act, 1935, and the Madras General Sales Tax Act, 1939;

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, extent and commencement. 1. (1) This Act may be called THE MADRAS FINANCE (No. 2) ACT, 1943.

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

(3) This section and sections 2 and 3 shall come into force on the 1st day of October 1943; section 4 shall come into force on the 1st day of April 1944.

Amendment of Madras Act XX of 1935. 2. In the Madras Betting Tax Act, 1935, in the proviso to sub-section (2) of section 4 and in the proviso to sub-section (2) of section 5, for the words "four per cent" the words "six and a quarter per cent" shall be substituted.

3. (1) The Madras Finance Act, 1943, is hereby repealed; and the Madras General Sales Tax Act, 1939, shall have effect, in regard to the tax payable thereunder in respect of the year beginning on the 1st day of April 1943, as if for sub-section (1) of section 3 of that Act and the first proviso to that sub-section, the following sub-section and proviso were substituted, namely:—

"(1) Subject to the provisions of this Act, every dealer shall pay, in respect of the year beginning on the 1st day of April 1943, a tax in accordance with the scale specified below:

(a) If his turnover in such year, that is to say, in both the half-years thereof, does not exceed twenty thousand rupees.

(i) For the first half-year, four rupees per month.

(ii) For the second half-year, five rupees per month.

(b) If such turnover exceeds twenty thousand rupees.

(i) For the first half-year, one quarter of one per cent of the turnover in that half-year.

(ii) For the second half-year, one per cent of the turnover in that half year:

Provided that if the turnover of any dealer in the year aforesaid is less than ten thousand rupees, he shall not be liable to pay the tax under this sub-section for either of the half-years comprised in such year."

(2) The Provincial Government shall have power to make rules altering, adding to, or making omissions from, the rules made under the Madras General Sales Tax Act, 1939, for the purpose of giving effect to the provisions of that Act as amended by sub-section (1).

(3) The exercise of the power conferred by sub-section (2) shall not be subject to the condition of previous publication.

(4) All rules made under sub-section (2) shall be published in the *Fort St. George Gazette*, and upon such publication shall have the same effect as if they had been made under the Madras General Sales Tax Act, 1939:

Provided that such rules shall have no application except in regard to the tax payable in respect of the year aforesaid or any part thereof.

Amendment to Madras Act IX of 1939, 4. In sub-section (1) of section 3 of the Madras General Sales Tax Act, 1939, for the words "one-half of one per cent." the words "one per cent." shall be substituted.

THE MADRAS IRRIGATION WORKS (REPAIRS, IMPROVEMENT AND CONSTRUCTION) ACT, 1943.

ACT NO. XVIII OF 1943.

[29th September, 1943.

An Act to provide for the repair or improvement of private irrigation works, the construction of new irrigation works on private lands and the supply of water from Government to private irrigation works, in the Province of Madras.

WHEREAS it is expedient for the purpose of maintaining and increasing the production of food in the present emergency in the Province of Madras, to empower the Provincial Government to repair or improve private irrigation works, to construct new irrigation works on private lands, to supply water from Government irrigation works to private irrigation works, and to recover the cost of doing so in the cases aforesaid;

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 IRRIGATION WORKS (REPAIRS, IMPROVEMENT AND CONSTRUCTION) ACT, 1943.

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

Power to repair, improve and construct irrigation works and to supply water from Government irrigation works. 2. If in the opinion of the Provincial Government, it is necessary or expedient so to do in order to maintain or increase the production of food in the Province, they may—

(a) execute or cause to be executed, repairs to any irrigation work in private ownership which is not working at maximum efficiency;

(b) improve or cause to be improved, any irrigation work in private ownership;

(c) construct or cause to be constructed, a new irrigation work on land not being Crown property;

(d) provide for the supply of water from any Government irrigation work to any irrigation work in private ownership.

Recovery of the cost and of fees. 3. (1) The Provincial Government shall—

(a) meet in the first instance the cost of the measures referred to in clauses (a), (b) or (c) of section 2;

(b) determine the amount of such cost after the execution of the said measures;

(c) be entitled to recover such amount in a lump sum—

(i) in the cases referred to in clauses (a) and (b) of section 2, from the landholder or other person who by any law or custom is bound to keep the irrigation work in repair; and

(ii) in the case referred to in clause (c) of section 2, from the landholder on whose land the new irrigation work has been constructed.

(2) In the cases referred to in clauses (b) and (c) of section 2, where the person liable under sub-section (1) to pay the cost of the measures is the landholder of an estate as defined in the Madras Estates Land Act, 1908, he shall be entitled to apply under clause (ii) of section 30 of the said Act for an enhancement of the rent payable by the ryots benefited by such measures.

Explanation.—It shall not be open to any ryot to refuse a supply or an improved supply of water which may result from the measures aforesaid.

(3) In the case referred to in clause (d) of section 2, the Provincial Government shall be entitled to charge fees for the water supplied by them at such rates as they deem fit, and the fees so charged shall be recovered from such persons, at such times and on such terms and conditions as may be specified in accordance with rules made under this Act,

4. (1) Any cost or fee recoverable by the Provincial Government under section 3 shall become payable to them, on the issue of written notice of demand. Cost and fees payable on demand.

(2) Such cost or fee shall carry interest, from the date on which it becomes payable, at such rate as may be notified by the Provincial Government in that behalf.

5. Any cost or fee which has become payable under section 4—

(a) may be recovered as if it were an arrear of land revenue from the person by whom it is payable; and

(b) shall be a charge on the interest of such person in lands served by the irrigation work concerned.

6. The District Collector or any officer appointed by him in this behalf may, for the purposes of this Act, at all reasonable times, enter upon and inspect any land including the irrigation work, if any, situated therein. Powers of entry and inspection.

7. (1) The Provincial Government may, by notification in the *Fort St. George Gazette*, delegate all or any of their powers under this Act except those conferred upon them by this section and section 11, to any person or authority subordinate to the Provincial Government, and may in like manner withdraw any powers so delegated. Delegation of the powers of the Provincial Government.

(2) The exercise of any powers delegated under sub-section (1) shall be subject to such restrictions, limitations and conditions, and to control and revision by such authority or authorities, as may be specified in the notification.

8. Any action taken or thing done under section 2, 3 or 4 shall, subject to the provisions of sub-section (2) of section 7, be final, and shall not, save as otherwise provided in any rules made under this Act, be liable to be called in question in any Court of law; nor shall any Court of law issue an injunction in regard to any action or thing proposed to be taken or done under section 2, 3 or 4. Jurisdiction of Courts ousted in certain cases.

9. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the Provincial Government, for any act done or purporting to be done under this Act, without the previous sanction of the Provincial Government. Bar of certain proceedings.

(2) No officer or servant of the Provincial Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

10. No suit shall be instituted against the Crown, and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Provincial Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of. Limitation for certain proceedings.

11. (1) The Provincial Government may make rules to carry out the purposes of this Act. Power to make rules.

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

(a) for any matter required or allowed by this Act to be regulated by rules;

(b) for the procedure to be adopted under this Act;

(c) for determining and adjusting the rights and liabilities of the landholders and ryots, where the irrigation work concerned serves two or more estates as defined in the Madras Estates Land Act, 1908;

(d) any other matter for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of the Provincial Government, necessary for giving effect to the purposes of 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.

12. The provisions of this Act and of any rules, orders, proceedings, action or other thing made, taken or done thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other enactment or law for the time being in force. Act to override other enactments.

**THE MADRAS LOCAL BOARDS (SECOND AMENDMENT)
ACT, 1943.**

ACT No. XIX OF 1943.

[5th October, 1943.]

An Act further to amend the Madras Local Boards Act, 1920.

WHEREAS it is expedient to provide for the appointment of executive officers to certain panchayats, and for that purpose, further to amend the Madras Local Boards Act, 1920;

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 LOCAL BOARDS (SECOND AMENDMENT) ACT, 1943.

Amendment of section 3 and certain other provisions of Madras Act XIV of 1920.

2. (1) In section 3 of the Madras Local Boards Act, 1920 (hereinafter referred to as the said Act), clause (7-C) shall be renumbered as clause (7-D) and the following shall be inserted as clause (7-C), namely:—

“(7-C) ‘Executive authority’ means—

- (i) in the case of a district board, its president;
- (ii) in the case of a panchayat having an executive officer, the executive officer, and if there is no executive officer in charge, the president of the panchayat;
- (iii) in the case of any other panchayat, the president thereof.”

(2) The words ‘executive authority’ shall be substituted for the word ‘president’ wherever it occurs in the following provisions of the said Act, namely:—

Sections 22, 26 (1) and (3), 27, 36 (4), 37-A, 37-C, 39 (1), 56 (1) (aa) and (4), 57 (1), 65, 67 (2), 69, 70, 72, 73, 77 (1) (b), 95, 96, 97, 101 (1) and (3), 101-A, 102 (1) (a) and (2) (a), 102-A (3), 116, 122, 123, 124 (2), 127, 131, 132, 135, 136, 137 (2), 138, 144—proviso, 147, 148, 149, 150 (1), 153, 155, 158, 159 (1), 160 (1), (2), (3) and (6), 161, 162, 163 (1) and (3), 163-A, 164 (2), 165, 169, 172 (1) and (2), 181, 183, 183-A, 185, 190, 191, 193 (1), (2), (3) and (4), 197 (1), 198 (a), 210, 212 (1), (5), (6), (8) and (11), 215-A, 216 (1) (c), 217, 218, 219, 220 (2), 223, 226, 230, 231 (1) and 232;

Schedule II—Rule 12;

Schedule IV—Rules 5 (1) and (4) (a), 6, 7 (1), 11-A, 18 (1) (ii), 20, 22, 23, 24 (1), 24-A, 25, 27, 28 (ii), 29, 30, 32 (1) and (2), 33 (1), (2) and (5), 35, 38, 39-A and 40; Appendix A and Appendix B;

Schedule V—Rules 8 (2) (b) and 9 (1);

Schedule VIII—Entry against section 102 (1).

Amendment of section 6, Madras Act XIV of 1920.

3. In sub-section (2) of section 6 of the said Act—

(i) in the first paragraph, after the word “president”, the words “or executive authority” shall be inserted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

“Provided that in any part of a district where there is no panchayat—

(i) the district board shall perform the functions of the panchayat, and shall be credited with its receipts and be debited with its charges;

(ii) the president of the district board shall perform the functions of the president of the panchayat; and

(iii) the president of the district board in his capacity as its executive authority shall perform the functions of the executive authority of the panchayat.”

Substitution of new sections for section 21, Madras Act XIV of 1920.

4. For section 21 of the said Act, the following sections shall be substituted, namely:—

Appointment of executive officers for certain panchayats.

“21. (1) A whole-time executive officer shall be appointed by the Provincial Government for any panchayat which may be notified by them in this behalf.

(2) In the case of any panchayat notified under sub-section (1) if there is no executive officer in charge, the president of the panchayat shall, subject to such rules as may be prescribed, perform the functions of the executive officer.

(3) Save as otherwise prescribed, no executive officer appointed under sub-section (1) shall undertake any work unconnected with his office without the sanction of the Provincial Government.

(4) The panchayat shall pay the executive officer such salary and allowances as may from time to time be fixed by the Provincial Government.

(5) The panchayat shall also make—

(a) if the executive officer is in the service of the Crown, such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Crown, to be made by him or on his behalf;

(b) if the executive officer is not in the service of the Crown, such contribution towards his leave allowances, pension and provident fund as may be prescribed in this behalf.

(6) The Provincial Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the executive officers appointed under sub-section (1).

Functions of president of local board.

21-A. The president of a local board shall—

(a) make arrangements for the election of the vice-president;

(b) convene the meetings of the local board; and

(c) perform all the duties and exercise all the powers specifically imposed or conferred on the president by this Act.

Functions of executive authority of local board.

21-B. The executive authority of a local board shall—

(a) carry into effect the resolutions of the Board; and

(b) perform all the duties and exercise all the powers specifically imposed or conferred on the executive authority by this Act and subject, whenever it is hereinafter expressly so provided, to the sanction of the Board, and subject also to all other restrictions, limitations and conditions hereinafter imposed, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes of this Act.

21-C. In the case of the panchayats notified under sub-section (1) of section 21, the president of the panchayat shall have full access to all its records, and no official correspondence shall be conducted

Rights of president in panchayats having executive officers. except through him between the panchayat and the Provincial Government or the district board or the president or executive authority thereof.

The president of the panchayat shall be bound to transmit all communications addressed through him by the executive officer of the panchayat to any of the authorities mentioned above or by any of those authorities to the executive officer.

Functions of local board president and executive authority to be mutually exclusive.

21-D. It shall not be lawful—

(1) for the president or executive authority of a district board, to perform any functions expressly assigned by or under this Act or any other law to the district board;

(2) for the president of a panchayat, to perform any functions expressly assigned by or under this Act or any other law to the panchayat or to its executive authority;

(3) for the executive authority of a panchayat, to perform any functions expressly assigned by or under this Act or any other law to the panchayat or to its president."

Amendment of section 22-A, Madras Act XIV of 1920.

5. In the second paragraph of section 22-A (2) (b) of the said Act, the following words shall be added at the end, namely:—

"including, where he is also the executive authority, his functions as such authority."

Amendment of section 23, Madras Act XIV of 1920.

6. In section 23 of the said Act—

(i) in the first paragraph of sub-section (1), after the words "his functions", the words "including his functions as executive authority, where he is also the executive authority," shall be inserted;

(ii) in the first paragraph of sub-section (2), after the words "his functions", the words "including, where he is also the executive authority, his functions as such" shall be inserted;

(iii) in sub-section (3)—

(a) in the first paragraph, after the words "his functions", the words "including his functions as executive authority, where he is also the executive authority" shall be inserted;

(b) in clause (iii) of the proviso, after the words "president of the district board", the words "in his capacity as such or in his capacity as the executive authority of the district board, as the case may be" shall be added;

(iv) in sub-section (4), after the words "the president of a local board may", the words "where he is also the executive authority" shall be inserted, and for the words "president of the district board", the words "executive authority of the district board" shall be substituted.

Renumbering and amendment of section 25 of Madras Act XIV of 1920. sub-section (5) of section 23; and in the section as so re-numbered, for the words and figures "under section 23", the words "under this section" shall be substituted and the words and figures "of section 23" occurring at the end shall be omitted.

Insertion of new section 24 in the Madras Act XIV of 1920. (2) The following shall be inserted as section 24, namely:—

"24. (1) Subject to any directions given or restrictions imposed by the Provincial Government or the panchayat, the executive officer of a panchayat may, by order in writing, delegate any of his functions to any officer or servant of the panchayat or to any servant of the Crown, and subject to the consent of the executive authority of the district board, also to any officer or servant of the district board.

(2) The exercise or discharge of any functions so delegated shall be subject to such restrictions, limitations and conditions as may be laid down by the executive officer and shall also be subject to his control and revision."

Insertion of new section 33 in Madras Act XIV of 1920.

8. After section 32 of the said Act, the following section shall be inserted, namely:—

Rights and duties of executive officer.

(2) The executive officer shall attend any meeting of the panchayat or of any committee if required to do so by the president of the panchayat."

Amendment of section 37-B, Madras Act XIV of 1920.

"33. (1) The executive officer of a panchayat shall have the right to attend the meetings of the panchayat or any committee thereof and take part in the discussions thereat but shall not have the right to move any resolution or to vote.

9. In section 37-B of the said Act, after the word "presidents", the words "executive authorities," shall be inserted.

10. In section 37-D of the said Act, for the words "exercised by the president of the district board in the case of panchayats and their presidents", the words "exercised, in the case of a panchayat or its president or executive authority, by the president of the district board in his capacity as such or in his capacity as the executive authority of the district board, as the case may be" shall be substituted.

Amendment of section 41, Madras Act XIV of 1920.

11. In sub-section (1) of section 41 of the said Act, after the word "president", the words "or executive authority" shall be inserted.

12. In section 42 of the said Act, for the words "by the president of the district board in respect of panchayats or their presidents", the words "in respect of a panchayat or its president or executive authority, by the president of the district board, in his capacity as such or in his capacity as the executive authority of the district board, as the case may be" shall be substituted.

Amendment of section 43, Madras Act XIV of 1920.

13. In sub-section (1) of section 43 of the said Act, after the words "powers vested in him", the words "including his powers as executive authority where he is also the executive authority" shall be added.

Amendment of section 45, Madras Act XIV of 1920.

14. In sub-section (3) of section 45 of the said Act, for the words "its president", the words "of its president, including where the president is also the executive authority, his powers and duties as such," shall be substituted.

Amendment of section 45-A, Madras Act XIV of 1920.

15. In sub-section (5) of section 45-A of the said Act, for the words "its president", the words "of its president including, where the president is also the executive authority, his powers and duties as such" shall be substituted.

Amendment of section 198, Madras Act XIV of 1920.

16. In clause (b) of section 198 of the said Act, for the words "the president's order", the words "the order of the executive authority" shall be substituted.

Amendment of section 208, Madras Act XIV of 1920.

17. In sub-section (2) of section 208 of the said Act, for the words "acts as or exercises the functions of the president, temporary president or vice-president of a local board," the following words shall be substituted, namely:—
"acts as the president, temporary president or vice-president of a local board, or exercises any of his functions, including where he is also the executive authority, any of his functions as such,".

Amendment of section 214, Madras Act XIV of 1920.

18. In sub-section (2) of section 214 of the said Act, after the word "president" in both the places where it occurs, the words "or executive authority", shall be inserted.

Amendment of section 225, Madras Act XIV of 1920.

19. In section 225 of the said Act—
(i) in sub-section (1), after the words "the president", the words "the executive authority", and after the word "president" in the second and third places where it occurs, the words "executive authority," shall be inserted;

(ii) in sub-section (4), after the words "the president" the words "the executive authority", and after the word "president" in the second place where it occurs, the words "executive authority," shall be inserted.

Amendment of section 227, Madras Act XIV of 1920.

20. In sub-section (1) of section 227 of the said Act, for the words "Every member of a local board", the words "The president, every member and the executive authority of a local board" shall be substituted.

Amendment of section 227-A, Madras Act XIV of 1920.

21. In section 227-A of the said Act, for the words "the president, or any member," the words "the president, any member, or the executive authority" shall be substituted.

Amendment of section 229, Madras Act XIV of 1920.

22. In section 229 of the said Act, after the words "its president", the words "or executive authority" shall be inserted, and for the words "with whom the president has entered into a contract," the words "with whom a contract has been entered into" shall be substituted.

Amendment of section 240, Madras Act XIV of 1920.

23. In section 240 of the said Act—

(i) in sub-section (1), for the words "its president," the words "its president and its executive authority" shall be substituted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Special Officer shall exercise the powers, discharge the duties and perform the functions—

(a) of the local board, until the board has been constituted;

(b) of the president of the board, until a president has been elected by the board; and

(c) of the executive authority of a district board, until a president has been elected by the board; and

(d) of the executive authority of a panchayat, until a president has been elected by the panchayat or an executive officer has been appointed, thereto, whichever event happens first."

Addition of new section 241 to Madras Act XIV of 1920.

24. After section 240 of the said Act, the following section shall be added, namely:—

"241. (1) Any reference to the president of a local board, district board, or panchayat, contained in any enactment in force in the Province of Madras or in any notification, order, scheme, rule, form or by-law made under any such enactment and in force in the said Province, shall where such reference relates to the executive functions of such president, be construed as a reference to the executive authority of the local board, district board or panchayat as the case may be.

(2) If any question arises as to whether any such reference relates to the executive functions of such president or not, the decision of the Provincial Government shall be final."

Amendment of Schedule II, Madras Act XIV of 1920.

25. In rule 4 (i) of Schedule II to the said Act, before the word "Secretary," the words "executive officer," shall be inserted.

Power to remove difficulties.

26. If any difficulty arises 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 to be necessary for the purpose of removing the difficulty.

THE MADRAS CO-OPERATIVE SOCIETIES (AMENDMENT)
ACT, 1943.

ACT No. XX OF 1943.

[13th October, 1943.

An Act further to amend the Madras Co-operative Societies Act, 1932.

WHEREAS it is expedient further to amend the Madras Co-operative Societies Act, 1932, 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 CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1943.

(2) It shall come into force on such date as the Provincial Government may, by notification in the *Fort St. George Gazette*, appoint.

Insertion of new section 57-C, in Madras Act VI of 1932.

2. After section 57-B of the Madras Co-operative Societies Act, 1932, the following section shall be inserted, namely:—

"57-C. The provisions of sections 57-A and 57-B and of all rules made under this Act relating to, or in any manner connected with, the recovery of the sums specified in section 57-A, shall apply with such modifications, if any, as may be directed by the Provincial Government, in regard to the recovery of like sums due to co-operative societies registered or deemed to be registered in the Province of Orissa under any law for the time being in force in that Province, as if such societies had been registered in this Province."

Application of sections 57-A and 57-B and certain rules to societies in Orissa.

THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE
AND HEREDITARY VILLAGE-OFFICES (AMENDMENT)
ACT, 1943.

ACT No. XXI OF 1943.

[15th October, 1943.

An Act further to amend the Madras Proprietary Estates' Village Service Act, 1894, and the Madras Hereditary Village-offices Act, 1895.

WHEREAS it is expedient further to amend the Madras Proprietary Estates' Village Service Act, 1894, and 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 and commencement.

1. (1) This Act may be called THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE AND HEREDITARY VILLAGE-OFFICES (AMENDMENT) ACT, 1943.

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

2. (1) Where a person registered as the heir of the last holder of a village-office under section 13 of the Madras Proprietary Estates' Village Service Act, 1894, or section 10 (5) of the Madras Hereditary Village-offices Act, 1895, renders war service as defined in sub-section (2) during any portion of the period of three years after he has attained or attains majority, each of the sections aforesaid shall have effect as if—

(a) for the words "three years thereafter" and "three years after attaining majority" occurring therein, the words "five years after the termination of any war service rendered by him" were substituted; and

(b) the following Explanation were added thereto at the end, namely:—

"Explanation.—The expression 'war service' in both the places where it occurs in the foregoing provision shall have the same meaning as in sub-section (2) of section 2 of

the Madras Proprietary Estates' Village Service and Hereditary Village-offices (Amendment) Act, 1943."

(2) "war service" means service rendered in connexion with the present war, and falling under one or more of the following clauses, namely:—

- (a) service of any kind out of India with a mobilized unit;
- (b) service in India under military, munitions or stores authorities and service in a factory notified under sub-section (1) of section 4 of the National Service (Technical Personnel) Ordinance, 1940, in all cases with liability to serve out of India when required;
- (c) training with military units with liability to serve out of India when required;
- (d) service in the Civil Pioneer Force;
- (e) valuable service rendered to the fighting forces in other ways, for example, by way of recruiting;
- (f) wholtime service rendered in connexion with Air Raid Precaution measures or any other civil defence organization specified in this behalf by the Provincial Government; and
- (g) any other service notified by the Provincial Government as war service.

THE MADRAS PROHIBITION (SUSPENSION) ACT, 1943.

ACT No. XXII OF 1943.

[3rd November, 1943.]

An Act to suspend the operation of certain provisions of the Madras Prohibition Act, 1937.

WHEREAS it is expedient to suspend the operation of certain provisions of the Madras Prohibition Act, 1937;

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 (SUSPENSION) ACT, 1943.

2. Notwithstanding anything contained in sub-section (3) of section 1 of the Madras Prohibition Act, 1937 (hereinafter referred to as the said Act), the Provincial Government may, by notification in the *Fort St. George Gazette* and with effect from such date as may be specified therein, suspend the operation of the provisions of the said Act (except sections 1, 3 and 6), in all or any of the local areas, including the district of Salem, in which the said provisions are now in force.

Effect of notification under section 2.

3. Where a notification is issued in respect of any local area under section 2—

(a) the enactments mentioned in the Schedule to the said Act, with any subsequent statutory modifications thereof, shall revive and come into force in such local area on the date on which the notification aforesaid takes effect therein;

(b) all rules made and notifications issued under the Madras Abkari Act, 1886, and in force immediately before the date referred to in clause (a) in any district specified by the Provincial Government, shall come into force in such local area on the date referred to in clause (a), with such modifications as the Provincial Government may direct;

(c) the Provincial Government shall have power, before the date referred to in clause (a), to make rules and issue notifications under the Abkari Act aforesaid for such local area or any part thereof, and to direct that such rules and notifications shall, notwithstanding anything contained in section 69 of the Abkari Act aforesaid, come into force in such local area or part, as the case may be, on the date referred to in clause (a).

4. For the removal of doubts, it is hereby declared that the Provincial Government shall have power, by notification in the *Fort St. George Gazette*, to cancel any notification issued by them under section 2; and upon such cancellation the provisions of the said Act of which the operation had been suspended, with any subsequent statutory modifications thereof, shall revive and come into force in the local area concerned.

Power of Provincial Government to cancel notification issued under section 2.

THE MADRAS PAWNBROKERS ACT, 1943.

ACT No. XXIII OF 1943.

[6th November, 1943.]

An Act to regulate and control the business of Pawnbrokers in the Province of Madras.

WHEREAS it is expedient to make provision for the regulation and control of the business of pawnbrokers in 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, extent and commencement. 1. (1) This Act may be called THE MADRAS PAWNBROKERS ACT, 1943.

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

(3) This section shall come into force at once, and the Provincial Government may, from time to time, by notification in the *Fort St. George Gazette*, apply the remaining provisions of this Act to the whole or any portion of the Province of Madras from such date as may be specified in the notification, and may cancel or modify any such notification.

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

(1) "City of Madras" includes all places within the local limits of the ordinary original jurisdiction of the High Court of Judicature at Madras;

(2) "Company" means a company—

(a) registered under any of the enactments relating to companies for the time being in force in the United Kingdom or in any of the British Dominions, or in any of the Colonies or Dependencies of the United Kingdom, or in British India, or in any State in India; or

(b) incorporated by an Act of Parliament or by Royal Charter or Letters Patent or by any Act of the Indian Legislature;

(3) "co-operative society" means a society registered or deemed to be registered under the Madras Co-operative Societies Act, 1932;

(4) "interest" does not include any sum lawfully charged in accordance with the provisions of this Act by a pawnbroker for or on account of charges, but save as aforesaid, includes any amount, by whatsoever name called, in excess of the principal, paid or payable to a pawnbroker in consideration of or otherwise in respect of a loan;

(5) "loan" means an advance of money or in kind at interest, and includes any transaction which the Court finds in substance to amount to such an advance, but does not include—

(i) a deposit of money or other property in a Government Post Office Savings Bank or in a company or with a co-operative society;

(ii) an advance made by a company or a co-operative society;

(iii) an advance made by Government or by any person authorized by Government to make advances in their behalf, or by any local authority;

(iv) an advance made by any person *bona fide* carrying on any business, not having for its primary object the lending of money, if such loan is advanced in the regular course of such business; and

(v) an advance made by a landlord to his tenant, by a lessor to his lessee, or by one partner in cultivation or co-sharer to another for the purpose of carrying on agriculture;

(6) "pawnbroker" means a person who carries on the business of taking goods and chattels in pawn for a loan;

Explanation.—Every person who keeps a shop for the purchase or sale of goods or chattels and who purchases goods or chattels and pays or advances thereon any sum of money, with or under an agreement or understanding expressed or implied that the goods or chattels may be afterwards repurchased on any terms is a pawnbroker within the meaning of this clause;

(7) "pawner" means a person delivering an article for pawn to a pawnbroker.

(8) "pledge" means an article pawned with a pawnbroker;

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

(10) "principal" in relation to a loan means the amount actually lent to the pawner;

and (11) "year" means the financial year.

3. (1) No person, shall, after the expiry of three months from the date on which the provisions of this Act (other than section 1) come into force in any area, carry on or continue to carry on business as a pawnbroker at any place in such area, unless he has obtained a pawnbroker's licence under this Act.

Explanation.—Where a pawnbroker has more than one shop or place of business, whether in the same town or village or in different towns and villages, he shall obtain a separate pawnbroker's licence in respect of each such shop or place of business.

(2) Every pawnbroker's licence granted under this Act shall expire on the last day of the year for which it was granted, but may be renewed from year to year.

Grant and refusal of licences. 4. (1) Every application for a pawnbroker's licence shall be in writing and shall be made—

(a) if the shop or place of business for which the licence is applied for is situated in the City of Madras, to the Collector of Madras; and

(b) if such shop or place of business is situated at any place outside the City of Madras, to the Revenue Divisional Officer having jurisdiction over the area in which the shop or place of business is situated.

(2) The licence shall not be refused except on one or both of the following grounds, namely:—

(a) that the applicant is of bad character.

Explanation.—If any evidence of bad character is adduced against the applicant, he shall be given an opportunity of rebutting such evidence; and

(b) that the shop or place at which he intends to carry on the business of a pawnbroker or any adjacent house or shop or place, owned or occupied by him, is frequented by thieves or persons of bad character.

(3) Any order refusing a licence may on the application of the aggrieved party be revised—

(a) by the Board of Revenue, in case the order was passed by the Collector of Madras; and

(b) by the Collector of the district concerned, in other cases.

(4) Every licence shall be granted in such form and subject to such conditions as may be prescribed and on payment of such fee not exceeding twenty-five rupees as the Provincial Government may, from time to time, by notification in the *Fort St. George Gazette*, determine.

Pawnbrokers to exhibit their names over shops, etc.

5. Every pawnbroker shall—

(a) always keep exhibited in large characters over the outer door of his shop or place of business his name with the word Pawnbroker, in the chief language of the locality; and

(b) always keep placed in a conspicuous part of his shop or place of business so as to be legible to all persons resorting thereto the information required to be printed on pawn-tickets by rules made under this Act, in the chief language of the locality.

Interest and charges allowed to pawnbrokers.

6. (1) No pawnbroker shall charge interest in respect of a loan on a pledge at a rate exceeding—

(a) nine and three-eighth per cent per annum simple interest (that is to say, one and a-half pies per rupee per mensem simple interest, or one and a half annas per rupee per annum simple interest) in the case of loans of twenty-five rupees and below; and

(b) six and a quarter per cent. per annum simple interest (that is to say, one pie per rupee per mensem simple interest, or one anna per rupee per annum simple interest) in other cases.

(2) A pawnbroker may demand and take from the pawner such charges and in such cases as may be prescribed.

(3) A pawnbroker shall not demand or take from the pawner any profit, interest, charge or sum whatsoever, other than the interest due to him and the charges, if any, referred to in sub-section (2).

7. Every pawnbroker shall on taking a pledge in pawn give to the pawner a pawn-ticket in the prescribed form, and shall not take a pledge in pawn unless the pawner takes the pawn-ticket.

8. (1) The holder for the time being of a pawn-ticket shall be presumed to be the person entitled to redeem the pledge, and subject to the provisions of this Act, every pawnbroker shall, on payment of the principal and interest, deliver the pledge to the person producing the pawn-ticket, and he is hereby indemnified for so doing.

Person producing pawn-ticket presumed to be entitled to redeem the pledge.

(2) Except as otherwise expressly provided in this Act, a pawnbroker shall not be bound to deliver back a pledge unless the pawn-ticket for it is delivered to him.

Protection of owners and 9. (1) The following provisions shall have effect for the of pawners not having protection of owners of articles pawned, and of pawners pawn-tickets. not having their pawn-tickets to produce:—

(a) Any person claiming to be the owner of a pledge but not holding the pawn-ticket, or any person claiming to be entitled to hold a pawn-ticket, but alleging that the same has been lost, mislaid, destroyed, or stolen, or fraudulently obtained from him, may apply to the pawnbroker for a printed form of declaration (which shall be in the prescribed form), which the pawnbroker shall deliver to him:

Provided that an application shall not be made under this clause where the loan exceeds two hundred and fifty rupees unless the applicant has caused a public notice of his claim, containing such particulars as may be prescribed, to be published in the prescribed manner not less than the prescribed number of days before the date of the application.

(b) If the applicant delivers back to the pawnbroker the declaration duly made before any Magistrate or Judge by the applicant and by a person identifying him, the applicant shall have, as between himself and the pawnbroker, all the same rights and remedies as if he had produced the pawn-ticket:

Provided that such a declaration shall not be effectual for that purpose—

(i) in cases where the loan exceeds two hundred and fifty rupees, unless the applicant executes a bond with two sureties, to the satisfaction of the pawnbroker or of such authority or person as may be prescribed in this behalf, agreeing to indemnify the pawnbroker in respect of any liability which may be incurred by him by reason of delivering the pledge or otherwise acting in conformity with the declaration; and

(ii) in all cases, unless the declaration is duly made and delivered back to the pawnbroker within such period after the delivery of the form to the applicant, as may be prescribed.

(c) The pawnbroker is hereby indemnified for not delivering the pledge to any person until the expiration of the period aforesaid.

(d) The pawnbroker is hereby further indemnified for delivering the pledge or otherwise acting in conformity with the declaration, unless he has had notice within the meaning of the Transfer of Property Act, 1882, that the declaration was fraudulent or was false in any material particular.

(2) Any person making a declaration under sub-section (1), either as an applicant or as identifying an applicant, knowing the same to be false in any material particular, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees or with both.

Pawnbrokers to keep 10. (1) Every pawnbroker shall—
books, give receipts, etc.

(a) regularly record and maintain or cause to be recorded and maintained in a pledge book in the prescribed form, an account showing for each pawner separately—

(i) the date of the loan, the amount of the principal of the loan and the rate of interest charged on the loan per cent per annum or per rupee per mensem or per rupee per annum;

(ii) the amount of every payment received by the pawnbroker in respect of the loan, and the date of such payment;

(iii) a full and detailed description of the article or of each of the articles taken in pawn;

(iv) the time agreed upon for the redemption of the pawn; and

(v) the name and address of the pawner, and where the pawner is not the owner of the article or of any of the articles pawned, the name and address of the owner thereof;

(b) keep and use in his business the following documents and books (which shall be in the prescribed form) and enter therein from time to time, as occasion requires in a fair and legible manner such particulars and in accordance with such directions as may be prescribed:—

(i) pawn-ticket;

(ii) sale book of pledges;

(iii) declaration where pledge is claimed by owner;

(iv) declaration of pawn-ticket lost; and

(v) receipt on redemption of pledge;

(c) give to the pawner or his agent a receipt for every sum paid by him, duly signed and, if necessary, stamped at the time of such payment; and

(d) on requisition in writing made by the pawner furnish to the pawner or, if he so requires, to any person mentioned by him in that behalf in his requisition, a statement of account signed by himself or his agent, showing the particulars referred to in clause (a)

and also the amount which remains outstanding on account of the principal and of interest, and charge such sum as the Provincial Government may prescribe as fee therefor.

(2) All records or entries made in the books, accounts and documents referred to in sub-section (1) shall be either in English or in such language of the locality as may be prescribed; and all such books, accounts and documents and all pledges taken by the pawnbroker shall be open to inspection at any time by any Police Officer not below the rank of Sub-Inspector or by any Head Constable authorized in writing by such a Police Officer.

(3) Notwithstanding anything contained in the Indian Evidence Act, 1872, a copy of the account referred to in clause (a) of sub-section (1), certified in such manner as may be prescribed, shall be admissible in evidence in the same manner and to the same extent as the original account.

(4) A pawnbroker to whom a statement of account has been furnished under clause (d) of sub-section (1) and who fails to object to the correctness of the account shall not, by such failure alone, be deemed to have admitted the correctness of such account.

(5) In the pawn-ticket furnished to the pawnbroker, in the receipt given under clause (c) of sub-section (1) and in the statement of account furnished under clause (d) of that sub-section, the figures shall be entered only in Arabic numerals.

11. (1) Every pledge shall be redeemable within one year from the day of pawning, exclusive of that day; and there shall be added to that year of redemption seven days of grace within which every pledge (if not redeemed within the period of redemption) shall continue to be redeemable.

(2) A pledge pawned for a sum not exceeding ten rupees, if not redeemed within the period of redemption and days of grace, shall at the end of the days of grace become the pawnbroker's absolute property.

(3) A pledge pawned for a sum exceeding ten rupees shall further continue to be redeemable until it is disposed of as provided in this Act, although the period of redemption and days of grace have expired.

Explanation.—Where the contract between the parties provides a longer period for redemption than one year, the provisions of sub-sections (1), (2) and (3) shall be read and construed as if references to such longer period had been substituted for the references to the period of one year therein.

12. (1) A pledge pawned for a sum exceeding ten rupees shall, when disposed of by the pawnbroker, be disposed of by sale, by auction and not otherwise, and the sale shall be conducted in accordance with such rules as may be prescribed.

(2) A pawnbroker may bid for and purchase at a sale by public auction conducted under sub-section (1), a pledge pawned with him; and on such purchase, he shall become the absolute owner of the pledge.

(3) At any time within three years after the public auction, the holder of the pawn-ticket may inspect the entry relating to the sale either in the pawnbroker's book or in such catalogue of the auction as may be prescribed.

(4) (a) Where on such inspection or otherwise the pledge appears to have been sold for more than the amount of the loan and the interest and charges due at the time of the sale, the pawnbroker shall pay to the holder of the pawn-ticket, on demand made within three years after the sale, the surplus after deducting therefrom the necessary costs and charges of the sale.

(b) If on such demand it appears that the sale of the pledge has resulted in a surplus but that within twelve months before or after such sale, the sale of another pledge or pledges of the same person has resulted in a deficit, the pawnbroker may set off the deficit against the surplus and shall be liable to pay only the balance, if any, after such set off.

13. (1) Where a pledge is destroyed or damaged by or in consequence of fire, the pawnbroker shall nevertheless be liable on application made within the period during which the pledge would have been redeemable, to pay the value of the pledge, after deducting the amount of the principal and interest.

Explanation.—For the purpose of this sub-section the value of the pledge shall be its estimated value (if any) entered in the pledge book at the time of the pawn together with interest on the amount of the principal and shall in no case be less than the aggregate of the amount of the principal and interest and twenty-five per cent on the amount of the principal.

(2) A pawnbroker shall be entitled to insure to the extent of the value so estimated.

14. If a person entitled and offering to redeem a pledge shows to the satisfaction of a Civil Court having jurisdiction to entertain a suit for such redemption that the pledge has become or has been rendered of less value than it was at the time of pawning thereof by or through the default, neglect or wilful mis-

Compensation for depreciation of pledge.

behaviour of the pawnbroker, the Court, may, if it thinks fit, award reasonable compensation to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker (as the case requires) in such manner as the Court directs.

Pawnbroker advancing smaller amount or receiving higher interest than that specified in accounts to be punishable. 15. (1) Any pawnbroker who actually advances an amount less than that shown in the pawn-ticket or in his accounts or registers or who takes or receives interest or any other charge at a rate higher than that shown in the pawn-ticket or in his accounts or registers shall be punished with fine which may extend to five hundred rupees.

(2) If a pawnbroker is convicted of an offence under sub-section (1) after having been previously convicted of such an offence, the Court convicting him may order his licence as a pawnbroker to be cancelled.

Certain other acts of pawnbrokers to be punishable.

16. A pawnbroker who—

(1) takes an article in pawn from any person appearing to be under the age of fourteen years, or to be intoxicated; or

(2) purchases or takes in pawn or exchange a pawn-ticket issued by another pawnbroker; or

(3) employs any person under the age of sixteen years to take pledges in pawn; or

(4) under any pretence purchases, except at a public auction, any pledge while in pawn with him; or

(5) suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it; or

(6) makes any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale, or disposition thereof within the time of redemption; or

(7) sells or otherwise disposes of any pledge pawned with him except at such time and in such manner as is authorized by or under this Act; shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees or with both.

Certain acts of pawners to be punishable.

17. (1) Any person who—

(a) offers to a pawnbroker an article by way of pawn, being unable or refusing to give a satisfactory account of the means by which he became possessed of the article; or

(b) wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address, or as to the name and address of the owner of the article; or

(c) not being entitled to redeem, and not having any colour of title by law to redeem, a pledge, attempts or endeavours to redeem the same; shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees or with both.

(2) In every case falling under sub-section (1), and also in any case where, on an article being offered in pawn, for sale, or otherwise, to a pawnbroker he reasonably suspects that it has been stolen or otherwise illegally or clandestinely obtained, the pawnbroker shall, in the absence of reasonable excuse, inquire into the name and address of the person concerned, and seize and detain such person and the article, if any, and forthwith communicate to the nearest police station the facts of the case and shall deliver the person and the article, if any, seized to the police.

(3) A list of properties believed to have been stolen may be delivered by the police to any pawnbroker licensed under this Act and thereupon it shall be the duty of such pawnbroker—

(a) if any article answering the description of any of the properties set forth in any such list is offered to him in pawn, for sale, or otherwise, to proceed in accordance with the provisions of sub-section (2); and

(b) if any such article is already in his possession, forthwith to communicate to the nearest police station the facts of the case (including full particulars as to the name and address of the person concerned in the delivery of the article to the pawnbroker) and also, if so required by the police, to deliver the article to them.

18. (1) Whoever contravenes any of the provisions of this Act or of any rule or of any terms or conditions of a licence made or granted thereunder

General penalty for contravention of Act, etc.

shall, if no other penalty is elsewhere provided in this Act for such contravention, be punished with fine which may extend to fifty rupees and, if such person has been previously convicted whether under this section or any other provision contained in this Act, with fine which may extend to one hundred rupees.

(2) Any person who after having been convicted of the offence of carrying on, or continuing to carry on, the business of pawnbroker in contravention of the provisions of section 3, continues to commit the same offence in the same year, shall in addition to the fine to which he is liable under sub-section (1), be punished with a further fine which may extend to ten rupees for each day after the previous date of conviction during which he continues so to offend.

(3) Any Court convicting a pawnbroker of a contravention of the provisions of clause (c) or clause (d) of sub-section (1) of section 10, may direct him to furnish a receipt or statement of account in accordance with the provisions of that clause, and if the pawnbroker fails to comply with the direction, the Court may order his licence as a pawnbroker to be cancelled.

Jurisdiction to try offences.

19. No Presidency Magistrate not being a salaried Presidency Magistrate and no other Court inferior to that of a Magistrate of the second class shall try any offence against this Act.

Arrest without warrant.

20. Any Police officer may arrest without a warrant any person committing in his view an offence against this Act.

21. Where a pawnbroker is guilty of an offence against this Act (not being an offence against any provision of this Act relating to licences), any contract of pawn or other contract made by him, in relation to his business of pawnbroker, shall nevertheless not be void, by reason only of that offence, nor shall he by reason only of that offence, lose his lien on or right to the pledge or to the loan and the interest and other charges, if any, payable in respect thereof:

Contracts not to be void on account of offences but interests and costs not to be allowed in certain cases.

thereof:

Provided that if a pawnbroker fails to deliver to the pawner a pawn-ticket as required by section 7 or fails to give to the pawner or his agent a receipt as required by clause (c) of sub-section (1) of section 10 or to furnish on a requisition made under clause (d) of that sub-section, a statement of account as required therein within one month after such requisition has been made, the pawnbroker shall not be entitled to any interest for the period of his default:

Provided further that if in any suit or proceeding relating to a loan, the Court finds that a pawnbroker has not maintained accounts as required by clause (a) or clause (b) of sub-section (1) of section 10, he shall not be allowed his costs.

Power to make rules.

22. (1) The Provincial Government may, after previous publication, make rules to carry out the purposes of this Act, without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) all matters expressly required or allowed by this Act to be prescribed;
- (b) the form of, and the particulars to be contained in, an application for a pawnbroker's licence under this Act; and
- (c) the form in which books, accounts and documents specified in this Act shall be recorded, maintained, kept or used.

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

Amendment of Madras Act VII of 1935.

23. (1) In clause (2) of section 2 of the Madras Debtors, Protection Act, 1934, the words and figures "and includes a life assurance company to which the Indian Life Assurance Companies Act, 1912, applies" shall be omitted.

(2) In any area to which the provisions of this Act have been applied by a notification under sub-section (3) of section 1, the provisions of the Madras Debtors' Protection Act, 1934, shall after the expiry of three months from the date of such application and so long as such notification remains in force, have effect subject to the following modifications namely:—

- (i) in section 2, in clause (5), the words "including a pawnbroker" shall be omitted;
- (ii) in the same section, clauses (8) and (9) shall be omitted, and clauses (10) and (11) shall be renumbered as clauses (8) and (9) respectively;
- (iii) section 4 shall be omitted;
- (iv) in section 5, after the word and figure "section 3" the word "and" shall be inserted, and the words, brackets and figures "and in the copy of the entries to be delivered under sub-section (2) of section 4" shall be omitted;
- (v) in sub-section (1) of section 6, the words, brackets and figures "or by sub-section (1) of section 4" shall be omitted;
- (vi) in sub-section (2) of the same section, the words, brackets and figures "or if a pawnbroker fails to deliver to the pawner, a copy of the entries as required by sub-section (2) of section 4" shall be omitted;

(vii) in sub-section (2) of section 8, the word "and" shall be inserted at the end of clause (a) and omitted from the end of clause (b);

(viii) in the same sub-section, clause (c) shall be omitted; and

(ix) after section 8, the following section shall be added, namely:—

Saving.

"9. Nothing contained in this Act shall be deemed to apply to pawnbrokers, that is to say, to persons who carry on the business of taking goods and chattels in pawn for a loan."

24. (1) If the provisions of this Act have been applied to the City of Madras by a notification under sub-section (3) of section 1, section 28 of the Madras City Police Act, 1888, shall, after the expiry of three months from the date of such application and so long as such notification is in force, have effect as if the word "pawnbroker" occurring in four places therein and the words "in pawn" were omitted

Amendment of Madras Act III of 1888.

(2) Nothing contained in this Act shall be deemed to exempt pawnbrokers from the operation of section 66 of the Madras City Police Act, 1888.

25. Nothing contained in this Act shall apply to any loan advanced on a pledge in any area to which the provisions of this Act have been applied by a notification under sub-section (3) of section 1 before the expiry of three months from the date of such application, and

notwithstanding anything contained in section 23 of this Act, the provisions of the Madras Debtors' Protection Act, 1934, as they stood before such application, shall continue to apply to any such loan.

THE TAMBARAM TUBERCULOSIS SANATORIUM (REGULATION OF BUILDINGS) ACT, 1943.

ACT No. XXIV OF 1943.

[22nd November, 1943.

An Act to provide for the control of the construction of buildings in the neighbourhood of the Government Tuberculosis Sanatorium at Tambaram, and for the exclusion, modification or restriction of enactments relating to public health from or in such neighbourhood.

WHEREAS it is expedient to provide for the control of the construction of buildings in the neighbourhood of the Government Tuberculosis Sanatorium at Tambaram, and for the exclusion, modification or restriction of enactments relating to public health from or in such neighbourhood;

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, application and commencement. 1. (1) This Act may be called THE TAMBARAM TUBERCULOSIS SANATORIUM (REGULATION OF BUILDINGS) ACT, 1943.

(2) It applies to the Tambaram Sanatorium area as notified by the Provincial Government from time to time in the *Fort St George Gazette*:

Provided that no place shall be included therein unless it is situated within one mile from some portion of the boundary of the Government Tuberculosis Sanatorium at Tambaram.

(3) It 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) 'building' includes—

(a) a house, outhouse, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether wholly or partially constructed of masonry, bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without any foundation;

(c) a tent, van and any other structure used for human habitation;

(2) a person shall be deemed "to re-erect a building" if he—

(a) makes any material alteration to, or enlargement of, a building, or

(b) converts into a dwelling place any building not originally constructed for that purpose, or

(c) converts into two or more dwelling places a building originally constructed as a single dwelling place, or

(d) converts two or more dwelling places into a larger number of such places, or
 (e) converts into a stable, cattle-shed or cow-house any building originally constructed as a dwelling place, or

(f) makes any alteration which is likely to affect prejudicially the stability or safety of a building, or the condition of a building in respect of its drainage, sanitation or hygiene, or

(g) makes any alteration to a building which increases or diminishes its height or the area covered by it or the cubic capacity thereof, or which reduces the cubic capacity of any room therein.

(3) 'Sanatorium area' means the area notified under sub-section (2) of section 1.

3. (1) As soon as may be after this Act comes into force, the Provincial Government shall, by notification in the *Fort St. George Gazette* and with effect from such date as may be specified therein, constitute an authority to be called the Tambaram Sanatorium Local Authority (hereinafter referred to as the Sanatorium Local Authority), for the purpose of controlling the construction of buildings in the Sanatorium area.

(2) The Sanatorium Local Authority shall consist of—

(a) the President of the District Board, Chingleput, *ex officio*;

(b) the Revenue Divisional Officer, Saidapet, *ex officio*;

(c) the Superintendent of the Government Tuberculosis Sanatorium at Tambaram, *ex officio*;

(d) one other member appointed by the Provincial Government.

(3) The term of office of the member appointed under clause (d) of sub-section (2) shall be fixed by the Provincial Government.

(4) The Provincial Government shall appoint

(a) one of the members of the Sanatorium Local Authority to be its Chairman, and

(b) one of the Government Sub-Assistant Surgeons employed in the Sanatorium area to be its Secretary.

4. The Provincial Government may, by notification in the *Fort St. George Gazette*, direct that the provisions of the Madras Local Boards Act, 1920, or of the Madras Public Health Act, 1939, or of any other enactment for the time being in force in the Province of Madras and relating to public health, shall not apply to the Sanatorium area or shall apply thereto only to such extent and subject to such modifications and restrictions as may be specified in the notification. In particular, the notification may authorize the

Sanatorium Local Authority or its Chairman to perform any duty or exercise any power assigned to a panchayat or its president or to any other authority or officer under the provisions so applied, subject to such control as may be specified in the notification.

Prohibition of erection or re-erection of buildings without sanction of Sanatorium Local Authority.

5. No person shall, except with the previous sanction of the Sanatorium Local Authority, erect or re-erect a building on any land in the Sanatorium area, not being land situated within the boundary of the Government Tuberculosis Sanatorium at Tambaram.

Application for such sanction.

6. (1) Application for such sanctions shall be made in writing and shall—

(a) specify the purpose for which it is intended to use the building; and

(b) furnish such information and be accompanied by such plans as may be required by rules made under this Act.

(2) The applicant shall also furnish to the Sanatorium Local Authority any further information or plans which it may require, within such time as may be fixed by it.

Refusal or grant of sanction.

7. (1) The Sanatorium Local Authority may refuse to sanction the erection or re-erection of a building, or may sanction such erection or re-erection either unconditionally or subject to such conditions as it thinks fit to impose in respect of

all or any of the following matters namely:—

(a) the free passage or way to be left in front of the building;

(b) the open space to be left about the building to secure free circulation of air and the prevention of fire and to facilitate scavenging;

(c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist;

(d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for rubbish or filth;

(e) the level and width of the foundation, the level of the lowest floor, and the stability of the structure;

- (f) the line of frontage with neighbouring buildings if the building abuts on a street;
- (g) the means to be provided for egress from the building in case of fire;
- (h) the materials to be used for, and the method of construction of, external and partition walls, rooms, floors, fireplaces and chimneys;
- (i) the height and slope of the roof above the uppermost floor on which human beings are to live or cooking is to be done;

(j) any other matter affecting the ventilation and sanitation of the buildings.

(2) Any conditions imposed under sub-section (1) shall be in writing, and the person erecting or re-erecting the building shall comply therewith in every particular.

8. Every sanction given for the erection or re-erection of a building shall be available for a period of one year from the date on which it is given, and if the sanctioned erection or re-erection is not commenced within that period, it shall not be commenced there-

Lapse of sanction.

after, unless the Sanatorium Local Authority on application made therefor has extended the period.

Punishment for illegal erection or re-erection. 9. Whoever begins, continues or completes the erection or re-erection of a building—

(a) before such erection or re-erection has been sanctioned by the Sanatorium Local Authority, or

(b) without complying with any condition imposed under section 7, or

(c) when sanction has been refused by the Sanatorium Local Authority, or after the sanction has ceased to be available by virtue of the provisions contained in section 8, shall be punished with fine which may extend to five hundred rupees.

Power to stop erection or re-erection or to order demolition, etc. 10. (1) The Sanatorium Local Authority may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the Sanatorium area—

(a) to stop the erection or re-erection of any building, or

(b) to alter or demolish, within such time as may be specified in the notice, any building or any part thereof,

if, in the opinion of such authority, the erection or re-erection of such building or part constituted, or will constitute, an offence under section 9.

(2) If any direction given under clause (b) of sub-section (1) is not complied with, within the time specified therefor in the notice, the Sanatorium Local Authority may have such direction carried into effect at its cost and have the amount thereof recovered from the defaulter in such manner as may be authorized by the rules.

11. (1) Any person aggrieved by any order passed under this Act by the Sanatorium Local Authority may appeal to the District Collector who shall pass such orders thereon as he thinks fit.

Appeals and revision.

(2) The Provincial Government may in their discretion, at any time, either *suo motu* or on application, call for and examine the record of any order passed under this Act by the Sanatorium Local Authority or the District Collector for the purpose of satisfying themselves as to the legality or propriety of such order, and may pass such order in reference thereto as they think fit.

12. No compensation shall be claimed by any person for any damage or loss sustained by him in consequence of—

(a) the refusal of the Sanatorium Local Authority to sanction the erection or re-erection of any building, or

(b) any condition imposed by such authority in regard to such erection or re-erection under section 7, or of any order passed by it under section 10, or

(c) any order passed by the District Collector or the Provincial Government under section 11.

13. (1) The Provincial Government may, by notification in the *Fort St. George Gazette*, make rules to carry but all or any of the purposes of this Act.

Power to make rules.

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

(a) the rules of business of the Sanatorium Local Authority;

(b) the manner in which applications for sanction to erect or re-erect buildings shall be made to the Sanatorium Local Authority and the information and plans to be furnished either along with such applications or subsequently;

(c) the type or description of building which may or may not, and the purpose for which a building may or may not, be erected or re-erected in any specified area or areas;

(d) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;

(e) the circumstances in which a mosque, temple, church or other sacred building may be erected or re-erected;

- (f) the manner in which the cost referred to in section 10 may be recovered;
- (g) the form in which and the time within which appeals under section 11 may be preferred;
- (h) the fees which may be charged in respect of any application made, appeal preferred, or proceeding taken, under this Act.

THE ANDHRA UNIVERSITY (AMENDMENT) ACT, 1943

ACT No. XXV OF 1943.

[3rd December, 1943.

An Act to amend the Andhra University (Second Amendment) Act, 1942.

WHEREAS it is expedient to amend the Andhra University (Second Amendment) Act, 1942, for the 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 ANDHRA UNIVERSITY (AMENDMENT) ACT, 1943.

(2) The amendment made by clause (i) of section 2, and the amendment made by clause (ii) of that section, in so far as it relates to the addition of the words, letter and brackets "except where the vacancy is one arising in the office of any member referred to in the proviso to clause (a)" shall be deemed to have been made in the Andhra University (Second Amendment) Act, 1942, immediately before the commencement thereof.

Amendment of section 26, Madras Act XXXII of 1942. 2. In section 26 of the Andhra University (Second Amendment) Act, 1942—

(i) the following proviso shall be added to clause (a), namely:—

"Provided that this clause shall not be deemed to apply to *ex-officio* members of the Senate, the Syndicate and the Academic Council, life members of the Senate, and members of the Senate holding office under section 15, class III (8), of the said Act."

(ii) the following shall be added at the end of clause (c), namely:—

"except where the vacancy is one arising in the office of any member referred to in the proviso to clause (a), or of any member nominated by the Chancellor to the Syndicate under section 18, class II (3), or to the Finance Committee under section 19-A (4)";

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

"(d) any person nominated as a member of the Syndicate, or the Finance Committee before the date fixed under clause (a) or clause (b), as the case may be, shall hold office as such member only up to the date so fixed."

THE ANDHRA UNIVERSITY (SECOND AMENDMENT) ACT, 1943.

ACT No. XXVI OF 1943.

[3rd December, 1943.

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 (SECOND AMENDMENT) ACT, 1943.

(2) This section shall come into force at once; and section 2 shall come into force on such date as the Provincial Government may by notification in the *Fort St. George Gazette* appoint.

Amendment of sections 2, 3 and 15, Madras Act II of 1926. 2. The word "Ganjam" shall be omitted from the following provisions of the Andhra University Act, 1925, namely:—

(1) Section 2, clause (h);

(2) Section 3 (1), clause (x);

(3) Section 15—clause (4) under the heading "*Class III—Other Members*".

THE MADRAS UNIVERSITY (AMENDMENT) ACT, 1943.

ACT No. XXVII OF 1943.

[12th December, 1943.

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

WHEREAS it is expedient further to amend the Madras University Act, 1923, 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 UNIVERSITY (AMENDMENT) ACT, 1943,
- Amendment of section 2, 2. In section 2 of the Madras University Act, 1923 (here-Madras Act VII of 1923, in after referred to as the said Act)—
- (i) in clause (b), the words "maintained or" shall be omitted;
- (ii) in clause (g), before the word "constituent", the word "University" shall be inserted;
- (iii) in clause (j), before the word "constituent", the words "University colleges or laboratories, in" shall be inserted;
- (iv) clause (n) shall be re-lettered as clause (p), and the following shall be inserted as clauses (n) and (o), namely:—
- "(n) 'University College' means a college, an institute, or a college combined with an institute, maintained by the University (whether instituted by it or not) in accordance with the provisions of this Act in which instruction is provided under prescribed conditions;
- (o) 'University Laboratory' means a laboratory maintained by the University, whether instituted by it or not;";
- Amendment of section 4-A, Madras Act VII of 1923, 3. In section 4-A of the said Act—
- (i) in sub-clause (a) of clause (6), after the words "course of study", the words "in a University college or laboratory or" shall be inserted;
- (ii) in sub-clause (a) of clause (8), for the words "manage constituent colleges", the words "manage University colleges and laboratories" shall be substituted.
- Amendment of section 16, Madras Act VII of 1923, 4. In section 16 of the said Act—
- (i) in clause (5), for the words "maintain constituent colleges" the words "maintain University Colleges and laboratories" and for the words conditions of recognition as Constituent Colleges, of Colleges not maintained by the University" the words "conditions of recognition of constituent colleges" shall be substituted;
- (ii) in sub-clause (a) of clause (14), after the words "course of study" the words "in a University college or laboratory or" shall be inserted.
- Amendment of section 19, Madras Act VII of 1923, 5. In section 19 of the said Act—
- (i) in clause (i), the words "and not maintained by the University" shall be omitted;
- (ii) for clause (t), the following clause shall be substituted, namely:—
- "(t) to manage University colleges and laboratories; and libraries, institutes of research and other institutions established by the University;";
- (iii) clause (v) shall be omitted.
- Amendment of section 24, Madras Act VII of 1923, 6. In section 24 of the said Act—
- (i) in clause (d), after the words "division of subjects in" the words "University colleges and laboratories and" shall be inserted;
- (ii) in clause (e), after the words "reciprocity among" the words "University colleges and laboratories and" shall be inserted;
- (iii) in clause (f), after word "students" the words of "University colleges and laboratories and" shall be inserted;
- (iv) in clause (h), after the words "management of University" the words "colleges and" shall be inserted and the words "constituent colleges and" shall be omitted.

Amendment of section 29, Madras Act VII of 1923. 7. In clause (d) of section 29 of the said Act, for the words "constituent Colleges" the words "University colleges and laboratories" shall be substituted.

Amendment of section 31, Madras Act VII of 1923. 8. In clause (a) of section 31 of the said Act, for the words "colleges maintained by the University" the words "University colleges and laboratories" shall be substituted.

Amendment of section 36, Madras Act VII of 1923. 9. In sub-section (2) of section 36 of the said Act, after the words "as a member" the words "of a University college or laboratory or" shall be inserted.

THE MADRAS ELEMENTARY EDUCATION (AMENDMENT) ACT, 1943.

ACT No. XXVIII OF 1943.

[23rd December, 1943,

An Act further to amend the Madras Elementary Education Act, 1920.

WHEREAS it is expedient further to amend the Madras Elementary Education 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 ELEMENTARY EDUCATION (AMENDMENT) ACT, 1943.

Amendment of section 34, Madras Act VIII of 1920.

2. To sub-section (1) of section 34 of the Madras Elementary Education Act, 1920 (hereinafter referred to as the said Act), the following Explanation shall be added, namely:—
"Explanation.—In construing the expression 'taxation levied' occurring in this sub-section, exemptions granted under clause (a) of the proviso to section 102 of the Madras City Municipal Act, 1919, or under sub-sections (2), (3) or (4) of section 83 of the Madras District Municipalities Act, 1920, as the case may be, shall not be taken into account."

Validation of elementary education tax levied before the commencement of this Act.

3. No tax levied before the commencement of this Act by any municipal council in accordance with the provisions of the Explanation to sub-section (1) of section 34 of the said Act added by section 2 of this Act, shall be deemed to be invalid or ever to have been invalid, provided the levy is valid in other respects.

THE CRIMINAL TRIBES (MADRAS AMENDMENT) ACT, 1943

ACT No. XXIX OF 1943.

[23rd December, 1943,

An Act further to amend the Criminal Tribes Act, 1924, in its application to the Province of Madras.

WHEREAS it is expedient further to amend the Criminal Tribes Act, 1924, in its application to the Province of Madras, 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 CRIMINAL TRIBES (MADRAS AMENDMENT) ACT, 1943.

Amendment of section 2, Act VI of 1924.

2. In section 2 of the Criminal Tribes Act, 1924 (hereinafter referred to as the said Act), clauses (3) and (4) shall be renumbered as clauses (4) and (5) respectively, and the following shall be inserted as clause (3), namely:—

"(3) 'notified tribe' means any tribe, community, group or class of persons, or a part thereof, in respect of which a notification has been issued under section 3."

Substitution of new heading and section for section 3, Act VI of 1924.

3. For section 3 of the said Act and the heading thereto, the following heading and section shall be substituted, namely:—

"Application of Act.

3. If the Provincial Government have reason to believe that any tribe, community,

group, or class of persons, or a substantial number of persons belonging thereto, is addicted to the commission of non-bailable offences, they may, by notification in the Official Gazette, declare that such tribe, community, group, or class or as the case may be, a part thereof, shall be subject to all or any of the remaining provisions of this Act as specified in the notification:

Power to declare tribe, community, group or class or part thereof to be subject to all or any of the provisions of the Act.

Provided that before any such notification is issued, a reasonable opportunity shall be given to the tribe, community, group or class, or part thereof, which will be affected by the notification to show cause against its issue."

Amendment of the heading before section 4, Act VI of 1924.

4. In the heading before section 4 of the said Act, the words "*of Members of Criminal Tribes*" shall be omitted.

Amendment of section 4, Act VI of 1924.

5. In section 4 of the said Act, for the words "criminal tribe" in both the places where they occur, the words "notified tribe" shall be substituted.

Amendment of section 5, Act VI of 1924.

6. In section 5 of the said Act—

(i) in the opening paragraph, for the words "criminal tribe" the words "notified tribe" shall be substituted;

(ii) in the proviso, after the word "Provided" the word "further" shall be inserted;

(iii) before the proviso the following proviso shall be inserted namely:—

"Provided that before registering any member in pursuance of this section, the District Magistrate shall give him a reasonable opportunity to show cause against such registration."

Amendment of section 7, Act VI of 1924.

7. To sub-section (2) of section 7 of the said Act, the following proviso shall be added, namely:—

"Provided that before adding the name of any person to such register, the Magistrate shall give him a reasonable opportunity to show cause against such addition,"

Repeal of section 8, Act VI of 1924.

8. Section 8 of the said Act shall be omitted.

Amendment of section 9, Act VI of 1924.

9. In section 9 of the said Act, for the words "criminal tribe" the words "notified tribe" shall be substituted.

Amendment of section 10, Act VI of 1924.

10. In section 10 of the said Act—

(i) in sub-section (1), for the words "criminal tribe" the words "notified tribe" shall be substituted;

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

"Provided that the District Magistrate may, in accordance with such rules as may be prescribed, hold in abeyance the direction issued under clause (a) in respect of any registered member";

(iii) in sub-section (2), for the words "criminal tribe" in both the places where they occur, the words "notified tribe" and for the words "has issued" the words "have issued" shall be substituted.

Amendment of heading before section 11, Act VI of 1924.

11. In the heading before section 11. the words "*of Criminal Tribes*" shall be omitted.

Amendment of section 11, Act VI of 1924.

12. In section 11 of the said Act, for the word "considers" in the opening paragraph the word "consider" and for the words "criminal tribe" wherever they occur, the words "notified tribe" shall be substituted.

Amendment of section 12, Act VI of 1924.

13. In section 12 of the said Act, for the words "issued by it" the words "issued by them" shall be substituted.

Amendment of sections 14, 15 and 16, Act VI of 1924.

14. In sections 14, 15 and 16 of the said Act, for the words "criminal tribe" wherever they occur, the words "notified tribe" shall be substituted.

Amendment of section 17, Act VI of 1924.

15. In section 17 of the said Act—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Provincial Government may order that the children of members of any notified tribe or part of a notified tribe, or of any member of a notified tribe, in respect of which tribe, part, or member, a notification has been issued under section 11, shall be separated and removed from their parents or guardians and placed in—

(a) a certified school established under the Madras Children Act, 1920; or
 (b) an industrial, agricultural or reformatory school or other educational institution for children established or approved by the Provincial Government";

(ii) in sub-section (2), for the words, brackets and figure "school established under sub-section (1)" the words, brackets, figure and letter "school or educational institution established or approved under clause (b) of sub-section (1)" shall be substituted;

(iii) sub-sections (4) and (5) shall be renumbered as sub-sections (5) and (6) respectively, and for sub-section (3) the following sub-sections shall be substituted, namely:—

"(3) The provisions of the Madras Children Act, 1920, shall, so far as may be, apply to children sent to a certified school under sub-section (1) as if they were children, or as the case may be, youthful offenders, sent to such school under that Act.

(4) The provisions of sub-sections (1), (2) and (3) of section 33 of the Madras Children Act, 1920, shall, so far as may be, apply in the case of every school or other educational institution established or approved under clause (b) of sub-section (1) as if the Superintendent of such school or institution had all the powers of the managers of a certified school established under the Act aforesaid and the children placed in such school or institution were children, or as the case may be, youthful offenders sent to a certified school under this Act."

(iv) to sub-section (5) as so renumbered, the following proviso shall be added, namely:—

"Provided that children shall not be sent to a certified school under sub-section (1) unless they are under the age of sixteen years."

Amendment of section 18,
 Act VI of 1924.

16. In section 18 of the said Act—

(i) in the opening paragraph, for the words "authorised by it" the words "authorised by them" shall be substituted, and after the words "reformatory settlement or school" the words and figures "or any certified school established under the Madras Children Act, 1920, or other educational institution" shall be inserted;

(ii) in clause (b), for the words "some other settlement or school" the words "any other such settlement, school or educational institution" shall be substituted.

Amendment of section 19,
 Act VI of 1924.

17. In section 19 of the said Act—

(i) for the words "the settlement or school" the words "the settlement, school or educational institution" shall be substituted;

(ii) after the words "reformatory settlement or school" the words "or any certified school or other educational institution" shall be inserted.

Amendment of section 20,
 Act VI of 1924.

18. In sub-section (2) of section 20 of the said Act—

(i) for the words "criminal tribe" and "criminal tribes" wherever they occur, the words "notified tribe" and "notified tribes" shall respectively be substituted;

(ii) after clause (c), the following clause shall be inserted, namely:—

"(cc) the periodical review of the cases of all persons whose names are entered in the register for ascertaining their suitability for exemption from registration;";

(iii) after clause (d), the following clause shall be inserted, namely:—

"(dd) the circumstances in which, and the conditions, restrictions and limitations subject to which, any direction issued under clause (a) of sub-section (1) of section 10 may be held in abeyance;";

(iv) in clause (m), after the words "settlements and schools" the words "and other educational institutions established or approved under this Act" shall be added;

(v) the word "and" at the end of clause (n) shall be omitted;

(vi) in clause (o), after the words "reformatory settlement or school" the words "or other educational institution established or approved under this Act" shall be inserted and for the words "such settlement or school" the words "such settlement, school or educational institution" shall be substituted;

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

"(p) the periodical review of the cases of all persons who have been placed in an industrial, agricultural or reformatory settlement, for ascertaining the desirability of removing or modifying the restrictions imposed on them."

Amendment of section 21,
 Act VI of 1924.

19. In section 21 of the said Act, for the words "criminal tribe" the words "notified tribe" shall be substituted.

Amendment of section 22,
 Act VI of 1924.

20. In section 22 of the said Act, sub-section (3) shall be renumbered as sub-section (2) and for sub-sections (1) and (2), the following sub-section shall be substituted namely:—

"22. (1) Whoever, being a registered member of a notified tribe, contravenes any rule made under section 20 shall be punishable—

- (a) on a first conviction, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both; and
 (b) on any subsequent conviction, with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both."

Amendment of section 23,
Act VI of 1924.

21. In sub-section (1) of section 23 of the said Act—

(i) in the opening paragraph, for the words "criminal tribe" the words "notified tribe" shall be substituted;

(ii) for the proviso, the following provisos shall be substituted, namely:—

"Provided that no conviction which may have occurred more than ten years previously shall be taken into account for the purposes of this sub-section:

Provided further that notwithstanding anything contained in the Code of Criminal Procedure, 1898, a Presidency Magistrate or a Magistrate of the first class may try (i) a second offence if it could have been tried by him, had it been a first offence, and (ii) a third or subsequent offence if it is against property not exceeding fifty rupees in value and could have been tried by him, had it been a first offence; and the offender, if convicted by the Magistrate, shall be punished with imprisonment not exceeding two years."

Insertion of new section
23-A in Act VI of 1924.

22. After section 23 of the said Act, the following section shall be inserted, namely:—

Power to place members of notified tribes accused or convicted of offences in settlements.

"23-A. (1) The Provincial Government may direct that any member of a notified tribe who is accused of an offence shall, in lieu of prosecution therefor, be placed in a settlement established under section 16.

(2) The Provincial Government may, if satisfied that any member of a notified tribe who is undergoing imprisonment in consequence of a sentence passed either before or after this section comes into force, might with advantage be placed in a settlement established under section 16, direct that such member shall be released from prison and placed in such settlement.

(3) The provisions of this Act shall apply to every member of a notified tribe who has been directed to be placed in a settlement under sub-section (1) or sub-section (2) as if he had been originally ordered to be placed in such settlement under this Act."

Amendment of section 24,
Act VI of 1924.

23. In section 24 of the said Act, for the words "criminal tribe" the words "notified tribe" shall be substituted.

Amendment of section 25,
Act VI of 1924.

24. In sub-section (1) of section 25 of the said Act—

(i) in the opening paragraph, for the words "criminal tribe" the words "notified tribe" shall be substituted;

(ii) in clause (b), after the words "settlement or school" the words "or other educational institution established or approved under this Act" shall be inserted;

(iii) in the last paragraph, for the words "settlement or school" the words "settlement, school or educational institution" shall be substituted.

Amendment of section 26,
Act VI of 1924.

25. In section 26 of the said Act, for the words "criminal tribe" wherever they occur, the words "notified tribe" shall be substituted.

Amendment of section 28,
Act VI of 1924.

26. In section 28 of the said Act—

(i) in the opening paragraph, for the words "if it is satisfied" the words "if they are satisfied" and for the words "criminal tribe" in both the places where they occur, the words "notified tribe" shall be substituted;

(ii) in the proviso, for the words "is satisfied" the words "are satisfied" shall be substituted.

THE MADRAS RESTRICTION OF HABITUAL OFFENDERS ACT, 1943.

ACT No. XXX OF 1943.

[23rd December, 1943,

An Act for imposing certain restrictions on habitual offenders in the Province of Madras.

WHEREAS it is expedient to impose certain restrictions on habitual offenders in 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 and extent. 1. (1) This Act may be called THE MADRAS RESTRICTION OF HABITUAL OFFENDERS ACT, 1943.

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

Definition of "habitual offender." 2. For the purposes of this Act, "habitual offender" means any person—

(a) who has committed not less than three non-bailable offences, or

(b) who has been ordered to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898, or

(c) who by repute as established at a magisterial inquiry, is addicted to the commission of offences against the public peace or against property or is of such a character that it is necessary to impose restrictions on him under this Act:

Provided that where a Magistrate has, after inquiry, decided that it is not necessary to order a person to execute a bond for good behaviour with reference to section 110 aforesaid, such person shall not be regarded as a habitual offender within the meaning of clause (c) except upon evidence relating to a period subsequent to the date of such decision.

3. (1) If the Provincial Government are satisfied that any person is a habitual offender, they may, by notification in the *Fort St. George Gazette*, declare that he shall be subject to any of the provisions of the Criminal Tribes Act, 1924, and the rules made thereunder, with such modifications and restrictions, if any, as may be specified in the notification, and thereupon the provisions aforesaid as so modified and restricted, shall apply to such person as if he were a member of a notified tribe within the meaning of that Act.

(2) The Provincial Government may, at any time, by notification in the *Fort St. George Gazette*, cancel or modify any notification issued by them under sub-section (1).

(3) Before any notification is issued in respect of any person under sub-section (1), or is modified to the disadvantage of any person under sub-section (2), a reasonable opportunity shall be given to the person concerned to show cause against such issue or modification, as the case may be.

4. (1) The Provincial Government may, by notification in the *Fort St. George Gazette*, delegate their powers under section 3 to a District Magistrate in respect of persons ordinarily residing in its district, and to the Commissioner of Police for Madras in respect of persons ordinarily residing in the presidency-town.

(2) The exercise of any powers delegated under sub-section (1) shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the Provincial Government, and shall also be subject to control and revision by them.

Bar of jurisdiction. 5. No court shall question the validity of any notification issued under this Act on any ground.

Power to make rules. 6. (1) The Provincial Government may make rules to carry out the purposes of this Act.

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

(a) the Magistrate by whom the inquiry referred to in clause (c) of section 2 shall be made;

(b) the circumstances in which such inquiry shall or shall not be made; and

(c) the procedure at such inquiry.

(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 MADRAS DEBT CONCILIATION (SECOND AMENDMENT) ACT, 1943.

ACT No. XXXI OF 1943.

[31st December, 1943.]

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

WHEREAS it is expedient further to amend the Madras Debt Conciliation Act, 1936, 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 DEBT CONCILIATION (SECOND AMENDMENT) ACT, 1943.

Insertion of new section 4-A in Madras Act XI of 1936.

2. After section 4 of the Madras Debt Conciliation Act, 1936, the following section shall be inserted, namely:—

Power of Government to prohibit receipt of fresh applications and direct certain applications not to be further proceeded with.

“4-A. Notwithstanding anything contained in this Act, the Provincial Government may direct—

(a) that after a specified date, a board shall not receive applications under section 4; and

(b) that applications under section 4 received by the board after a date (whether before or after the issue of a direction under this clause) fixed in this behalf and not finally disposed of by it on or before the date specified under clause (a), shall not be further proceeded with.

The applications referred to in clause (b) shall be deemed to have been dismissed.”