

The Miscellaneous Personal Laws (Extension) Act, 1959

UNION OF INDIA

India

The Miscellaneous Personal Laws (Extension) Act, 1959

Act 48 of 1959

- Published on 1 February 1960
- Commenced on 1 February 1960
- [This is the version of this document from 1 February 1960.]
- [Note: The original publication document is not available and this content could not be verified.]

The Miscellaneous Personal Laws (Extension) Act, 1959 ACT NO. 48 OF 1959

1348.

The object of this Bill is to extend the personal laws of certain communities to the territories comprised within the former Part B States and thereby make those laws generally applicable to the whole of India except the State of Jammu and Kashmir. Schedule I to the Bill contains a list of the enactments which it is proposed to extend and Schedule II seeks to repeal the existing State laws consequent on such extension - See Gazette of India, 31-8-1959, Pt. II, section 2, Ext., p. 918. An Act to provide for the extension of certain personal laws to parts of India in which they are not now in force. BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the Miscellaneous Personal Laws (Extension) Act, 1959. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

1st February, 1960. See Notification No. S. O. 308, dated the 29th January, 1960, Gazette of India, Extraordinary, 1960, Pt. II, Section 3(ii), p. 37.

2. Definition.

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

3. Extension and amendment of certain Acts.

-On and from the appointed [day] [i.e. 1-2-1960], the Acts specified in Schedule I shall stand amended in the manner specified therein.

4. Repeals and savings.

(1) On and from the appointed [day] [i.e. 1-2-1960], the enactments specified in Schedule II and other enactments corresponding to the Acts specified in Schedule I shall stand repealed in the territories to which they respectively extended immediately before that day. (2) Nothing in sub-section (1) shall affect-(a) the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or (b) any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as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: Provided that anything done or any action taken under any such enactment shall be deemed to have been done or taken under the corresponding provision of the Act now extended to the territory concerned and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the said Act.

Schedule

(See section 3) The Converts' Marriage Dissolution Act, 1866 (21 of 1866) Section 35. - For "except the territories which, immediately before the 1st November, 1956, were comprised in Part B States", substitute "except the State of Jammu and Kashmir and the Union territory of Manipur". The Anand Marriage Act, 1909 (7 of 1909) Section 1. - In sub-section (2), for "except the territories which, immediately before the 1st November, 1956, were comprised in Part B States", substitute "except the State of Jammu and Kashmir". The Hindu Disposition of Property Act, 1916 (15 of 1916) Section 1. - For sub-section (2), substitute-"(2) It extends to the whole of India except the State of Jammu and Kashmir". The Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 of 1928) Section 1. - In sub-section (2), for "except the territories which immediately before the 1st November 1956, were comprised in Part B States", substitute "except the State of Jammu and Kashmir". Section 2. - Omit "from inheritance or." The Hindu Gains of Learning Act, 1930 (30 of 1930) Section 1. - In sub-section (2), for "except the territories which, immediately before the 1st November, 1956, were comprised in Part B States", substitute "except the State of Jammu and Kashmir". The Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937) Section 1. - In sub-section (2), for "except the territories which, immediately before the 1st November, 1956, were comprised in Part B States", substitute "except the State of Jammu and Kashmir". The Dissolution of Muslim Marriage Act, 1939 (8 of 1939) Section 1. - In sub-section (2), for "except the territories which, immediately before the 1st November, 1956, were comprised in Part B States", substitute "except the State of Jammu and Kashmir".

II

(See section 4 (1))The Hindu Transfers and Bequests (City of Madras) Act, 1921 (8 of 1921).The Hyderabad Hindu Gains of Learning Act, 1344-F (Hyderabad Act 5 of 1344-F).The Hyderabad (Application of Central Acts) Act, 1952 (Hyderabad Act 48 of 1952), in so far as it relates to any of the Acts specified in Schedule I.The Andhra Pradesh (Extension of Laws) Act, 1958 (Andhra Pradesh Act 23 of 1958), in so far as it relates to the Hindu Gains of Learning Act, 1930.The State of Saurashtra (Application of Central and Bombay Acts) ordinance, 1948 (Saurashtra Ordinance 25 of 1948), in so far as it relates to-(a)the Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 of 1928), and(b)the Hindu Gains of Learning Act, 1930 (30 of 1930).The Saurashtra Dissolution of Muslim Marriages Act, 1952 (Saurashtra Act , 1952 (Saurashtra Act 26 of 1952).The Travancore Muslim Succession Act, 1108 (11 of 1108).The Cochin Muslim Succession Act, 1108 (15 of 1108).The Travancore Hindu Inheritance (Removal of Disabilities Act, 1114 (18 of 1114).The Travancore Hindu Gains of Learning Act, 1117).The Cochin Muslim Marriages Dissolution Act, 1120 (22 of 1120).The Madhya Bharat (Adoption of Laws) Act, Samvat 2009 (Act 1 of 1953), in so far as it relates to-(a)the Anand Marriage Act, 1909 (7 of 1909);(b)the Hindu Disposition of Property Act, 1916 (15 of 1916);(c)the Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 of 1928);(d)the Hindu Gains of Learning Act, 1930 (30 of 1930); and(e)the Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937).The Madhya Bharat Dissolution of Muslim Marriages Act, 1956 (14 of 1956).The Madras Hindu Transfers and Bequests Act, 1914 (Madras Act 1 of 1914).The Mysore Converts' Marriage Dissolution Act, 1966 (Mysore Act 21 of 1866,) as extended to Mysore.Section 6 of the Mysore Hindu Law (Women's Rights) Act, 1933 (Mysore Act 10 of 1933.)The Mysore Hindu Inheritance (Removal of Disabilities) Act, 1938 (Mysore Act 5 of 1938).The Mysore Dissolution of Muslim Marriages Act, 1943 (Mysore Act 43 of 1943).The United State of Rajasthan Muslim Personal Law (Shariat) Application Ordinance, 1949 (14 of 1949).The Rajasthan (Adaptation of Central Laws) Ordinance, 1950 (4 of 1950), in so far as it relates to-(a)the Anand Marriage Act, 1909 (7 of 1909);(b)the Hindu Disposition of Property Act, 1916 (15 of 1916);(c)the Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 of 1928);(d)the Hindu Gains of Learning Act, 1930 (30 of 1930); and(e)the Dissolution of Muslim Marriages Act, 1939 (6 of 1939).