

TAMIL NADU (TRANSFERRED TERRITORY) EXTENSION OF LAWS ACT, 1965

; TN, Act 22] (Transferred Territory) Extension of Laws 431 ffTAMfL NADUJ ACT N . 22 OF 1965.2 THE NADUI (TRANSFERRED ERRITORY) EXTENSION OF LÄws Acr, 1965. ived the assent of the President on the 21st October 965, first published in the Fort St. George Gazette bh me 10th November 1965 (Kartika 19, 1887).1 Act to extend certain laws to the transferred territory in the 3 [State of Tamil Nadul. lit enacted by the Legislature of the 31State of Tamil dul in the Sixteenth Year of the Republic of India as llows fib (l) This Act may be called the mil Nadu] Short title and commencement. iansferred Territory) Extension of Laws Act, 1965. C) rt shall Come into force on such date as the State vernment may.) by notification, appoint. These words were substituted for the word "Madras" by the il Nadu Adaptation of Laws Order, 1969 as amended by the iJ Nadu Adaptation of Laws (Second Åmendment) Order, For Statement of Objects and Reasons, see Fort St. George ite Extraordinary, dated the 19th JUJy 1965, Part IV—Section ge 64. This expression was S: bstituted for the expression "State of ras" by the Tamil Nadu Adaptation of Laws Order, 1969, as ded by the Tamil Nadu Adaptation Qi Vavs (Second Order, 19699 (Transferred Territory) Extension of Laws [1965 T.N.Act 22t t)efinitions, Extension of certain enactments. Amendment and extension of certain enactments. 2, In this Act, unless the context otherwise requires. anv law, Ordinance, existing I N,' ' regulation, order, by-law, or rule/ passed Proclamation, or made before the date of the commencement of this Act by Parlia ment, or by any Legislature, authority or person having power to make such a law, Ordinance, Proclamation, regulation, order, by-law rule (b) " transferred territory " means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district

3. So much of the enactments specified in the First Sched.ule as is in force on the date of the commencement of this Act in the l[State of Tamil Nadul 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. 4. (1) The enactments 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 as is in force on the date of commencement Scheu' c In of this Act in lthe l1State of Tamil Nadul except in *the to m.2t+ers with to w'nich Th•: State -nas pc,vcr to for the State and as amended to the extent and in the manner mentioned in the fourth column of the T said Schedule is hcreby extended to, and shall be in force in,' t the transferred territory. Construction of 5. (1) Any reference in any enactment specified in the references to First and Second Schedules to a law which is not in force laws not in force in the in the transferred territory shali,in relation to that territory»Fi transferred territory. be construed as a reference to the corresponding in force in that territory. (2) Any reference in anywxisting law which eohtinues to be in force in the •tiansfired trritrity atef the date* of the commencement of this Act to any law repealed" bj i These words were sübstjtuted for the words "Sta*teot by the Tamil Nadu Adaitation, of. I;aws- : amended by thef Tamil Nadd Adaptation of *LäWs meat) Order, 1969, 1965: (Tiansferred Territory) Extension of Laws 433 ction 7 shall, in relation to thgt territory, be construed a reference to the enactment specified in the First or bond Schedule cmresponding to the law so repealed, 6, Any reference, by whatever form of words,, in any Construction •sting law to any authority competent at the date of the to authori- ssing of that law to exercise any powers or discharge ties where y functions in the transferred territory shall, where a new autho- rresponding new authority hpq constituted by or rities have r any enactment now extended to the transferred been constituted. rritory, have effect as if it were a reference to that new uthority. 7. If, immediately before the date of the commencement Repeal 0fa this Act, there is in force in the transferred territory C0rresponding laws. y Act, Ordinance, Proclamation, regulation, order, law, rule or other law corresponding to an enactment cified in the First or Second Schedule, whether such Ordinance, Proclamation, regulation, order, by-law, lebr Other law is in force by virtue of section 119 of the teg Reorganisation Act, 1956 (Central Act 37 of 1956) "byvirtue of any other legislative power, such correspond- daw shall, on the date of the commencement of this *Mand repealed to the extent to which the corresponding relates to matters with respect to which the State slature has power to make laws for the State. (1) The repeal by section 7 of any corresponding Saving. •ng law shall not affect— (a) the previous operation of any such law or anything done or suffered thereunder, or b) any right, privilege, obligation or liability acquired, d or incurred under any such law, or (c) any fine,

penalty, forfeiture or punishment incurred in respect of any offence committed against any such thing, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; any such investigation, legal proceeding or remedy instituted, continued or enforced and any such liability, forfeiture or punishment may 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 any thing done or any action taken under the said enactment.

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 to adapt it to the matter before the court, or, 'Other authority',

10, (1) The Tamil Nadu Preservation of Private Forests Act, 1949 (Tamil Nadu Act XXVII of 1949) in force immediately before the date of the commencement of this Act and as amended by sub-section (2), is hereby extended to, and shall be in force in, the Shencottah taluk of the Tirunelveli district, and sections 5 to 9 shall apply. Tirunelveli in relation to that Act as if it had been included in the Second Schedule.

(2) The Act aforesaid shall be amended as follows; that is to say, for the Explanation to clause (a) of section 2 the following Explanation shall be substituted, namely:— "the purposes of, this clause; "communal land" means— (i) beds and bunds of tanks and of supply, drainage, surplus or irrigation channels; (ii) threshing-floor, cattle-stands, village-sites and other lands which are set apart for the common use of the villagers."

11 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, and by the Tamil Nadu Adaptation of Laws Order, 1969.

(Transferred Territory) Extension of Laws Act, 1965. 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. Without prejudice to the provisions of sub-section (1), the Travancore-Cochin Compensation for Improvements Act, 1956 (President's Act X of 1956) in so far as it applies to, and is in force in, the Shencottah taluk of the Tirunelveli district is hereby repealed.

(1) 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 may, by order, do anything which appears to them necessary for the purpose of removing the difficulty. Every order issued under sub-section (1) shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature and if, before the expiry of a session in which it is so placed or the next session, both Houses agree in making any order or both Houses agree that the order should be issued, the order shall thereafter have effect only in the modified form or be of no effect, as the case may be, but any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

Repeal of certain enactments.

Power to remove difficulties.

Year. (1) 1922 1954 Year. (1) 1897 Number. (2) 111 XXIX Short title. (3) The Indian Fisheries Act, 1897. THE FIRST SCHEDULE. (See section 3.) Short title. (3) The Tamil Nadu Local Authorities' Loans Act, 1888, The Madras City Tenants' Protection Act, 1921. THE SECOND SCHEDULE. Number. (2) (See section 4.) Central Acts, 1897 Amendments.. (4) 1. After section 6, the following sections shall be inserted, namely:—

6-A. Power of State Government to permit clubs or associations to take fish. in, the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Order, 1969).

6-B. Penalty for fishing, without licence in, certain cases.—Any person who without a licence, if any, required by regulations made under section 6-A or during the close season prescribed by those regulations, or in contravention of any of those regulations, fishes or takes, or attempts to take, any fish, shall be punishable with fine which may extend to one hundred rupees.

6-C. Prohibition against attracting prawns into private waters except under a licence. Notwithstanding anything contained in any other provisions of this Act or any law or custom having the force of law, no person shall except under a licence, and in accordance with the terms and conditions, if any, prescribed by rules made under sub-section (3) attract prawns or cause or allow migration of prawns

into private waters from any waters notified under sub-section (1) of section 6 by the use of sluices, openings, alluring lights or other contrivances and catch, destroy, cause injury to, or prevent escape of, any such prawns by the use of nets, gratings, gears or any other means whatsoever. Any person who contravenes the provisions of sub-section (2) shall be punishable with fine which may extend to two hundred rupees. k) The State Government may make rules for the purpose of giving effect to the provisions of this section and prescribe therein the terms and conditions under which a licence may be issued. 'C' Fee at such rates as may be fixed by the State by rules made under sub-section (3) shall be paid in respect of every licence issued under sub-section (1); Provided that the fee payable for any such licence shall not exceed a sum calculated at rupees five per acre of the private waters into which prawns are attracted or caused or allowed to migrate. (5) The breach of any rule made under sub-section (3) or of the conditions of any licence issued under sub-section (1), shall be punishable with fine which may extend to one hundred rupees and, when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the date of the first conviction during which the breach is proved to have been persisted in. " . In sub-section (1) of section 7, for the words and " under section 4 or 5 or under any rule under section 6 ", the words, figures and letters " under section 4, 5, 6-B or 6-C or under any rule under section 6 or 6-C " shall be substituted. The Local Authorities Loans Act* 19140 After section 8, the following section shall be inserted, namely " 9. Application of Act to loans existing previous to the date of Travancore-Cochin Act IX of 1951 The remedy mentioned in section 5 shall be available for the recovery of any money lent by the Government of the former State of Travancore or Travancore-Cochin to any local authority in the Kanyakumari district and the Shencottah taluk of the Tirunelveli before the date of the commencement of the Travancore-Cochin Local Authorities Loans Act, 1951 (Travancore-Cochin Act IX of 1951) and also for the recovery of the interest and costs due in respect thereof." 1 Yur, (1) 1899 iY39 Number. (2) 111 XIV Short title. (3) Tamil Nadu Acts.) The 2[Tamil Nadu] Registration of Births and Deaths Act, 1899. The 2[Tamil Nadu] Public Health Act, 1939 The 21 Tamil Nadu] Court-fees and Suits Valuation Act, amendments, (4) (This amendment has been incorporated in principal Act, viz., Tamil Nadu Act III 1899), (This amendment has been incorporated in the principal Act, viz., Tamil Nadu Act III of 1939). (These amendments have been incorporated(- in the principal Act, viz., Tamil Nadu Act' of 1955). This expression was substituted for the expression " Madras Acts " by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws order, 1970, * 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. r, N. Act of (Transferred Territory) Extension of