The Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957

Act 22 of 1957

Keyword(s):
Existing Law, Transferred Territory

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[1][TAMIL NADU] ACT No. XXII OF 1957[2].

(THE [1][TAMIL NADU] (TRANSFERRED TERRITORY) EXTENSION OF LAWS ACT, 1957.)

(*Received the assent of the President on the 14th December 1957; first published in the* Fort. St. George Gazette *on the 18th December 1957.*)

An Act to extend certain laws to the transferred territory in the [3][State of Tamil Nadu].

WHEREAS it is expedient to provide that certain laws should be extended to, and by virtue of such extension should be in force in, the transferred territory in the [3][State of Tamil Nadu];

BE it enacted in the Eighth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the [1][Tamil Nadu] (Transferred Territory) Extension of Laws Act, 1957.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "existing law" means any law, Ordinance, Proclamation, regulation, order, by-law or rule passed or made before the commencement of this Act by any Legislature, authority or person having power to make such a law, Ordinance, Proclamation, regulation, order, by-law or rule;

(*b*) "transferred territory" means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

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1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 For Statement of Objects and Reasons, *see Fort St. George Gazette*, Extraordinary, dated the 17th October 1957, Part IV-A, page 79.

3 This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Extension of enactments.

3. So much of the enactments specified in the Schedule as is in force on the date of the commencement of this Act in the [1][State of Tamil Nadu] except in the transferred territory and relates to matters with respect to which the State Legistature has power to make laws for the State is hereby extended to, and shall be in force in, the transferred territory.

Construction of references to laws not in force in the transferred territory.

4. (1) Any reference in any enactment specified in the Schedule to a law which is not in force in the transferred territory shall, in relation to that territory, be construed as a reference to the corresponding law, if any, in force in that territory.

(2) Any reference in any existing law which continues to be in force in the transferred territory after the commencement of this Act to any law repealed by section 6 shall, in relation to that territory, be construed as a reference to the enactment specified in the Schedule corresponding to the law so repealed.

Construction of references to authorities where new authorities have been constituted

5. Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the transferred territory shall, where a corresponding new authority has been constituted by or under any enactment now extended to the transferred territory, have effect as if it were a reference to that new authority.

Repeal of corresponding laws.

6. If, immediately before the commencement of this Act, there is in force in the transferred territory any Act, Ordinance, Proclamation, regulation, order, by-law, rule or other law corresponding to an enactment specified in the Schedule whether such Act, Ordinance, Proclamation, regulation, order, by-law, rule or other law is in force by virtue of Section 119 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) or by virtue of any other legislative power, such corresponding law shall, upon the commencement of this Act, stand repealed to the extent to which the law relates to matters with respect to which the State Legislature has power to make laws for the State.

Savings.

7. (1) The repeal by section 6 of this Act of any corresponding existing law shall not affect—

(*a*) the previous operation of any such law or anything done or duly suffered thereunder, or

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[1]This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any such law, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), any thing done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected, under such corresponding existing law shall be deemed to have been done or taken under the corresponding provision of the enactment as now extended to, and in force in, the transferred territory and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said enactment.

Powers of courts and other authorities for purposes of facilitating application of laws.

3. For the purpose of facilitating the application in the transferred territory of any enactment specified in the Schedule, any court or other authority may construe such enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

Extension of [2][Tamil Nadu Acts], VIII of 1923 and XXXII of 1950.

9. (1) The [1][Tamil Nadu] Survey and Boundaries Act, 1923 ([1][Tamil Nadu] Act VIII of 1923), as amended by sub-section (2) is hereby extended to, and shall be in force in, the transferred territory; and sections 4 to 8 shall apply in relation to that Act as if it had been included in the Schedule.

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1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 This expression was substituted for the expression "Madras Acts" by the Tamil Nadu Adaptation of Laws Order, 1970.

(2) The Act aforesaid shall be amended as follows, that is to say, in section 2, after clause (ix), the following clause shall be added as clause (x), namely :—

"(x) 'Village headman' and 'village accountant' in relation to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district respectively include 'village officer' and 'village assistant.'

(3) The [1][Tamil Nadu] Animals and Birds Sacrifices Prohibition Act, 1950 ([1][Tamil Nadu] Act XXXII of 1950), as amended by sub-section (4) is hereby extended to, and shall be in force in, the transferred territory; and sections 4 to 8 shall apply in relation to that Act as if it had been included in the Schedule.

(4) The Act aforesaid shall be amended as follows, that is to say, for clause (*c*) of section 2, the following clause shall be substituted, namely :—

"(*c*) 'temple' means, in any area in the State elsewhere than in the Kanyakumari district and the Shencottah taluk of the Tirunelveli district, a temple as defined in section 6, clause (17) of the Madras Hindu Religious and Charitable Endowments Act, 1951* (Madras Act XIX of 1951), and in any area in the Kanyakumari district and the Shencottah taluk of the Tirunelveli district, a temple as defined in section 2, clause (1) of the Travancore-Cochin Temple Entry (Removal of Disabilities) Act, 1950 (Travancore-Cochin Act XXVII of 1950)".

Repeal of Travancore Act XI of 1119 and Travancore Cochin Acts V of 1125 and XVII of 1951.

10. The Travancore Rationing Preparatory Measures Act, 1119 (Travancore Act XI of 1119), the Travancore-Cochin High Court Act, 1125 (Travancore-Cochin Act V of 1125) as subsequently amended, and the Code of Civil Procedure (Travancore-Cochin Amendment) Act, 1951 (Travancore-Cochin Act XVII of 1951), in so far as they apply to, and are in force in, the transferred territory are, subject to sections 4, 5, 6 and 7, hereby repealed.

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* *See* now the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) section 6 Clause (22).

Power to remove difficulties.

11. If any difficulty arises in giving effect to the provisions of this Act or of any enactment extended to the transferred territory by this Act, the State Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

THE SCHEDULE.

(*See* section 3.)

Year. (1)	*Number.* (2)	*Short title.* (3)
		CENTRAL ACTS.
1849	X	The [1][Tamil Nadu] Revenue Commissioner Act, 1849.
1850	XII	The Public Accountants' Default Act, 1850.
1850	XVIII	The Judicial Officers' Protection Act, 1850.
1850	XXXVII	The Public Servants (Inquiries) Act, 1850.
1873	III	The [1][Tamil Nadu] Civil Courts Act, 1873.
1882	V	The Indian Easements Act, 1882.
1883	XIX	The Land Improvement Loans Act, 1883.
1884	XII	The Agriculturists' Loans Act, 1884.
1887	IX	The Provincial Small Cause Courts Act, 1887.
1890	XI	The Prevention of Cruelty to Animals Act, 1890.
1894	IX	The Prisons Act, 1894.
1897	III	The Epidemic Diseases Act, 1897.
1898	III	The Lepers Act, 1898.
1899	XIII	The Glanders and Farcy Act, 1899.
1900	III	The Prisoners Act, 1900.
1917	V	The Destruction of Records Act, 1917.
1920	V	The Provincial Insolvency Act, 1920.
1920	XXXIII	The Identification of Prisoners Act, 1920.
1923	XXIII	The Legal Practitioners (Women) Act, 1923.
1932	XXIII	The Criminal Law Amendment Act, 1932.

1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptaion of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969

Year. (1)	*Number.* (2)	*Short title.* (3)
		[1][TAMIL NADU REGULATIONS].
1803	I	The [2][Tamil Nadu] Board of Revenue Regulation, 1803.
1803	II	The [2][Tamil Nadu] Collectors Regulation, 1803.
1822	IX	The [2][Tamil Nadu] Revenue Malversation Regulation, 1822.
1823	III	The Madras Revenue Malversation (Amendment) Regulation, 1823.
1828	VII	The [2][Tamil Nadu] Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1828.
1832	III	The Madras Revenue Malversation (Amendment) Regulation, 1832.
		[3][TAMIL NADU ACTS.]
1865	VI	The [2][Tamil Nadu] Official Seals Act, 1865.
1866	II	The [2][Tamil Nadu] Cattle-disease Act, 1866.
1869	III	The [2][Tamil Nadu] Revenue Summonses Act, 1869.
1893	V	The [2][Tamil Nadu] Revenue Enquiries Act, 1893.
1894	I	The [2][Tamil Nadu] Board of Revenue Act, 1894.
1920	IV	The [2][Tamil Nadu] Children Act, 1920.
1920	VII	The [2][Tamil Nadu] Town-Planning Act, 1920.
1923	V	The [2][Tamil Nadu] State Aid to Industries Act, 1922.
1926	V	The [2][Tamil Nadu] Borstal Schools Act, 1925.
1930	III	The [2][Tamil Nadu] Gaming Act, 1930.
1933	XX	The Madras Commercial Crops Markets Act, 1933.

1 This expression was substituted for the expression "Madras Regulations" by the Tamil Nadu Adaptation of Laws Order, 1970.

2 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

3 This expression was substituted for the expression "Madras Acts" by the Tamil Nadu Adaptation of Laws Order, 1970.

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Year.	*Number.*	*Short title.*
(1)	(2)	(3)
		[1][TAMIL NADU ACTS]—*cont.*
1934	X	The [2][Tamil Nadu] Co-operative Land Mortgage Banks Act, 1934.*
1936	XVI	The [2][Tamil Nadu] Famine Relief Fund Act, 1936.
1937	III	The [2][Tamil Nadu] Probation of Offenders Act, 1936.
1937	X	The [2][Tamil Nadu] Prohibition Act, 1937.
1939	X	The [2][Tamil Nadu] Entertainments Tax Act, 1939.
1940	XV	The [2][Tamil Nadu] Livestock Improvement Act, 1940.
1940	XIX	The [2][Tamil Nadu] Rinderpest Act, 1940.
1945	XIII	The [2][Tamil Nadu] Prevention of Begging Act, 1945.
1947	XVI	The [2][Tamil Nadu] Tuberculosis Sanatoria (Regulation of Buildings) Act, 1947.
1947	XXXI	The [2][Tamil Nadu] Devadasis (Prevention of Dedication) Act, 1947.
1947	XXXVI	The [2][Tamil Nadu] Shops and Establishments Act, 1947.
1948	III	The [2][Tamil Nadu] Suppression of Disturbances Act, 1948.
1948	XXV	The Cotton Ginning and Pressing Factories ([2][Tamil Nadu] Amendment) Act, 1948.
1950	XXXIV	The Code of Civil Procedure ([2][Tamil Nadu] Amendment) Act, 1950.
1951	XV	The [2][Tamil Nadu] Warehouses Act, 1951.
1953	X	The Cotton Ginning and Pressing Factories ([2][Tamil Nadu] Amendment) Act, 1953.

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1 This expression was substituted for the expression "Madras Acts" by the Tamil Nadu Adaption of Laws Order, 1970.

2 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

*Now the Tamil Nadu Co-operative Land Development Banks Act, 1934.

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Year.	*Number.*	*Short title.*
(1)	(2)	(3)
		[1]TAMIL NADU ACTS]—*cont.*
1954	II	The [2][Tamil Nadu] Contingency Fund Act, 1954.
1954	XXXIII	The [2][Tamil Nadu] Dramatic Performances Act, 1954.
1955	IX	The [2][Tamil Nadu] Cinemas (Regulation) Act, 1955.
1956	XXXI	The Code of Criminal Procedure ([2][Tamil Nadu] Amendment) Act, 1956.

[1] This expression was substituted for the expression "Madras Acts" by the Tamil Nadu Adaptation of Laws Orders, 1970.

[2] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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