

Telangana (Application of Central Acts) Act, 1952

TELENGANA

India

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Act 48 of 1952

- Published on 1 June 2016
- Commenced on 1 June 2016
- [This is the version of this document from 1 June 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

Telangana (Application of Central Acts) Act, 1952(Act No. 48 of 1952)Last Updated 7th January, 2020The Andhra Pradesh (Telangana Area) (Application of Central Acts) Act, 1952 in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

1. Short title, extent and commencement.

(1)This Act may be called the [Telangana] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] (Application of Central Acts) Act, 1952.(2)It extends to the whole of the State of [Telangana] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] ;(3)It shall come into force at once.

2. Definition.

- In this Act, '-appointed day' means the day on which this Act comes into force.

3. Application of Central Acts to [the area to which this Act extends.] [Substituted for the word 'Hyderabad' by the Andhra Pradesh Adaptation of Laws Order, 1957.]

- The following Acts, namely:-(a)The Hindu Inheritance (Removal of Disabilities) Act, 1928 (XII of 1928),(b)[XXX] [Clauses (b) and (c) were omitted by the A.P.A.O. 1957.](c)[XXX] [Clauses (b) and (c) were omitted by the A.P.A.O. 1957.](d)The Dissolution of [Muslim Marriages Act, 1939] [See The Miscellaneous Personal Laws (Extension) Act, 1959 (Central Act 48 of 1959).] (8 of 1939),(e)The Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946 (19 of 1946), and(f)[XXX] [Clause (f) omitted by the A.P.A.O., 1957.]shall, with effect from the appointed day,

extend to and be in force in the whole of [the area to which this Act extends] [Substituted for the words 'the State of Hyderabad' by the A.P.A.O., 1957.] subject to the modifications mentioned in the Schedule and shall, accordingly, be in force [in the said area] [Substituted for the words 'the said State' by the A.P.A.O., 1957.] with effect from the said date in the forms respectively specified in [Annexures A, D and E] [Substituted for the 'Annexures A, B, C, D, E and F' by the A.P.A.O., 1957.] to the Schedule.

Schedule

The Hindu Inheritance (Removal of Disabilities) Act, 1928, (XII of 1928).For sub-section (2) of section 1, the following sub-section shall be substituted, namely:-(2) It extends to the whole of the [the Telangana] [For the words 'the State of Hyderabad' the words 'the Hyderabad area of the State of Andhra Pradesh' were substituted by the A.P.A.O. 1957. Subsequently, those words were substituted by A.P Act IX of 1961.] area of the State of Andhra Pradesh;[XXX] [The entries relating to the Hindu Law of Inheritance (Amendment) Act, 1929 (II of 1929) and the Hindu Women's Rights to Property Act, 1937 (XVIII of 1937) were omitted by the Andhra Pradesh Adaptation of Laws Order, 1957.][XXX] [The entries relating to the Hindu Law of Inheritance (Amendment) Act, 1929 (II of 1929) and the Hindu Women's Rights to Property Act, 1937 (XVIII of 1937) were omitted by the Andhra Pradesh Adaptation of Laws Order, 1957.]The Dissolution of Muslim Marriages Act, 1939 (VIII of 1939).For sub-section (2) of section 1, the following sub-section shall be substituted, namely:-(2) It extends to the whole of [the Telangana] [For the words 'the State of Hyderabad' the words 'the Hyderabad area of the State of Andhra Pradesh' were substituted by the A.P.A.O. 1957. Subsequently, those words were substituted by A.P Act IX of 1961.] area of the State of Andhra Pradesh;"The Hindu Married Women's Rights to Separate Residence and Maintenance, Act, 1946 (XIX of 1946).For sub-section (2) of section 1, the following sub-section shall be substituted, namely:-(2) It extends to the whole of the [the Telangana] [For the words 'the State of Hyderabad' the words 'the Hyderabad area of the State of Andhra Pradesh' were substituted by the A.P.A.O. 1957. Subsequently, those words were substituted by A.P Act IX of 1961.] area of the State of Andhra Pradesh;"[XXX] [The entry relating to the Hindu Marriage Disabilities Removal Act, 1946 (XXVIII of 1946) were omitted by A.P.A.O., 1957.]Annexure - AThe Hindu Inheritance (Removal of Disabilities) Act, 1928 (XII of 1928) as modified by the aforesaid Schedule.An Act to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs, and to remove certain doubts.Whereas it is expedient to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs, and to remove certain doubts;It is hereby enacted as follows:-

1. Short title, extent and application. - (1) This Act may be called the Hindu Inheritance (Removal of Disabilities) Act, 1928.

(2)It extends to the whole of the 12 the Telangana area of the State of Andhra Pradesh;(3)It shall not apply to any person governed by the Dayabhag School of Hindu Law.

2. Persons not to be excluded from inheritance or rights in joint family property. - Notwithstanding any rule of Hindu Law or custom to the contrary, no person governed by the Hindu Law, other than a person who is and has been from birth a lunatic or idiot, shall be excluded, from inheritance or from any right or share in joint-family property by reason only of any disease, deformity or physical or mental defect.

3. Saving and exception. - Nothing contained in this Act shall affect any right which has accrued or any liability which has been incurred before the commencement thereto, or shall be deemed to confer upon any person any right in respect of any religious office or service or of the management of any religious or charitable trust which he would not have had if this Act had not been passed.

[Annexure - B * * *] [Annexures B and C were omitted by the A.P.A.O. 1957.][Annexure - C * * *]
[For the words 'the State of Hyderabad' the words 'the Hyderabad area of the State of Andhra Pradesh' were substituted by the A.P.A.O., 1957. Subsequently, those words were substituted by A.P Act IX of 1961.]Annexure - DThe Dissolution of Muslim Marriages Act, 1939 (8 of 1939) as modified by the aforesaid Schedule.An Act to consolidate and clarify the provisions of Muslim Law relating to suits for dissolution of marriage by women married under Muslim Law and to remove doubts as to the effect of the renunciation of Islam by a married Muslim woman on her marriage tie.Whereas it is expedient to consolidate and clarify the provisions of Muslim Law relating to suits for dissolution of marriage by women married under Muslim Law and to remove doubts as to the effect of the renunciation of Islam by a married Muslim woman on her marriage tie;It is hereby enacted as follows:-

1. Short title and extent. - (1) This Act may be called the Dissolution of Muslim Marriages Act, 1939.

(2)It extends to the whole of [the Telangana] [For the words 'the State of Hyderabad' the words 'the Hyderabad area of the State of Andhra Pradesh' were substituted by the A.P.A.O., 1957. Subsequently, those words were substituted by A.P Act IX of 1961.] area of the State of Andhra Pradesh.

2. Grounds for decree for dissolution of marriage. - A woman married under Muslim Law shall be entitled to obtain a decree for the dissolution of her marriage on any one or more of the following grounds, namely:-

(i)that the whereabouts of the husband have not been known for a period of four years;(ii)that the husband has neglected or has failed to provide for her maintenance for a period of two years;(iii)that the husband has been sentenced to imprisonment for a period of seven years or upwards;(iv)that the

husband has failed to perform, without reasonable cause, his marital obligations for a period of three years;(v)that the husband was impotent at the time of the marriage and continues to be so;(vi)that the husband has been insane for a period of two years or is suffering from leprosy or a virulent venereal disease;(vii)that she, having been given in marriage by her father or other guardian before she attained the age of fifteen years, repudiated the marriage before attaining the age of eighteen years:Provided that the marriage has not been consummated;(viii)that the husband treats her with cruelty, that is to say-(a)habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment, or(b)associates with women of evil repute or leads an infamous life, or(c)attempts to force her to lead an immoral life, or(d)disposes of her property or prevents her exercising her legal rights over it, or(e)obstructs her in the observance of her religious profession or practices, or(f)if he has more wives than one, does not treat her equitably in accordance with the injunctions of the Quran.(ix)on any other ground which is recognised as valid for the dissolution of marriages under Muslim Law:Provided that,-(a)no decree shall be passed on ground (iii) until the sentence has become final;(b)a decree passed on ground (i) shall not take effect for a period of six months from the date of such decree, and if the husband appears either in person or through an authorised agent within that period and satisfies the Court that he is prepared to perform his conjugal duties, the Court shall set aside the said decree; and(c)before passing a decree on ground (v) the Court shall, on application by the husband, make an order requiring the husband, to satisfy the Court within a period of one year from the date of such order that he has ceased to be impotent, and if the husband so satisfies the Court within such period, no decree shall be passed on the said ground.

3. Notice to be served on heirs of the husband when the where about are known. - In a suit to which clause (i) of section 2 applies-

(a)the names and addresses of the persons who would have been the heirs of the husband under Muslim Law if he had died on the date of the filing of the plaint shall be stated in the plaint,(b)notice of the suit shall be served on such persons, and(c)such persons shall have the right to be heard in the suit:Provided that paternal uncle and brother of the husband if any, shall be cited as party even if he or they are not heirs.

4. Effect of conversion to another faith. - The renunciation of Islam by a married Muslim woman or her conversion to a faith other than Islam shall not by itself operate to dissolve her marriage:

Provided that after such renunciation, or conversion the woman shall be entitled to obtain a decree for the dissolution of her marriage on any of the grounds mentioned in section (2):Provided further that the provisions of this section shall not apply to a woman converted to Islam from some other faith who re-embraces her former faith.

5. Rights to dower not to be affected. - Nothing contained in this Act shall affect any right which a married woman may have under Muslim Law to her dower or any part thereof on the dissolution of her marriage.

Annexure - E The Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946 (XIX of 1946) as modified by the aforesaid Schedule. An Act to give Hindu married women a right to separate residence and maintenance under certain circumstances. Whereas it is expedient to provide for the right to separate residence and maintenance under certain circumstances in the case of Hindu married women; It is hereby enacted as follows:-

1. Short title and extent. - (1) This Act may be called the Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946.

(2) It extends to the whole of [the Telangana] [For the words 'the State of Hyderabad' the words 'the Hyderabad area of the State of Andhra Pradesh' were substituted by the A.P.A.O. 1957. Subsequently, those words were substituted by A.P Act IX of 1961.] area of the State of Andhra Pradesh;

2. Grounds for claiming separate residence and maintenance. - Notwithstanding any custom or law to the contrary, a Hindu married woman shall be entitled to separate residence and maintenance from her husband on one or more of the following grounds, namely-

(1) if he is suffering from any loathsome disease not contracted from her; (2) if he is guilty of such cruelty towards her as renders it unsafe or undesirable for her to live with him. (3) if he is guilty of desertion, that is to say, of abandoning her without her consent or against her wish; (4) if he marries again; (5) if he ceases to be a Hindu by conversion to another religion; (6) if he keeps a concubine in the house or habitually resides with a concubine; (7) for any other justifiable cause: Provided that a Hindu married woman shall not be entitled to separate residence and maintenance from her husband if she is unchaste or ceases to be a Hindu by change to another religion or fails without sufficient cause to comply with a decree of a competent Court for the restitution of conjugal rights.

3. Amount of maintenance. - When allowing a claim for separate residence and maintenance under section 2, the Court shall determine the amount to be paid by the husband to the wife therefor, and in so doing shall have regard to the social standing of the parties and the extent of the husband's means.

[Annexure - F * *] [Annexure F. was omitted by the A.P.A.O., 1957.]