

ORISSA ACT VI OF 1947
THE MADRAS ELEMENTARY EDUCATION
(ORISSA AMENDMENT) ACT, 1947

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AN ACT TO AMEND THE MADRAS ELEMENTARY EDUCATION ACT,
1920, THE MADRAS LOCAL BOARDS AND ELEMENTARY EDUCATION
(AMENDMENT) ACT, 1934 AND THE MADRAS ELEMENTARY
EDUCATION (AMENDMENT) ACT, 1935 IN THEIR
APPLICATION TO THE PROVINCE OF ORISSA
FOR CERTAIN PURPOSES

WHEREAS it is expedient to amend the Madras Elementary Education Act, 1920, the Madras Local Boards and Elementary Education (Amendment) Act, 1934 and the Madras Elementary Education (Amendment) Act, 1935, in their application to the Province of Orissa, for purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Madras Elementary Education (Orissa Amendment) Act, 1947.

(2) It shall come into force at once.

Amendment
of section 3,
Madras Act
VIII of 1920.

2. In section 3 of the Madras Elementary Education Act, 1920 (hereinafter referred to as the said Act)—

(i) in clause (ii), for the words "District Educational Officer and Inspectress of Girls' Schools" the words "and District Educational Officer" and for the words "District Educational Officer or Inspectress of Girls' Schools" the words "or District Educational Officer" shall be substituted;

(ii) clause (iii) shall be omitted; and

(iii) in clause (vi) for the words and figures "under section 41" the words "by the Director of Public Instruction or by such authority as may be empowered by him in this behalf" shall be substituted.

Repeal of
Chapter II,
Madras Act
VIII of 1920.

3. Chapter II of the said Act shall be omitted.

Amendment
of section 38,
Madras Act
VIII of 1920.

4. In sub-section (1) of section 38 of the said Act, the words "the district educational council and" shall be omitted.

Repeal of
Chapter IV
Madras Act
VIII of 1920.

5. Chapter IV of the said Act shall be omitted.

Madras Act
VIII of 1920
Madras Act
II of 1934.
Madras Act
XI of 1935.

Madras Act,
VIII of 1920.

- Amendment of section 45, Madras Act VIII of 1920. 6. In sub-section (1) of section 45 of the said Act, for the words "through the district educational council", the words "through the Director of Public Instruction" shall be substituted.
- Amendment of section 45-A, Madras Act VIII of 1920. 7. In sub-section (1) of section 45-A of the said Act the words "the district educational council and" shall be omitted.
- Amendment of section 47 of Madras Act VIII of 1920. 8. In the proviso to sub-section (2) of section 47 of the said Act, for the words "the District Educational Council" the words "the District Educational Officer" shall be substituted.
- Repeal of Chapter VI, Madras Act VIII of 1920. 9. Chapter VI of the said Act shall be omitted.
- Amendment of section 56, Madras Act VIII of 1920. 10. In sub-section (2) of section 56 of the said Act—
 (i) clauses (c), (d) and (e) shall be omitted;
 (ii) in clause (f) the words "by district educational councils" shall be omitted ; and
 (iii) clause (i) shall be omitted.
- Amendment of Schedule, Madras Act II of 1934. 11. Rules 9 and 10 of the Schedule to the Madras Local Boards and Elementary Education (Amendment) Act, 1934, shall be omitted. Madras Act II of 1934.
- Repeal of section 13, Madras Act XI of 1935. 12. Section 13 of the Madras Elementary Education (Amendment) Act, 1935 shall be omitted. Madras Act XI of 1935.
- Audit of Accounts of district educational councils up to the commencement of the Act. 13. The accounts of every district educational council up to the date on which this Act comes into force, shall be examined and audited by an officer appointed by the Provincial Government in that behalf.
- Continuance of orders according recognition or admitting schools to aid. 14. All orders of recognition in respect of elementary schools and all orders admitting elementary schools to aid, made or deemed have been made by a district educational council before the commencement of this Act under sections 41 and 42 of the said Act respectively, shall be deemed to have been made by the Director of Public Instruction or by such authority as may be empowered by him after this Act comes into force to grant recognition to elementary schools or to admit elementary schools to aid, as the case may be, and any such order shall be liable to cancellation or modification as it had been made after the commencement of this Act.
- Orders of a district educational council fixing the number of free places deemed to be those of the District Educational Officer. 15. All orders passed by a district educational council before the commencement of this Act under the proviso to sub-section (2) of section 47 of the said Act fixing the number of free places, shall have effect as if they had been passed after such commencement by the District Educational Officer.

Devolution of properties and rights of district educational councils to Provincial Government and continuance of proceedings pending at the commencement of the Act.

16. (1) All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by, or for, any district educational council constituted under the said Act, including all moneys standing to the credit of the fund referred to be section 28 of the said Act, as well as all liabilities legally subsisting against such council shall on and from the date of the commencement of this Act, pass to the Provincial Government.

(2) All proceedings taken by or against any district educational council and pending at the commencement of this Act may, after such commencement, be continued, subject to the provisions of this Act, by or against the Provincial Government or by or against such authority as may be designated by them in this behalf.

(3) Any remedy by way of application, suit or appeal available to or against a district educational council at the commencement of this Act shall, after the commencement, be available, subject to the provisions of this Act, to or against the Provincial Government.

Power of Provincial Government to suspend action.

17. The repeal of section 21 of the said Act by this Act shall not be deemed to affect the powers of the Provincial Government to act under that section in respect of any resolution passed or order issued by any district educational council or the president thereof before the commencement of this Act, or in respect of any act which is about to be done or is being done at such commencement.

Powers to remove difficulties in giving effect to Act.

18. 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.