

Andhra Pradesh (Telangana Area) (Application Of Central Acts) Act, 1952

48 of 1952

[07 February 1953]

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Andhra Pradesh (Telangana Area) (Application Of Central Acts) Act, 1952

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An Act to apply to the 2[Telangana Area of the State of Andhra Pradesh] certain Central Acts affecting Hindu and Muslim Law. Whereas it is expedient to apply to the 2[Telangana Area of the State of Andhra Pradesh] certain Central Act affecting Hindu and Muslim laws; It is hereby enacted as follows:-- 1. Published in Gazette Extraordinary No. 19, dt. 7-2-1953. 2. The words "Hyderabad area of the State of Andhra Pradesh" were subs, for the words "State of Hyderabad" by the A.P.A.O., 1957 and these words were subs, for the words "Hyderabad area of Andhra Pradesh" by A.P. Act IX of 1961.

1. Short Title, Extent And Commencement :-

(1) This Act may be called 1[the Andhra Pradesh (Telangana Area) (Application of Central Acts) Act, 1952.]

(2) It extends to the whole of the 2[the Telangana Area of the State of Andhra Pradesh].

(3) It shall come into force at once.

1. Substituted for the original short title by A.P. Act IX of 1961.

2. The words "the Hyderabad area of the State of Andhra Pradesh" were subs, for the words "the State of Hyderabad" by the A.P.A.O.,

1957 and these words were subs. for the words "the Hyderabad area of the State of Andhra Pradesh" by A.P. Act IX of 1961.

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 :-

1[The following Acts, namely:--

(a) The Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 of 1928).

2[(b) xxx]

2[(c) xxx]

(d) The dissolution of Muslim Marriages Act, 1939 6[8 of 1939],

(e) The Hindu Married Womens Right to separate Residence and Maintenance Act, 1946 (19 of 1946), and

2[(f) xx]

shall, with effect from the appointed day, extend to and be in force in the whole of 3[the area to which this Act extends] subject to the modifications mentioned in the Schedule and shall, accordingly, be in force 4[in the said area] with effect from the said date in the forms respectively specified in 5[Annexures A, D and E] to the Schedule,

SCHEDULE

The Hindu Inheritance (Removal of Disabilities) Act, 1928, (12 of 1928)

For sub-section (2) of Section 1, the following sub-section shall be substituted, namely:--

"(2) It extends to the whole of 6[the Telangana area of the State of Andhra Pradesh].

7[x x x x]

7[x x x x]

The Dissolution of Muslim Marriages Act, 1939 (8 of 1939)

For sub-section (2) of Section 1, the following sub-section shall be substituted, namely:--

"(2) It extends to the whole of 6[the Telangana area of the State of Andhra Pradesh]"

The Hindu Married Womens Right to Separate Residence and Maintenance, Act, 1946 (19 of 1946)

For sub-section (2) of Section 1, the following sub-section shall be

substituted, namely:--

"(2) It extends to the whole of 6[the Telangana area of the State of Andhra Pradesh.]"

8[x x x x]

ANNEXURE - A

The Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 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 6 [the Telangana area of the State of Andhra Pradesh.]

(3) It shall not apply to any person governed by the Dayabhaga 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 had 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 thereof, 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.

9[ANNEXURE - B.....]

9[ANNEXURE - C.....]

ANNEXURE - D

The 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 etc.

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 6[the Telangana 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 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 practice, 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 to 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 satisfied 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 satisfied 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 whereabouts are not 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 person 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-embrances 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 Womens Right to Separate Residence and Maintenance Act, 1946 (19 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 woman;

It is hereby enacted as follows:--

1. Short title and extent.--

(1) This Act may be called the Hindu Married Womens Right to Separate Residence and Maintenance Act, 1946.

(2) It extends to the whole of 6[the Telangana Area of the State of Andhra Pradesh].

2. Grounds for claim in 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 husbands means.

10[ANNEXURE - F.....]

The Andhra Pradesh State Arbitration Promotion Board --
Regulations

1. Short title and commencement.--

These regulations maybe called the Andhra Pradesh State Arbitration Promotion Board Regulations and shall come into force from the date of their publication in the Andhra Pradesh Gazette.

2. Definition.--

In these regulations, unless there is anything repugnant in the subject or context:

(a) "Board" means the Andhra Pradesh State Arbitration Promotion Board constituted under Regulation 3.

(b) "Member" means a member of the Board.

(c) "Secretary" means Secretary of the Board, appointed under clause (3) of Regulation 3 by the Government.

(d) "Chairman" means the person appointed by Government as Chairman of the Board under clause (2) of Regulation 3.

3. (1) The Government shall by notification in the Andhra Pradesh Gazette constitute a State Arbitration Promotion Board with not more than 12 members consisting of representatives of employers, employees and independents. However, the representatives of employers and employees shall be equal.

(2) The Chairman shall be an independent person to be nominated by the Government.

(3) The Deputy Commissioner of Labour (Industrial Relations) shall be the permanent Member-Secretary of the Board.

4. Term of Office.--

The term of office of each member shall be for a period of one year but he shall be eligible for renomination on the expiry of that term.

5. Nomination of member.--

The Government in the Labour Department shall in consultation with the concerned organisations, nominate representatives of employers and employees as members of the Board.

6. Nomination of Independent Members.--

The Government in the Labour Department shall in consultation with the Universities or other Institutions/Bodies of Andhra Pradesh nominate the independent members of the Board.

6-A. Filling up of vacancies.--

The Government in the Labour Department shall fill up the

vacancies if any arising in the Board as per the regulations 5 or 6 above as the case may be.

7. Cessation of Membership.--

(1) It shall be the duty of each member unless prevented by a valid reason to attend every meeting of the Board. In the event of a member being unable to attend the meeting he shall inform the Secretary the reasons thereof; or

(2) if a member absents himself for three consecutive meetings of the Board without valid reasons he shall cease to be a member of the Board.

8. Allowances of members.--

The Board shall be a First Class Committee and the members will be eligible for T.A. & D.A. at the rates prescribed under the A.P.T.A. Rules.

9. Functions of the Board.--

The Board shall take all such steps as may be necessary to popularise the use of voluntary arbitration by the parties to settle their industrial disputes and may, in particular.

(i) review periodically the extent of acceptance of voluntary arbitration by employers and workers;

(ii) compile and maintain up-to-date panels of suitable persons to serve as arbitrators for different areas and industries and lay down their fees, etc.

(iii) evolve principles, norms and procedures for guidance of arbitrators and parties;

(iv) advise parties in important cases to accept arbitration for resolving differences or disputes and thereby avoid adjudication or litigation in courts;

(v) look into the difficulties experienced by parties in securing speedy settlement of disputes by arbitration and expedite arbitration proceedings wherever necessary;

(vi) specify from time to time, the types of disputes which would normally be settled by arbitration in the light of tripartite decisions.

The Board, in particular, may lay down norms for deciding which disputes should be considered of a local nature, or having wide repercussions or creating new rights or involving large financial stakes.

(vii) Advise Government on any special steps which may be taken by the Government to promote voluntary arbitration.

10. Session of the Board and proceedings during the meeting.--

(i) The Board shall normally meet at least once in every 3 months.

(2) The Chairman may, whenever it is deemed necessary convene a

special meeting of the Board on such dates as may be fixed by him.

(3) Meeting of the Board shall ordinarily be held at Hyderabad at such place, date and time as may be fixed by the Chairman.

(4) The Secretary shall give at least two weeks notice before the date of the meeting and send the notice together with the agenda or the memoranda to the members:

Provided that in cases where the Chairman convene a special meeting of the Board under Clause (2) it shall be sufficient if notice of such meeting given is to members in such manner as the Chairman may consider fit having regard to the special circumstances.

11. Agenda & suggestion from members.--

(1) The members may communicate items for inclusion on the agenda of any meeting along with a brief memoranda.

(2) the items shall be forwarded to the Secretary, so as to reach him atleast 21 days before the date of the meeting.

(3) The Agenda of a meeting of the Board shall be finalised with the approval of the Chairman.

12. Inclusion of items in the agenda.--

(1) The Chairman notwithstanding anything contained in these regulations may include at any time before the date of the meeting of the Board any subject which may require urgent consideration by the Board.

13. Quroum.--

(1) The quroum for any ordinary meeting shall be 1/3 of total members; save in respect or any special meetings convened under proviso of clause 4 of Regulation 9.

14. Powers of Chairman.--

(1) If at a meeting of the Board any of the regulations become the subject of discussion and interpretation of that regulaion is required or if a decision is necessary on account of any discussion or objection raised in the course of the meeting in respect of the decision procedure, the Chairman in the matter shall be final.

(2) The Chairman may take part in the discussions in order to induce the greatest possible measure of common agreement among members and shall establish the final opinion of the Board in the light of the views expressed by the members and the general trend of the discussion.

15. Record of proceedings of the meeting.--

It shall be the duty of the Secretary to record the minutes of each meeting of the Board in such a way as to give a complete account of the discussions and of the common agreement arrived at on the

matter under discussion and shall also indicate the reasons why any member or group of members dissented from that common agreement.

16. Confirmation of proceedings of the meeting.--

The Secretary of Board shall circulate copies of the minutes of the meeting thus recorded to the members 15 days before the next meeting of the Board.

17. Countersigning Authority for the purpose of T.A. Bills.--

For the purpose of countersigning the T.A Bills of the members of the Board the Commissioner of Labour, Andhra Pradesh, Hyderabad shall be the Controlling Authority in respect of the members other than the members of the Legislative Assembly and the Asst. Secretary(Admn.) to the Legislative Assembly shall be the Controlling Authority in respect of the members who are members of the Legislative Assembly.

1. Substituted for the word "Hyderabad" by the A.P.A.O., 1957.
2. Cls, (b), (c) and (f) were omitted by the A.P.A.O., 1957.
3. Substituted for the words "the State of Hyderabad" by ibid.
4. Substituted for the words "the said State" by ibid.
5. Substituted for the "Annexure A, B, C, D, E and F" by ibid.
6. The words "the Hyderabad area of the State of Andhra Pradesh" were subs, for the words "The State of Hyderabad" by the A.P.A.O., 1957 and these words were subs, for the words "the Hyderabad area of the State of Andhra Pradesh" by A.P. Act IX of 1961.
7. The entries relating to the Hindu Law of Inheritance (Amendment) Act, 1929 (2 of 1929) and the Hindu Womens Rights to Property Act, 1937 (18 of 1937) were omitted by the A.P.A.O., 1957.
8. The entries relating to the Hindu Marriage Disabilities Removal Act. 1946 (28 of 1946) were omitted by ibid.
9. Annexures B and C were omitted by the A.P.A.O., 1957.
10. Annexure F was omitted by the A.P.A.O., 1959.