

E & P. H. (1948) Department.

My
SERIES.

G.O. NO.

1225 EOL

Dated

15-5-48

Close.

By
Ridda

[Despatch Abstract.]

University - Annamalai - Amendment Act
Passed during Session - 93. Situation - Re-
enactment of - Papers - Recorded.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

E.& P.H.(G.3)

Letter/Ref.No. 577 4732/21 Edn., dated 17-7-1947.

To

✓ The Registrar, Annamalai University,
Annamalainagar.

Sir,

Sub:- Annamalai University Act - Amendment made
by H.E. the Governor during the period of
Proclamation under Sec.93 of the Govt.of
India Act - Repeal or re-enactment.

I am directed to state that under Sec.93(4)
of the Govt.of India Act, 1935, the Act made by H.E.the
Governor to amend the Annamalai University Act,1928, during
the period when the Proclamation under Sec.93 was in force
will, subject to the terms of such law, continue to have
effect only for a period of 2 years from the date on which
Proclamation was revoked, unless sooner repealed or re-
enacted. ~~The question is~~ I am therefore directed to request
you to obtain the views of the University on the question
whether the amendment made during Sec.93 regime should
be repealed or re-enacted, and in the latter case, whether
any, and if so, what modifications are necessary to the
amendment ^{previously} already made. I am also to request you to send a
very urgent reply to this reference.

Y.O.S.,

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Special

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not further

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All communications should be addressed to the Registrar, Annamalalai University, Annamalainagar by designation and not by name.

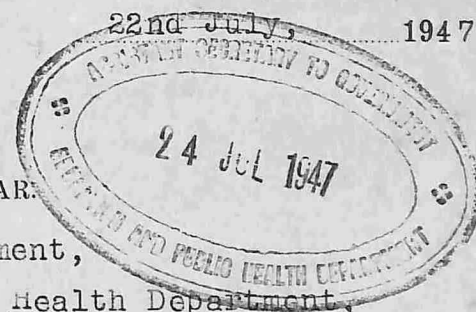
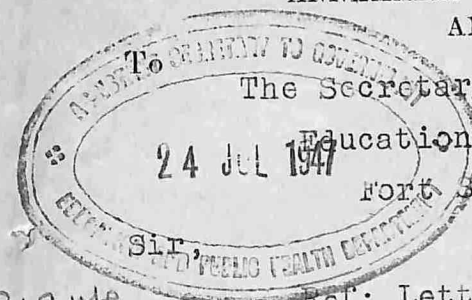
ANNAMALAI UNIVERSITY

No. 3593

From 237

THE REGISTRAR,
ANNAMALAI UNIVERSITY,
ANNAMALAINAGAR.

The Secretary to Government,
Education and Public Health Department,
Fort St. George.



plank

59892

Ref: Letter No. 57747/G3/47-1 Edn.d. 17-7-47 --
Amendment - Annamalalai University Act - Section
93 regime - Repeal or reenactment.

I am directed by the Vice-Chancellor to state that the amendment to the Annamalalai University made during Section 93 regime in 1942 may be re-enacted without any modifications as the intention of the Amending Act was only to resolve a legal difficulty in respect of elections to University authorities to be reconstituted every triennium under Section 33 of the Annamalalai University Act, 1928.

Your most obedient servant

For the Registrar.
Ag. Registrar.

ACT - The Annamalai University (Amendment) Act, 1943
(Madras Act X of 1943) - Re-enactment of.

The reasons for enacting the Annamalai University (Amendment) Act, 1943 (Madras Act X of 1943) and the effect of the amendments made by the Act are briefly as follows:--

Section 33 of the Act as it stood before its amendment required that the authorities and other bodies connected with the University (the Senate, the Academic Council, the Faculties, Boards of Studies, the Syndicate etc.) should be reconstituted once in every three years and further provided that an elected or a nominated member of an authority should hold office from the date of his election or nomination thereto up to the date of the next reconstitution of the authority. The Section presupposed that elections should be held some time in advance of the date of reconstitution. There was, however, no specific provision in the Act authorising the holding of elections in advance of the occurrence of the vacancies. A statute framed by the University Senate however vested power in the Vice-Chancellor to arrange for elections in anticipation of vacancies that were about to occur by efflux of time. It was held that this statute had no legal basis and the Annamalai University therefore addressed the Govt. for the amendment of the Act.

2. ^{It was therefore proposed} The proposal was to add specifically a provision in the Act for the holding of elections not earlier than two months from the date or dates on which vacancies ^(might arise) arose. A similar provision existed in the Andhra University Act. The proposal had the effect of retaining two sets of members in office in the interval between the date of election and the date on which reconstitution fell due as the elected candidates would be members from the date of election or nomination. In order to ^{prevent} obviate this, it was proposed to delete the words "from the date of his election or his nomination thereto" in section 33(1) of the Act.

3. A Bill for making the above amendments was published for public criticism but as no objection was received, ^(and) H.E. the Governor of Madras enacted the Amendment Act. A copy of the is annexed.

PP40-49 of R.R.R.R.

Baird on the
memo on 17-18 of R

not published

Pion of R

13-4 infra



Para 2 of legal
note on p. 7 of R.

4. The Act like other Acts passed during the Section 93 situation will cease to be in force on the 30th April 1948 unless it is re-enacted. As the reasons for enacting the Act still hold good, it is proposed to re-enact it permanently.

5. Legal Department have advised that the legislation falls within the scope of entry 17 of the Provincial Legislative List, viz., Education including Universities, other than the Benares Hindu and the Aligarh Muslim University^{ies}, and that it is within the competence of the Provincial Legislature.

6. Orders are solicited whether the Act may be re-enacted permanently.

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2.8.41 S 4/4/41

[PRICE, 1 a. 3 p.]

Printed under the authority of the Governor of Madras by the Superintendent, Government Press, Madras.]

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT

MADRAS ACT No. X OF 1943

[Received the assent of the Governor on the 8th May 1943, first published in the "Fort St. George Gazette" on the 18th May 1943.]

An Act to amend the Annamalai University Act, 1928.

[18th May 1943.]

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.

Madras Act
I of 1928.

26 Geo. 5.
Ch. 2.

Annamalai University Act - Amendment made ~~during~~ by H.E. the Governor during the period of Proclamation under Sec.93 ~~regime~~ of the Govt. of India Act - Repeal or Re-enactment.

Please see the amendment to the Annamalai University Act, 1928, passed during 1943 at (W). The question of amendment of the Acts of the ~~Madras and Annamalai Universities~~ ^{is} separately under consideration. But the question of repeal or re-enactment of the Acts passed during the Sec.93 regime is a very urgent one ^{as} they will ~~cease~~ ^{have} force, unless they are repealed or re-enacted within 2 years from the date of revocation of Sec.93 regime. ~~It has been ordered in the file relating to the repeal or re-enactment of the Acts~~ Attention is in this connection solicited to the orders of the Secretary ^{extracted} ~~in the L.F.~~ ^{out of 8-9 of d F II} that the question of repeal or re-enactment of the University Acts should be taken in advance and immediately, and need not wait for the formation of Expert Committee ^{Reorganisation} ~~for~~ on University Education. It is therefore for consideration whether the proposal may be taken up independently of the ^{general} question of amendments to the Annamalai University Act. If so, the Annamalai University may be consulted regarding only the re-enacting of the ~~Acts~~ ^{Act} in question. The draft letter to the University put up below is for approval. The file may be circulated ~~for orders~~ ^{to H.H.(Eon)} after

Amendment of section 33, Madras Act 1928—
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.

REPRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS, MADRAS—1946.

57747

15/7/47

15/7/47

C.No.59892/47

P39

(Issued as Letter Ref.No.57747 G.3/47-1 Edn., dated 17.7.47)
From the Registrar, Annamalai University, No.3573 dated 23.7.47.

Please see the letter from the Registrar, Annamalai University,

University, on p.3 c.f. He states that the amendment to the amendment to the Annamalai University Act made during the Section 93 situation in 1943 may be re-enacted without any modifications as the intention of the amending Act was only to resolve a legal difficulty in respect of elections to the University authorities under Section 33 of the Annamalai University Act. It is for orders whether the above amendment permanently; ~~it~~ may be re-enacted, if so, the draft memorandum under ~~the~~ Secretariat instruction No.32 (2) ^{is sent for approval.} the draft statement of objects and reasons and the draft amendment proposed to be re-enacted ~~are~~ permanently are submitted below for approval. May be sent to Legal u.o. Before circulation.

VR
1/8/47
av
18/47
Seen in Legal.
The slight alterations indicated in red ink on the memos may be made.
K.M. 2/8/47.

The memorandum may be circulated.

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The amendment is necessary.

P.B. 9
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Sub B/8

1-SEP 1947
GOVERNMENT OF MADRAS
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E+PH(53)
U.O. 5774783/47
2/8/47
L. 8464
ASSISTANT SECRETARY
2-AUG 1947
LEGAL DEPARTMENT

Legal U.O. NO 8464/47-1.
U.O. 847-2. 8-47.
63027
GOVERNMENT OF MADRAS
9-AUG 1947
MINISTER FOR LEGAL AFFAIRS

E+PH(53)
U.O. 5774783/47
2/9/47
L 9498
Legal U.O. NO 9498/47-1.
10-9-47.

ASSIST. SECRETARY TO GOVERNMENT
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72140
ASSIST. SECRETARY TO GOVERNMENT
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E+PH(53)
U.O. 5774783/47-32
11/9/47

9815
ASSISTANT SECRETARY
11 SEP 1947
LEGAL DEPARTMENT
Legal U.O. 9815-1
13.9.47

E+PH(53)

Please see the orders in circulation on p. 2 ante. The file may now be sent to Legal u.o. for necessary action.

1.9.47
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LEGAL DEPARTMENT.

Necessary entries relating to Madras Act X of 1943 have been included in the First Schedule to the Madras Re-enacting and Repealing Bill, 1947 - see page 1 of (Y).

2. In pursuance of this Department u.o. note No.3331-1 dated 26-3-47, a draft of the Statement of Objects and Reasons to be included in respect of the Act is put up at flag (Y) and is for acceptance in the E. & P.H. Department.

K.M. 10/9/47

E+PH(53)

The draft Statement of Objects and Reasons at (Y) may be accepted and the file returned to Legal.

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LEGAL DEPARTMENT.

The extracts of the Schedule and Statement of Objects and Reasons have been removed from the file and retained in this Department for use in connexion with the draft Madras Re-enacting and Repealing Bill. After the Bill is finally ready, it will be sent to the E. & P.H. Dept. in due course for checking the entries with which they are concerned. This file is not required in this Department at present and is therefore returned to the E. & P.H. Dept.

12/9/47
11/9/47
13/9/47

4
E+PH (G3)

Please see legal note on p. 3 ante.
May lie over till the receipt of the draft Bill
referred to at Hon p. 3 ante. (1.12-4)

15/1/48
16/1/48

E+PH (G3)

The draft Bill has been published at
p. 363 of Part IV of the F. S. & G. L. 2/- 9/12/47.
This may ~~lie~~ continue to lie over till
25/1/48.

right
below

23-12-47
23-12-47

This may continue to lie over till
15/2/48.

26/1/48
26/1/48

GOVERNMENT OF MADRAS.
LEGAL DEPARTMENT.

U.O. NOTE NO. 1222/47-1 DATED THE 2ND FEBRUARY 1948.

Acts passed during the section 93 situation - Re-enactment or
repeal - Files - Called for.

Departments of the Secretariat are requested to send to
this Department URGENTLY all files relating to the re-enactment
or repeal, as the case may be, of the Acts which have been
included in the Madras Re-enacting and Repealing (No.I) Bill,
1948, and the Madras Re-enacting and Repealing (No.II) Bill,
1948. A list of the Acts with which each Department is concerned
is enclosed. The files are required for reference in connexion
with the meeting of the Joint Select Committee which will shortly
consider the Bills.

K.V. RAJAGOPALAN,
Joint Secretary to Govt.

To the Education & Public Health Department. (with enclosure).

EDUCATION & PUBLIC HEALTH DEPT. (G1).

Give copy of the U.O. note and relevant extracts to
sections at once.

T.G.M.

5-2-48

A.S.I

True copy/Forwarded/By order.

AMG.5.2.

ENCL.

1. The Andhra University (Amendment) Act, 1940 (M.A. XVII of 1940).
2. The Madras University (Amendment) Act, 1942 (M.A. III of 1942).
3. The Madras University (Second Amendment) Act, 1942 (M.A. V of 1942).
4. The Andhra University (Amendment) Act, 1942 (M.A. IX of 1942).
5. The Madras University (Third Amendment) Act, 1942 (M.A. X of 1942).
6. The Andhra University (Temporary Amendment) Act, 1942 (M.A. XIX of 1942).
7. The Madras University (Fourth Amendment) Act, 1942 (M.A. XXIX of 1942).
8. The Andhra University (Second Amendment) Act, 1942 (M.A. XXXII of 1942).
9. The Madras University (Fifth Amendment) Act, 1942 (M.A. XXXIII of 1942).
10. The Annamalai University (Amendment) Act, 1943 (M.A. X of 1943).
11. The Andhra University (Amendment) Act, 1943 (M.A. XXV of 1943).
12. The Andhra University (Second Amendment) Act, 1943 (M.A. XXVI of 1943).
13. The Madras University (Amendment) Act, 1943 (M.A. XXVII of 1943).
14. The Andhra University (Amendment) Act, 1944 (M.A. XI of 1944).
15. The Andhra University (Second Amendment) Act, 1944 (M.A. XV of 1944).
16. The Andhra University (Third Amendment) Act, 1944 (M.A. XVI of 1944).

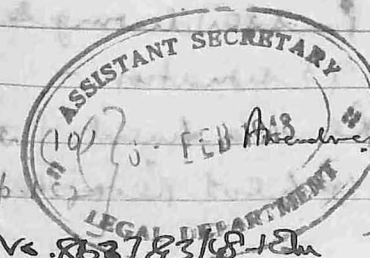
(True Extract)

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83

1. The Andhra University (Amendment) Act, 1940 (N.A. VII of 1940).
2. The Madras University (Amendment) Act, 1941 (M.A. I of 1941).
3. The Madras University (Second Amendment) Act, 1942 (M.A. II of 1942).
4. The Andhra University (Amendment) Act, 1943 (N.A. IX of 1943).
5. The Madras University (Third Amendment) Act, 1943 (M.A. III of 1943).
6. The Andhra University (Temporary Amendment) Act, 1943 (N.A. XIX of 1943).
7. The Madras University (Fourth Amendment) Act, 1943 (M.A. IV of 1943).
8. The Andhra University (Second Amendment) Act, 1943 (N.A. XX of 1943).
9. The Madras University (Fifth Amendment) Act, 1943 (M.A. V of 1943).
10. The Annamalai University (Amendment) Act, 1943 (M.A. I of 1943).
11. The Andhra University (Amendment) Act, 1943 (N.A. XX of 1943).
12. The Madras University (Second Amendment) Act, 1943 (M.A. II of 1943).
13. The Madras University (Amendment) Act, 1943 (M.A. III of 1943).
14. The Andhra University (Amendment) Act, 1943 (N.A. XXI of 1943).
15. The Andhra University (Second Amendment) Act, 1943 (N.A. XXII of 1943).
16. The Andhra University (Third Amendment) Act, 1943 (N.A. XXIII of 1943).

(True Extract)



Mr. P. N. S. Rao

Mr. P. N. S. Rao

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But (or) 8

Please see legal side up 1 and
the file relating to the re-enactment
of the Madras University Acts
has been ^{now} circulated to HH (Edn)
on 29.1.48 (with cns. 37588/47 of 43
section). ~~for its~~ ~~from~~ ~~circula-~~
~~tion is awaited.~~ The file regarding
the re-enactment etc of the
Andhra University Acts has been
linked with another file (cns. 18/48
of 43 section) which has been
circulated to HH (Home), HH (Edn)
and H.F. The return of the above
two files ^{may be} ~~are~~ awaited. The
file relating to the re-enactment
of the Annamalai University
Act is linked below. May be sent
up to legal side
8/5/48
5.2.48

staller legal

8/

5.5.48 D.H.H. (G.S.)

This may lie over till 30/4/48 or till of re passing of the Re-enactment Bill into Act law.

Filed by legal along with other files relating to re-enactment.

9

ref 20/4/48

W 2.1.48

8.3 20.4.48

The Re-enacting Bill has since been passed into law. A copy of the Act will be added to the file and these papers recorded. May now be

Order / 14.10. 12.2.5 Ed. dated 15.5.48

Recorded.

University -
Annals -
Amendment Act
Passed during 93 situation -
Re-enactment of -
Repts. Recorded

ref 14/5/48

W 16.5.48

8.3 16.5.48

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