

The Tamil Nadu (Added Territories) Extension of Laws Act, 1964

TAMILNADU

India

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Act 8 of 1964

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The Tamil Nadu (Added Territories) Extension of Laws Act, 1964 Tamil Nadu Act 8 of 1964 Statement of Objects and Reasons. - By the Madras (Added Territory) Extension of Laws Act, 1961 (Madras Act 1 of 1961), the Madras (Added Territories) Extension of Laws (No. 2) Act, 1961 (Madras Act 39 of 1961) and the Madras (Added Territories) Extension of Laws Act, 1962 (Madras Act 14 of 1962), certain enactments in force in the State of Madras were extended to the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), which territories have, consequent on the alteration of boundaries of the States of Madras and Andhra Pradesh under the said Central Act, been added on to this State from the State of Andhra Pradesh. Again, some of the enactments in force in the State have also been extended to the said territories by separate enactments. For the sake of securing uniformity in the laws in force in the said territories and the rest of the State of Madras, it is now proposed to extend to those territories certain other enactments in force in the State of Madras and to repeal the corresponding laws in force in those territories. 2. The enactments specified in the First Schedule are proposed to be extended without any modification. It will be seen from that Schedule that it is proposed to extend to the said territories the Madras Prohibition Act, 1937 (Madras Act X of 1937), although that Act was in force in those territories on the 1st October 1953, the date on which the State of Andhra was formed and continues to be in force there. Similarly, by clauses 10 and 11 it is proposed to extend the Madras Revenue Summonses Act, 1869 (Madras Act of 1869) and the Madras Famine Relief fund Act, 1936 (Madras Act XVI of 1936) to those territories. This will have the effect, of extending to those territories, the amendments, if any, made by various Madras Acts subsequent to the 1st October 1953 and of repealing the amendments, if any, made by the Andhra or the Andhra Pradesh Legislature or, as the case may be, of extending to the rest of the State, the amendments, if any, made by the Andhra or the Andhra Pradesh Legislature. 3. The enactments specified in the second Schedule are proposed to be amended in their application to the added territories so as to bring the provisions of those enactments into conformity with the provisions of the respective enactments as in force in the rest of the State. Sub-section (1) of section 4 of the Indian Treasure-trove Act, 1878 (Central Act VI of 1878) as amended by Andhra Pradesh Act VII of 1959

and as in force in the added territories requires the finder of the treasure to give notice to the Collector, among other things, of the place in which, and the circumstances under which, the treasure was found. But, the said section 4 as in force in the rest of the State requires the finder of the treasure to give notice, among other things, only of the place in which the treasure was found and not of the circumstances under which it was found. It is, therefore, proposed to amend the said Central Act as in force in the added territories, so as to omit the requirement regarding the circumstances under which the treasure was found. Section 5 of the Police (Incitement to Disaffection) Act, 1922 (Central Act XXII of 1922) as amended by Andhra Pradesh Act XXIII of 1958 and as in force in the added territories, requires the previous sanction of the District Collector, and in the case of a Presidency-town, of the Commissioner of Police, for prosecution. But, section 5 of that Act as in force in the rest of the State requires the previous sanction of the District Magistrate, and in the case of a Presidency town, of the Commissioner of Police, for prosecution. Apparently, the amendment made by Andhra Pradesh Act XXIII of 1958, among other things, substituting the expression "District Collector" for the expression "District Magistrate" was in pursuance of the scheme for the separation of the Judiciary from the Executive, whereby the powers under section 5 which are executive in nature are assigned to the District Collector. As the scheme for the separation of the Judiciary from the Executive in the rest of the State is governed by an executive order without amending the Act for that purpose, it is proposed to restore the expression "District Magistrate" in the said section 5 as in force in the added territories so as to secure uniformity. The amendment proposed to section 4 of the Madras Silkworm Diseases (Prevention and Eradication) Act, 1948 (Madras Act II of 1948) is intended to apply to the added territories, a similar amendment of a formal nature to that Act as in force in the rest of the State made by the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957). 4. The enactments Specified in the Third Schedule are proposed to be repealed as they are considered no longer necessary. The Ami Jagir Act, 1909 (Madras Act VI of 1909) provided for the inclusion of the Ami Jagir in the Schedule to the Madras Impartible Estates Act, 1904 (Madras Act II of 1904) and it has no extent clause. Following the repeal of that Act in its application to the rest of the State of Madras by the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957), it is proposed to repeal that Act in its application to the added territories. The Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922) provided inter alia for the insertion of a new Schedule I-A in the Indian Stamp Act, 1899 (Central Act II of 1899). This Act is in force in the added territories with the amendment of the said Central Act by Madras Act XIV of 1958 incorporating in Schedule I to the Central Act, the matters provided for in Schedule I-A, Madras Act VI of 1922 was repealed in its application to the rest of the State. Central Act II of 1899 as in force in the rest of the State has already been extended to the added territories. It is now proposed to repeal formally, the Madras Stamp (Amendment) Act, 1922 as in force in the added territories. The Indian Registration (Madras Amendment) Act, 1952 (Madras Act XVII of 1952) inserted a new section 23-B in the principal Act so as to permit the registration of documents registered the loges inter alia at Masulipatnam. As the areas referred to in the said section are not situate in the added territories, it is proposed to repeal the amending Act in its application to the said territories, following the repeal of the said Act its application to the rest of the State by the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957). The Andhra Requisitioning of Buildings Act, 1954 (Andhra Act XI of 1954) provides for requisitioning of buildings for certain public purposes in the municipality of Guntur and certain other areas to be specified by notification. As Guntur is not situate in the added territories and as no area in the added territories has been

notified, the said Act has no application to those territories. Hence, it is proposed to repeal that Act in its application to the added territories. The Andhra Pradesh Commercial Crops (Assessment) Act, 1957 (Andhra Pradesh Act XIX of 1957) provides for the levy of special assessment on lands cultivated with certain specified crops. The Madras Agricultural Income-tax Act, 1955 (Madras Act V of 1955) which provides for the levy of tax on agricultural income has already been extended to the added territories. The continuance in force of Andhra Pradesh Act XIX of 1957 in the added territories is considered unnecessary. Hence, it is proposed to repeal that Act. The Madras Civil Services (Disciplinary Proceedings Tribunal Rules, 1955, have recently been made applicable to all members of the Civil Services who were allotted to this State from the State of Andhra Pradesh. Consequent on this it is proposed to repeal the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 (Andhra Pradesh Act II of 1960). Section 2 of the Madras Estates Land Act, 1908 (Madras Act I of 1908) and section 9 of the Madras Estates Land (Amendment) Act, 1909 (Madras Act IV of 1909) have already been repealed in their application to the rest of the State of Madras by the Madras repealing and Amending Act, 1957 (Madras Act XXV of 1957). Following the said repeal, it is proposed to repeal those sections in their application to the added territories also. See clause 13.5. The enactments specified in the Fourth Schedule are proposed to be declared to be no part of the laws in force in the added territories. The Andhra Payment of Salaries and Removal of Disqualifications Act, 1953 (Andhra Act II of 1954) and the Andhra Pradesh State Legislature (Vacation of Seat on Simultaneous Membership) Act, 1959 (Andhra Pradesh Act XII of 1959) relate only to the members of the Andhra Pradesh Legislature and they have no territorial application. As the members of the Legislature of this State elected from the constituencies comprised in the added territories are governed by the provisions of the corresponding law in force, viz., Madras Acts XX of 1950 and XX of 1951, it is proposed to declare the Andhra and Andhra Pradesh enactments referred to above to be no part of the laws in force in the added territories. The Andhra Pradesh Societies Registration (Validation) Act, 1959 (Andhra Pradesh Act XXXIV of 1959) validated the registration of certain societies none of which is in the added territories. Hence, it is proposed to declare the said Act to be no part of the laws in force in the said territories. 6. The Bill seeks to give effect to the above objects. Published in Part IV-Section 3 of the Fort St. George Gazette Extraordinary, dated the 23rd November 1963. Received the assent of the President on the 16th April 1964 and first published in the Fort St. George Gazette Extraordinary on the 21st April 1964. An Act to extend certain laws to the added territories in the [State of Tamil Nadu] [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.]. Be it enacted by the Legislature of the [State of Tamil Nadu] [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.] in the Fourteenth Year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the [Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] (Added Territories) Extension of Laws Act, 1964. (2) Section 12 shall be deemed to have come into force on the 3rd day of December 1960; and the rest of this Act shall come into force on such [date] [All other provisions of this Act came into force on the 10th day of June 1964.] as the

State Government may, by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"added territories" means the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries)'Act, 1959 (Central Act 56 of 1959);(b)"existing law" means any law, ordinance, 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, regulation, order, by-law or rule.

3. Extension of certain enactments.

- 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 [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of biws Order. 1969, us amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] except in the added territories 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 added territories.

4. Amendment of certain enactments.

- The enactments specified in the Second Schedule in so far as they apply to, and are in force in, the added territories are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

5. Construction of references to laws not in force in the added territories.

(1)Any reference in any enactment specified in the First Schedule to a law which is not in force in the added territories shall, in relation to those territories, be construed as a reference to the corresponding law, if any, in force in those territories.(2)Any reference in any existing law which continues to be in force in the added territories after the date of the commencement of this Act to any law repealed by section 7 shall, in relation to those territories, be construed as a reference to the enactment specified in the First Schedule corresponding to the law so repealed.

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

- 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 added territories shall, where a corresponding new authority has been constituted by or under any enactment now extended to the added territories, have effect as if it were a reference to that new authority.

7. Repeal of corresponding laws.

- If, immediately before the date of the commencement of this Act, there is in force in the added territories any Act, ordinance, regulation, order, by-law, rule or other law corresponding to an enactment specified in the First Schedule, whether such Act, ordinance, regulation, order, by-law, rule or other law is in force by virtue of section 45 of the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), 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.

8. Savings.

(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 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 added territories and shall continue in force accordingly, unless and until superseded by any thing done or any action taken under the said enactment.

9. Powers of Courts and other authorities for purposes of facilitating application of laws.

- For the purpose of facilitating the application in "the added territories of any enactment specified in the First 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.

10. Extension of [Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act III of 1869.

(1)The [Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Revenue Summonses Act, 1869 ([Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of

Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act III of 1869), as amended by sub-section (2) is hereby extended to, and shall be in force in, the added territories; and sections 5 to 9 shall apply in relation to that Act as if it had been included in the First Schedule.(2)[The amendments made by this sub-section have been incorporated in the principal Act, namely, the Tamil Nadu Revenue Summonses Act, 1869 (Tamil Nadu Act III of 1869).]

11. Extension of [Tamil Nadu Act] [Substituted for the expression 'Madras Act' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.] XVI of 1936.

(1)The [Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Famine Relief Fund Act, 1936 ([Tamil Nadu Act] [Substituted for the expression 'Madras Act' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.] XVI of 1936), as amended by sub-section (2) is hereby extended to, and shall be in force in, the added territories; and sections 5 to 9 shall apply in relation to that Act as if it had been included in the First Schedule.(2)[The amendments made by this sub-section have been incorporated in the Tamil Nadu Famine Relief Fund Act, 1936 (Tamil Nadu Act XVI of 1936)]

12. Extension of [Tamil Nadu Act] [Substituted for the expression 'Madras Act' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.] XXVII of 1949.

(1)The [Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Preservation of Private Forest Act, 1949 [Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XXVII of 1949) (hereinafter in this section referred to as the [Tamil Nadu Act] [Substituted for the expression 'Madras Act' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.], is hereby extended to, and shall be in force in, the added territories; and section 5 to 9 shall apply in relation to that Act as if it had been included in the First Schedule.(2)Anything done or any action taken including any rule or order made, notification issued, decision, award or direction given, proceeding taken, liability or penalty incurred and punishment awarded under the provisions of the Andhra Preservation of Private Forests Act, 1954 (President's Act XII of 1954) (hereinafter in this section referred to as the Andhra Act),-(a)as in force immediately before its expiry; or(b)on or after the 3rd day of December 1960, and before the date of publication of this Act in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.], on the footing that the Andhra Act was in force at the relevant time, shall be deemed to have been done or taken under the corresponding provisions of the [Tamil Nadu Act] [Substituted for the expression 'Madras Act' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.]:Provided that nothing contained in this section shall render any person liable to any punishment whatsoever by reason of anything done or omitted to be done by him on or after

the 3rd day of December 1960, and before the date of publication of this Act in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.].

13. Repeal of certain enactment.

- The enactments specified in the Third Schedule, section 2 of the [Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land Act, 1908 ([Tamil Nadu Act] [Substituted for the expression 'Madras Act' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.] I of 1908) and section 9 of the [Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land (Amendment) Act, 1909 [Tamil Nadu] [(Substituted for the expression 'Madras Act' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.) Act] IV of 1909), in so far as they apply to, and are in force in, the added territories are hereby repealed.

14. Declaration respecting certain enactments.

- The enactments specified in the Fourth Schedule are hereby formally declared to be no part of the Laws in force in the added territories.

15. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act or of any enactment extended to the added territories 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. (2) Every order issued under sub-section (1) shall, as soon as possible after it is issued, be placed on the table of [the Legislative Assembly] [Substituted for the expression 'both Houses of Legislature' by the Tamil Nadu Adaptation of Laws Order, 1987.], and if, before the expiry of the session, in which, it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for the expression 'both Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987.] in, making any modification in any such order or [the Legislative Assembly agrees] [Substituted for the expression 'both Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987.] that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order. The First Schedule [See Section 3]

Year	Number	Short title
(1)	(2)	(3)
[Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment)]		

Order, 1969.]Acts

1937	X	The[Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]Prohibition Act, 1937.
1954	XXIII	The[Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]Installation of Oil Engines (TemporaryPermission) Act, 1954.
1955	XVII	The[Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]Hill Stations (Preservation of Trees) Act,1955.
1957	XXI	The[Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]Registration of Veterinary PractitionersAct, 1951.
1959	XVIII	The[Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]Khadi and Village Industries Board Act,1959.
1959	XXV	The[Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]Irrigation Works (Construction of FieldBothies) Act, 1959.
1959	XXVI	The[Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second

Amendment) Order, 1969.] Parks,
Play-fields and Open
Spaces(Preservation and Regulation)
Act, 1959.

The Second Schedule[See Section 4]

Year (1)	Number (2)	Short title (3)	Amendments. (4)
Central Acts			
1878	VI	The Indian Treasure-trove Act, 1878	In clause (b) of sub-section (1) of section 4, for "the place in which and the circumstances under which it was found", the words "the place in which it was found" shall be substituted.
1922	XXII	The Police (Incitement to Disaffection) Act, 1922	In section 5, for "District Collector", the words "District Magistrate" shall be substituted
[Tamil Nadu Act] [Substituted for the expression 'Madras Act' by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.]			
1948	II	The [Tamil Nadu] [Substituted for 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Silkwo Diseases (Prevention and Eradication) Act, 1948	In sub-section (1) of section 4, for "thereof", the word "whereof" shall be substituted.

The Third Schedule[See Section 13]

Year (1)	Number (2)	Short title (3)
[Tamil Nadu Act] [Substituted for the expression 'Madras Act' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.]		
1909	VI	The Amir Jagir Act, 1909.
1922	VI	

			The Madras Stamp (Amendment) Act, 1922.
1952	XVII		The Indian Registration (Madras Amendment) Act, 1952.
Andhra Act			
1954	XI		The Andhra Requisitioning of Buildings Act, 1954.
Andhra Pradesh Acts			
1957	XIX		The Andhra Pradesh Commercial Crops (Assessment) Act, 1957.
1960	II		The Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960.
The Fourth Schedule[See Section 14]			
Year	Number	Short title	
(1)	(2)	(3)	
Andhra Act			
1954	II	The Andhra Payment of Salaries and Removal of Disqualifications Act, 1953	
Andhra Pradesh Acts			
1959	XII	The Andhra Pradesh State Legislature (Vacation of Seat on Simultaneous Membership) Act, 1959.	
1959	XXXIV	The Andhra Pradesh Societies Registration (Validation) Act, 1959.	