The Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960

Act 23 of 1960

Keyword(s):
Existing Law, Transferred Territory

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[1][TAMIL NADU] ACT No. 23 OF 1960.[2]

THE [1][TAMIL NADU] (TRANSFERRED TERRITORY) EXTENSION OF LAWS ACT, 1960.

[*Received the assent of the President on the* 18*th October* 1960, *first published in the* Fort St. George Gazette *on the 2nd November* 1960 (*Kartika* 11, 1882).]

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 Eleventh 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, 1960.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

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 date of the commencement of this Act by Parliament, or by any Legislature, authority or person having power to make such a law, Ordinance, Proclamation, regulation, order, by-law or rule ;

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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* Extraordiary, dated the 27th April 1960, Part IV-A, Page 179.

[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.

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

Extension of certain enactments.

3. So much of the enactments specified in the First 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 Legislature has power to make laws for the State is hereby extended to, and shall be in force in the transferred territory.

Amendment and extension of certain enactments.

4. (1) The enactmens specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

(2) So much of the enactments specified in the Second 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 Legislature has power to make laws for the State and as amended to the extent and in the manner mentioned in the fourth column of the said Schedule 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.

5. (1) Any reference in any enactment specified in the First and Second Schedules 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 date of the commencement of this Act to any law repealed by section 7 shall, in relation to that territory, be construed as a reference to the enactment specified in the First or Second Schedule corresponding to the law so repealed.

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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.

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Construction of references to authorities where new authorities have been constituted.

6. 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.

7. If, immediately before the date of 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 First or Second 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, on the date of the commencement of this Act, stand repealed to the extent to which the corresponding law relates to matters with respect to which the State Legislature has power to make laws for the State.

Savings.

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

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

(*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), anything 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.

9. For the purpose of facilitating the application in the transferred territory of any enactment specified in the First or Second 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 [1][Tamil Nadu] General Clauses Act to the transferred territory.

10. (1) The [1][Tamil Nadu] General Clauses Act, 1867 ([1][Tamil Nadu] Act I of 1867) and the [1][Tamil Nadu] General Clauses Act, 1891 ([1][Tamil Nadu] Act I of 1891) are hereby extended to, and shall be in force in, the transferred territory.

(2) For the removal of doubts, it is hereby declared that the Travancore-Cochin Interpretation and General Clauses Act, 1125 (Travancore-Cochin Act VII of 1125) shall continue to apply for the interpretation of any existing law in force in the transferred territory immediately before the 1st day of November 1956 and continuing in force on the date of the commencement of this Act.

Extension of section 3, [2][Tamil Nadu Act] XIV of 1938.

11. Section 3 of the Prisons and Indian Lunacy ([1][Tamil Nadu] Amendment) Act, 1938 ([1][Tamil Nadu] Act XIV of 1938) is hereby extended to, and shall be in force in, the transferred territory.

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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 Act" by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.

Power of State Government to extend enactments to the transferred territory by notification.

12. (1) The State Government may, by notification, extend to the transferred territory or any part thereof, with such restrictions and modifications as they think fit, any enactment which—

(i) is in force in the rest of the [1][State of Tamil Nadu] at the date of the notification, and

(ii) relates to matters with respect to which the State Legislature has power to make laws for the State.

(2) Where any enactment is extended to the transferred territory by a notification under sub-section (1), the enactment so extended shall be deemed to have been included in the First or Second Schedule, as the case may be, and sections 5 to 9 shall apply accordingly.

(3) Every notification issued under sub-section (1) shall be laid before the Legislature if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly, and the State Government shall seek the approval of the Legislature to the notification by resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before it ; and if the Legislature makes any modification in the notification or directs that the notification shall cease to have effect, the notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

(4) Where in respect of any notification issued under sub-section (1), the Legislature directs under sub-section (3) that the said notification shall cease to have effect, the corresponding law, if any, repealed under sub-section (2) of this section read with section 7 shall revive and come into force in the transferred territory with effect on and from the date on which the Legislature so directs.

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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 Tamill Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Repeal of certain enactments.

13. The enactments specified in the Third Schedule in so far as they apply to, and are in force in, the transferred territory are hereby repealed.

Power to remove difficulties.

14. (1) If any difficulty arises in giving effect to the provisions of this Act or of any enactment extended to the transferred territory by or under 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.

(2) All orders made under sub-section (1) shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

THE FIRST SCHEDULE.

(*See* section 3.)

Year.	*Number.*	*Short title.*
(1)	(2)	(3)
		Central Acts.
1837	XXXVI	The [1][Tamil Nadu] Public Property Malversation Act, 1837.
1839	VII ..	The [1][Tamil Nadu] Rent and Revenue Sales Act, 1839.
1851	VIII ..	The Indian Tolls Act, 1851.
1856	XV ..	The Hindu Widows' Re-marriage Act, 1856.
1858	I ..	The [1][Tamil Nadu] Compulsory Labour Act, 1858.
1859	XXIV ..	The [1][Tamil Nadu] District Police Act, 1859.
1863	XXIII ..	The Waste Lands (Claims) Act, 1863.
1864	XV ..	The Indian Tolls Act, 1864.
1871	I ..	The Cattle-trespass Act, 1871.

[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.

Year.	*Number.*	*Short title.*
(1)	(2)	(3)
		Central Acts—cont.
1871	XXIII ..	The Pensions Act, 1871.
1878	VI ..	The Indian Treasure-trove Act, 1878.
1885	XVIII ..	The Land Acquisition (Mines) Act, 1885.
1886	VI ..	The Births, Deaths and Marriages Registration Act, 1886.
1892	X ..	The Government Management of Private Estates Act, 1892.
1894	I ..	The Land Acquisition Act, 1894.
1913	VI ..	The Mussalman Wakf Validating Act, 1913.
1916	VII ..	The Indian Medical Degrees Act, 1916.
1918	X ..	The Usurious Loans Act, 1918.
1930	XXXII	The Mussalman Wakf Validating Act, 1930.
1938	X ..	The Cutchi Memons Act, 1938.
		[1][*Tamil Nadu Regulations.*]
1802	III ..	The [2][Tamil Nadu] Administration of Estates Regulation, 1802.
1817	VII ..	The [1][Tamil Nadu] Endowments and Escheats Regulation, 1817.
1829	V ..	The [1][Tamil Nadu] Hindu Wills Regulation, 1829.
1831	X ..	The [1][Tamil Nadu] Sale of Minors' Estates Regulation, 1831.
		[3][*Tamil Nadu Acts*]
1865	I ..	The [2][Tamil Nadu] District Limits Act, 1865.
1878	VIII ..	The [2][Tamil Nadu] Coffee-stealing Prevention Act, 1878.

[1] This expression was substituted for the expression "Madras Regulations" by paragraph 3 (2) of 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 paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.

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Year.	*Number.*	*Short title.*
(1)	(2)	(3)
		[1][*Tamil Nadu Acts*]—*cont.*
1885	III ..	The [1][Tamil Nadu] Outports Landing and Shipping Fees Act, 1885.
1889	III ..	The [2][Tamil Nadu] Towns Nuisances Act, 1889.
1890	II ..	The [2][Tamil Nadu] Canals and Public Ferries Act, 1890.
1911	V ..	The [2][Tamil Nadu] Hackney Carriage Act, 1911.
1914	IV ..	The [2][Tamil Nadu] Medical Registration Act, 1914.
1918	I ..	The Mappilla Succession Act, 1918.
1919	III ..	The [2][Tamil Nadu] Agricultural Pests and Diseases Act, 1919.
1926	I ..	The [2][Tamil Nadu] Indian Ports (Amendment) Act, 1925.
1935	VII ..	The [2][Tamil Nadu] Debtors' Protection Act, 1934.
1936	III ..	The Indian Registration ([2][Tamil Nadu] Amendment) Act, 1935.
1938	V ..	The [2][Tamil Nadu] Traffic Control Act, 1938.
1938	XV ..	The Indian Lunacy ([2][Tamil Nadu] Amendment) Act, 1938.
1938	XIX ..	The [2][Tamil Nadu] Minor Ports Fund Act, 1938.
1939	V ..	The [2][Tamil Nadu] Electricity Duty Act, 1939.
1943	III ..	The Legal Practitioners ([2][Tamil Nadu] Amendment) Act, 1943.
1943	XII ..	The Indian Lunacy ([2][Tamil Nadu] Amendment) Act, 1943.
1943	XXIII ..	The [2][Tamil Nadu] Pawnbrokers Act, 1943.
1945	XII ..	The [2][Tamil Nadu] Prevention of Couching Act, 1945.
1947	IX ..	The Bar Councils and Legal Practitioners ([2][Tamil Nadu] Amendment) Act, 1947.
1948	I ..	The Madras Home Guards Act, 1948.

[1] This expression was substituted for the expression "Madras Acts" by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.

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

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Year.	*Number.*	*Short title.*
(1)	(2)	(3)
		[1][*Tamil Nadu Acts*]—cont.
1948	VI ..	The [2][Tamil Nadu]Restriction of Habitual Offienders Act, 1948.
1948	XIV ..	The [2][Tamil Nadu] Aided Institutions (Prohibition of Transfers of Property) Act, 1948.
1949	VIII ..	The Vexatious Litigation (Prevention) Act, 1949.
1949	XVIII ..	The Muslim Personal Law (Shariat) Application([2][Tamil Nadu] Amendment) Act, 1949.
1949	XXX ..	The [2][Tamil Nadu] Drugs (Control) Act, 1949.
1949	XLVII	The [2][Tamil Nadu] Cotton (Trade Stocks) Census Act, 1949.
1949	XLVIII	The [2][Tamil Nadu] Educational Institutions (Temporary Control of Property) Act, 1949.
1950	V ..	The [2][Tamil Nadu] Jute (Control of Prices and Sales) Act,1950.
1951	XVIII ..	The [2][Tamil Nadu] Anatomy Act, 1951.
1952	XVI ..	The [2][Tamil Nadu] Motor Vehicles (Taxation of Passengers and Goods) Act, 1952.
1956	XXVII	The [2][Tamil Nadu] Registration of Practitioners of Integrated Medicine Act, 1956.

THE SECOND SCHEDULE.

(*See* section 4.)

Year.	*Number.*	*Short title.*	*Amendments.*
(1)	(2)	(3)	(4)
		[1][*Tamil Nadu Acts.*]	
1864	II	The [2][Tamil Nadu] Revenue Recovery Act, 1864.	(These amendments have been incorporated in the principal Act, viz., Tamil Nadu Act II of 1864.)

[1] This expression was substituted for the expression "Madras Acts" by paragraph 3(2) of 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.

Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
		[1] [Tamil Nadu Acts]—cont.	
1902	I	The [2][Tamil Nadu] Court of Wards Act, 1902.	(These amendments have been incorporated in the principal Act, viz., Tamil Nadu Act I of 1902).
1905	III	The [2][Tamil Nadu] Land Encroachment Act, 1905.	(These amendments have been incorporated in the principal Act, viz., Tamil Nadu Act III of 1905).
1931	III	*The [2][Tamil Nadu] Motor Vehicles Taxation Act, 1931.	(These amendments have been incorporated in the principal Act, viz., Tamil Nadu Act III of 1931).

THE THIRD SCHEDULE.

(*See* section 13.)

REPEALS.

Year.	Number.	Short title.
(1)	(2)	(3)
		Travancore Acts.
1010	I	The Powers and Jurisdiction of Munsifs Act, 1010.
1010	IV	The Jurisdiction of Zillah Judges Act, 1010.
1124	XXIV	The Travancore Opium Smoking Act, 1124.
		Travancore-Cochin Act.
1953	IX	The Travancore-Cochin Medical Practitioners Act, 1953.

[1] This expression was substituted for the expression "Madras Acts" by paragraph 3 (2) of 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.

*Now the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974).

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