

Q

Closed
8/2/48

312
1
Sectt. II-27-53,004-27-10-47.

E & P. H (1948) Department.

SERIES.

(11)

G.O. NO. 1360

Dated 28.5.48

O. J. R. S.
E. J. P. H. C. J. P. H.

From aad on 14-7-48
and 4.9.48
copy for A. V. M.

[Despatch Abstract.]

Acts - Passed during Session 93 - Situation - The Madras District
Municipalities Act (Second Amendment) Act 1944 - Madras
Act - XIX of 1944 - Re-enactment - papers Recorded

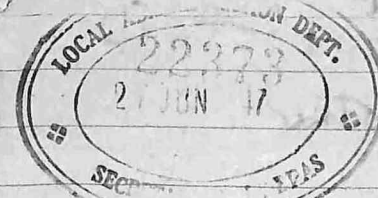
Back Papers.

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

Further Papers.

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

52826



E & P H (513)

NO. 52826 83/27-18

25/6/67

26/6/67

26/6/67

26/6/67 L.A.

L.A.D

The above amendment may be included in the Compre-

GO E & P H (513) ✓

Acts - passed during Sec. 93 regime -
 Sec. 93 Act, 1944 - Madras
 Municipalities (Second Amendment) Act, 1944 - Madras
 Act XIX of 1944 - Re-enactment of

A copy of the Sec. 93 Act, 1944 is at (P) - It is considered

the question of re-enactment of all Acts passed during the 93rd regime relating to Local Boards and Dr. Municipalities.

Being only a part of the Dr. Municipalities Act, this amendment may also be

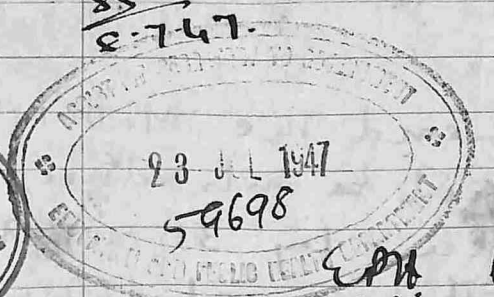
considered with other amendments with this may be sent to LA for necessary action.

2
Comprehensive Bill to amend the M.D.M. Act. If this Bill ~~is~~ not introduced in time to become law by 30.4.48 the amendment ~~will~~ ^{may} be included in the Madras Repealing and Re-enacting Bill which is proposed to be brought. For Estt and Legal may see the present it will be included in both bills as suggested by Legal Dept in another file. Estt and Legal may see.

KN 30.6.47
Cuz 30/6/47
Sec. 30/6.
E.R.H. | Legal.

A May be perused and passed into legal no.
Legal
2/8/47
5747

Legal U.O. No. 7420/47-1
9.7.47.



Cuz 21/7/47
L.A. 24244-150
227.47

Legal Dept
2/8/47
21/7/47
J.S. 21/7/47

Legal Dept
have to take action regarding x above. The file may therefore be sent to them no.
21/7.
E.R.H.

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

Please see the Legal department note above. ~~xxxx~~
The statement of objects leading to the amendment of the Madras District Municipalities Act in 1944 are set out at Y on p.2 of the G.O. at (M). The same reasons as set out therein still hold good. It is for orders whether the ~~Second Amendment~~ Madras District Municipalities (Second Amendment) Act, 1944 (~~xxx~~ Madras Act XIX of 1944) may be re-enacted permanently; if so, the draft memorandum required under the Secretariat instructions is submitted below. ~~A copy of the amendment is at (M).~~
May be sent to Legal u.o. before circulation.

Legal U.O. No. 7420/47-1
2/8/47
5747

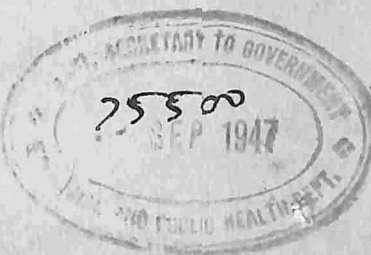


LEGAL DEPARTMENT.

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. Department 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. Department.

M

E.P.H. Dept

Legal N.O. NO. 1015/47-1
22.9.47

EXPH (63)

Please see Legal note above. May lie over till the receipt of the draft Bill referred to at M above (1-11-47)

24/9/47

w
u.s.

EXPH (63)

continue to
This may lie over till the receipt of the draft Bill (10/1/48)

19/12/47

23.12.47

This may continue to lie over till

w
19.1.48

18/1/48

15/2/48

19.1.48

12/2/48

27/2/48

File sent to Legal
for Joint Select
Committee report
on 6/2/48

This may continue to lie over till 30/4/48

20/4/48

8.5
20.4.48

This has been included in the First Schedule to the Madras Re-enacting and Repealing (No. 11) Bill, 1948, which has since been passed into law. Copies of the Act, on receipt, may be added and the file closed.

26/5/48

8.5
26.5.48

The papers may now be
Order (Ms 1360) sent 28/5/48.

Recorded.

26/5/48

8.5
26.5.48

Abstract:-
Acts - Passed during
Session 1947-48
re Madras M.
Municipalities
(Second Amendment)
Act, 1944 -
Re-enactment - XIX
of 1944 -
Re-enactment -
Papers received.
26/5

2. A copy of the Act
will be added.

ACTS - The Madras District Municipalities (Second Amendment) Act, 1944 (Madras Act XIX of 1944) - Re-enactment of.

Certain municipal councils maintain colleges which are affiliated to the Universities in the area concerned. According to the Statutes of the Andhra University, appointments to the teaching staff of every affiliated college should be made by the Governing body or by an authority to whom such body delegates its power. But under the Madras District Municipalities Act, 1920, as it originally stood, appointments had to be made either by the Committee referred to in section 73 of the Act or by the executive authority. In order to remove this conflict between the Statutes of the University and the provisions of the Madras District Municipalities Act, a Bill providing that the governing body of a college shall exercise in respect of the teaching staff and establishment of the college the powers of appointment, control and punishment which would otherwise be exercisable by the committee referred to in section 73 of the Act and the ~~executive~~^{executive} authority, was published for criticism. No objection or suggestion was received. His Excellency the Governor thereupon enacted the Madras Dt. Municipalities (Second Amendment) Act, 1944 (Madras Act XIX of 1944). A copy of the Act is attached.

2. This 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 passing the above Act still hold good, it is proposed to re-enact the same permanently now.

3. The Legal Department have advised that the legislation proposed falls under entries 13 and 17 of the Provincial ^{Legislative} List viz. "Local Government" and "Education including universities" and is within the competence of the Provincial Legislature.

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

VS
9/8/47
ar
88/47

503
8-8-47 S
by 9/8/47

Barren Legal
Secretariat
Carry-over
(C)

ACTS - The Madras District Municipalities (Second Amendment) Act, 1944 (Madras Act XIX of 1944) - Re-enactment of.

Certain Municipal Councils ~~have~~ opened and are maintaining colleges which are affiliated to the Universities in the area concerned. According to the Statutes of the University, appointments to the teaching staff of every affiliated college should be made by the Governing Body or by an authority to whom such body delegates its power. But under the ^{Madras} District Municipalities Act, 1920, appointments ~~have~~ to be made either by the Committee referred to in section 73 of the Act or by the Executive Authority. ~~There is a conflict~~ ^{as it originally stood, before the Amendment} between the Statutes of the University and the provisions of the Madras District Municipalities Act. To remove this conflict, a Bill providing that the Governing Body of the colleges shall exercise in respect of the teaching staff and establishment of the college the powers of appointment, control and punishment which would otherwise be exercisable by the committee referred to in Section 73 of the Act and the executive authority, was published for criticism. No criticism or suggestion or objection was received. His Excellency the Governor therefore enacted the Madras District Municipalities (Second Amendment) Act, 1944 (Madras Act XIX of 1944). A copy of the Act is attached.

2. This Act, like the 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 passing the above Amending Act in 1944, still hold good, it is proposed to re-enact the same permanently now.

3. The Legal Department have advised that ~~the~~ the legislation proposed is within the competence of the Provincial Legislature.

falls under Entries 13 and 17 of the Provincial Legislative List viz "Local government" and "Education, including universities" and

DEPARTMENT

Legislature.

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

RS
2.8.47 *5* *4/28/47*

Government of Madras.

Legal Department.

G.O.No.70, 11th December 1944.

Acts - The Madras District Municipalities (Second Amendment) Act, 1944 - Publication ordered as Madras Act XIX of 1944.

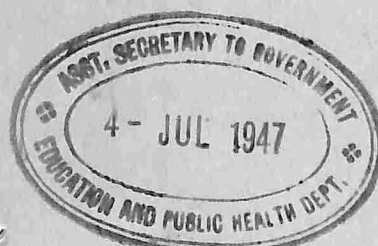
Order:-- Bo.70, Legal, dated 11th December 1944.

The Madras District Municipalities (Second Amendment) Act, 1944, will be published in the Fort St. George Gazette in English and in the Tamil, Telugu, Malayalam, Kannada and Hindustani languages as Madras Act XIX of 1944.

(By order of His Excellency the Governor)

Sd.P.Appu Hair,
Secretary to Govt.

To
The Supt., Govt. Press.
" Senior Translator to Govt.
" E.& P.H. Deptt.
" Secretary, Madras Legislature.
" P.S.G.



Madras Act V of 1920.

28 Geo.
5, Ch.2

Short title.

Mad. Act V of 1920.

APPENDIX.

The following Act received the assent of His Excellency the Governor on the 7th December 1944, and is hereby published for general information:--

Act No. XIX of 1944.

An Act further to amend the Madras Dt. Municipalities Act 1920.

WHEREAS it is expedient 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 Govt. of India Act, 1935, assumed to himself all powers vested under 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:

1. This Act may be called the Madras District Municipalities (Second Amendment) Act, 1944.
2. After section 77-A of the Madras District Municipalities Act, 1920, the following section shall be inserted namely:--

D.O.No.1770/48-2ML.

Fort St. George,
Dated the 16th March 1948

Dear Sir,

I am to enclose herewith a copy each of the following items received for consideration by the Joint Select Committee in connection with the Madras Re-enacting and Repealing (No.I) Bill, 1947:-

- i) Views of Sri G. Harisarvottama Rao, Chairman, Andhra Provincial Congress Municipal Supervision Committee.
- ii) Copy of the resolution passed by the Municipal Council, Nandyal, on 5-3-48.

Yours faithfully,

D.K.V. Raghava Varma,

Secretary to the Legislature.

20644

Copy of Municipal Council Resolution No.658 dated 5-3-48.

"This Municipal Council has carefully considered the Madras Reenacting and repealing (No.1) Bill 194 published in Part IV A of the Fort St. George, Gazette, dated, 9-12-1947. So far as it affects the District Municipalities it is resolved to recommend to the Government that the Bill should not be confirmed for the reasons mentioned in the note of the Chairman"

Note: * on the same terms as the views of Sri G. Harisarvottama Rao.

Andhra Provincial Congress Municipal Supervision Committee,
Bezwada.

Re-enacting and Repealing Bill.

Sri G. Harisarvottama Rao, Chairman, Andhra Provincial Congress Municipal Supervision Committee writes:--

There appears to be certain unnecessary haste about the Re-enacting and Repealing Bill. The Select Committee may do well to recommend re-enactment of such advisers acts as are unanimously agreed to. If the Government is of the view that any other act of the Advisers is of the utmost importance they may be asked to bring it in as a separate bill. Anyway I have carefully considered the Madras Re-enacting and Repealing (No.1) Bill 194 published in Part IV A of the Fort St. George Gazette dated 9th December 1947. So far as it effects the District Municipalities I desire to make the following observations and request that they may be carefully considered by the Select Committee now formed.

(1) Madras Act XV of 1941: The Madras Elementary Education (Amendment) Act 1941 should not be re-enacted. The policy of making an equal grant for elementary education purposes was given up by the Advisory Regime for reasons best known to themselves. A popular Government should be ready to meet the whole expenditure on Elementary Education. Whether they do it or not it is highly unsatisfactory that they should think of reenacting Act XV-1941.

(2) Madras Act VIII of 1946: It looks ridiculous that the District Educational Officer should be empowered to fine parents and the Director of Public Instruction should be empowered to hear appeals under the Elementary Education Act. If the Chairman may not be empowered to do it because his sense of popularity may prevent him from imposing fines on citizens, the Commissioner who is the Executive Authority in a Municipality may be empowered and the present him

77-B. Notwithstanding anything contained in this Act, where a college maintained by a Municipal Council is affiliated to a University, the management of the college of certain shall, if the laws of the University so require, vest in a Municipal governing body, constituted in accordance with such laws and colleges & such governing body shall exercise in relation to the members appt. of of the teaching staff and the establishment of the college all staff powers of appointment, control and punishment by which by or etc. under the Act vest in the committee referred to in section 73 thereto or in the executive authority.

LEGAL DEPARTMENT.

NOTIFICATION.

The following statement of the reasons which have moved H.E. the Governor to enact the Madras District Municipalities (Second Amendment) Act, 1944, in exercise of the powers of the Provincial Legislature assumed by him under the Proclamation issued under section 93 of the Govt. of India Act, 1935, is published for general information:--

STATEMENT.

The Guntur Municipal Council has recently opened a second grade college which is affiliated to the Andhra University. Under the statutes of the University appointments to the teaching staff of every affiliated college should be made by the Governing Body or by an authority to whom such body delegates its power. But under the Madras District Municipalities Act, 1920, appointments have to be made either by the committee referred to in section 73 of the Act or by the Executive authority. There is thus a conflict between the Statutes of the University and the provisions of this Act. To remove this conflict a Bill providing that the Governing Body of the college shall exercise in respect of the teaching staff and establishment of the college the powers of appointment, control and punishment which would otherwise be exercisable by the committee referred to in section 73 of the Act and the executive authority, was published for criticism. No criticism or suggestion was received. His Excellency the Governor has therefore enacted the Madras District Municipalities (Second Amendment) Act, 1944.

Ann (17/12/47)
Admin letter
17.3.48.

the parentssaved from appearing before the District Educational Officer who lives away from Municipal towns other than his head-quarters. It is more absurd that an appeal should lie to the Director of Public Instruction, the parent being required to travel to the city of Madras in search of justice. If an educational officer should be an appellate authority the District Educational Officer should suffice, So the Madras Elementary Education (Amendment) Act 1946 should be suitably amended.

XX

XX

XX

(8) Act IX of 1944.

The Municipality is the pay-master. The University should not dictate personnel to ~~the~~ appointed directly or indirectly. The qualifications fixed by the Universities are always there and no Municipality may go against University directions without being disaffiliated.

Legal Department

The Madras Re-enacting and Repealing (No.I) Bill 194.

A copy of the D.O. received from the Secretariat of the Madras Legislature in connexion with the above Bill is placed below. It may be forwarded to the L.A. Department for remarks, if any.

As the Joint Select Committee will meet tomorrow at 5 P.M. the L.A. Deptt. are requested to treat this as specially urgent.

Legal no no 3230/48-2
17-3-48

Local Administration Department(H)

Send R.K. 17/3/48 to the Education and Public Health Department. Extracts relating to items (1) (2) and (8) on page may be sent. ~~The other items are noted on below.~~

L.A.U.O.10173-(A)-1H
17/3/48

To the Education and Public Health Department

/True Extract/

Superintendent.

-3-

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

Please see L.A. note on p.2 ante. This section is concerned with item (8) on p.2 ante. The number of the Act quoted above is not correct. Presumably it refers to the Madras District Municipalities (Second) Amendment Act, 1944, i.e. Madras Act XIX of 1944. The circumstances in which the above (amendment) Act passed during the Sec.93 regime, is proposed to be re-enacted ^{now} are explained in para.1 of the memorandum at (W) in L.P. It may also be pointed out in this connection, that it is not correct to state that the University dictates the personnel ~~of the governing body~~ the personnel to be appointed, directly or indirectly, for the Governing Body of the Municipal Council consists of representatives of the Municipal ^{Council} also. In the circumstances, there appears to be no necessity to take notice of the above objection. With these remarks, the file may be ^{sent} passed on to Legal.

The amendment ^{to the M.D. Act} arose from the starting of a Second Grade Municipal College at Guntur, which was affiliated to the Andhra University. The management of this College, i.e. the Lady Hone Municipal College, Guntur, has since been taken over by the Government. The question ~~has~~ has still to be considered in relation to the other existing Municipal Colleges, e.g. the Salem Municipal College, Salem, affiliated to the Madras University, and the C.N.Reddy College, Ellore, affiliated to the Andhra University. According to the statutes of the University, such affiliated colleges should be managed by a regularly constituted Governing Body in which the teaching staff should be represented, and the Governing Body ^{being} should be appointed by the Body maintaining the College. Recently in connection with the constitution of ^a ~~the~~ Governing Body, it has been suggested that the Governing Body should consist of the following members:--

(1) The Chairman

- (1) The Chairman of the Municipal Council.
- (2) The Commissioner of the Municipality.
- (3) Principal of the College.
- (4) One District official elected by the Municipal Council.
- (5) One non-official from the public elected by the Municipal Council.

& (6) Two members of the Municipal Council, and (7) I

It will be seen from the above that all the appointments to the Governing Body should be made by the Municipal Council, and that the University ^{is not much concerned} has ~~no voice~~ in the matter, directly or indirectly, except that the constitution is reported periodically to ~~the~~ and approved by the Syndicate of the University. The objection therefore does not seem to be ~~really~~ valid.

hr
18-3-48
S
Legal

The argument seems to be that the municipal authorities who make other appointments should be at liberty to make appointments to the colleges also, and that the universities should not be allowed to interfere to the extent of saying that there should be a separate governing body to make these appointments in colleges. Put that way, the objection would really not be in respect of the present provision which seeks to bring the provisions of the Municipal Act into line with the requirements stipulated by the university, but against the stipulation made by the universities themselves. The stipulation ^{(that appointments made by the university) has,} is in fact, been made only in the Andhra University Act and not Madras University Act. But the difficulty would still remain in respect of the Andhra University Area, as there is the C.R. Reddi College, ~~Vellore~~. There, if the Municipal Act is not brought into line with university requirements, we cannot ask the university to modify its requirements in this respect, and since provision would therefore be necessary at least in respect of ^{the} Andhra University area, it would not be expedient to differentiate between that area and the area of the other universities. And after all appointment by a governing body is ^{prima facie} a better arrangement, for educational institutions,

File re:
Salem and College
Amst. Int. of
Government Policy
not much

P. 117 of the Andhra
University
Code Vol. 1

ASTIR -5- *G13*

11

than appointment by the usual municipal authorities. The objection may therefore be over ruled.

by
15/3/48
Legal Dept

Encl (G13)

Dec No. 20644/83-12-12-14

18/3/48

3319



J.S. for perusal
18/3

Legal No. 3230/48-3
20.3.48

Legal No. 3230/48-3
20.3.48

The J.S.C. agreed to a permanent re-enactment of this Act.
K.M. 20/3/48

E.P. 4. Sept

No further action is called for. May be filed with the main file.
21/3/48

1944

The T.S.C. agreed to the

re-employment of the

1/10/44

1944

1944
1944
1944