

MYSORE LAWS (EXTENSION TO BELLARY AND AMENDMENT) ACT, 1955

14 of 1955

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MYSORE LAWS (EXTENSION TO BELLARY AND AMENDMENT) ACT, 1955

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An Act to extend certain Mysore Laws to Bellary District, to amend certain laws in force in Mysore and to provide for certain matters connected therewith. Whereas, by virtue of Section 53 of the Andhra State Act, 1953 (Central Act 30 of 1953), the laws in force immediately before the first day of October, 1953, in Bellary District, continue in force in the said District until otherwise provided by a competent Legislature or other Competent Authority. And whereas, it is expedient to extend certain Mysore Laws to Bellary District, to amend certain laws in force in Mysore and to provide for certain matters connected therewith. Be it enacted by the Mysore State Legislature in the Sixth Year of the Republic of India as follows

1. Short title :-

This Act may be called the Mysore Laws (Extension to Bellary and

Amendment) Act, 1955.

2. Definitions :-

In this Act, "day appointed" with reference to any Act means the date appointed under sub-section (1) of Section 4 in respect of that Act, and "extended Act" means the Act extended to Bellary District by virtue of a notification under the said sub-section.

3. Amendment of certain Mysore Acts :-

The Acts specified in the first column of the First Schedule are hereby amended in the manner and to the extent mentioned in the second column thereof

4. Extension of certain Mysore Acts :-

(1) The State Government may, by notification in the Mysore Gazette, appoint the date or dates on which the Acts specified in the first column of the Second Schedule shall extend to Bellary District, and different dates may be appointed for different Acts.

(2) Any Act in respect of which a notification is issued under sub-section (1), insofar as the said Act relates to matters with respect to which the State Legislature has power to make laws for the State, shall, as from the day appointed and as amended by sub-section (3), extend to Bellary District.

(3) Wherever the expressions "whole of the State of Mysore except Bellary District" and "State of Mysore except Bellary District" have, in pursuance of items (iv) and (v) of the Table under subparagraph (1) of paragraph 4 of the Mysore Adaptation of Laws Order, 1953, been substituted in an extended Act, then, as from the day appointed, the words "except Bellary District" occurring in the said expressions shall be omitted.

5. Construction of references to certain laws :-

(1) Any reference in any extended Act to a Mysore Act which is not in force in Bellary District shall, in relation to that District, be construed as a reference to the corresponding law, if any, in force in that District.

(2) Any reference in any Madras Act or Regulation in force in Bellary District to any Act or Regulation repealed by Section 7 shall be construed as a reference to the corresponding Act, if any, extended to Bellary District.

6. Construction of references to authorities where new authorities have been constituted or empowered :-

Any reference, by whatever form of words, in any Madras Act or Regulation as in force in Bellary District to any authority competent to exercise any powers or discharge any functions in Bellary District shall, where a corresponding new authority has been constituted or empowered by or under any extended Act, have effect as if it were a reference to that new authority.

7. Repeal and savings :-

(1) As from the day appointed in respect of any extended Act, the enactments specified opposite to such Act in the second column of the Second Schedule, shall, save as otherwise expressly provided in this Act, stand repealed to the extent to which the said enactments relate to matters with respect to which the State Legislature has power to make laws for the State:

Provided that such repeal shall not affect.-

(a) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, 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 further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, order, instrument or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under the said enactments shall be deemed to have been done or taken under the corresponding provisions of the extended Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the said extended Act.

(2) As from the day appointed in respect of the Motor Vehicles (Mysore Amendment) Act, 1953 (14 of 1953), the amendments made by the Motor Vehicles (Madras Amendment) Act, 1948 (XX of 1948), shall cease to continue and shall be omitted from the Motor Vehicles Act, 1939 (Central Act IV of 1939), and such of the provisions thereof as were affected by the Motor Vehicles (Madras Amendment) Act, 1948, shall stand revived to the extent to which they would have otherwise continued in operation but for the passing of the Motor Vehicles (Madras Amendment) Act, 1948.

(3) As from the day appointed in respect of the Industrial Disputes (Mysore Amendment) Act, 1953 (15 of 1953), the amendments made by the Industrial Disputes (Madras Amendment) Act, 1949 (XII of 1949), shall cease to continue and shall be omitted from the Industrial Disputes Act, 1947 (Central Act XIV of 1947), and such of the provisions thereof as were affected by the Industrial Disputes (Madras Amendment) Act, 1949, shall stand revived to the extent to which they would have otherwise continued in operation but for the passing of the Industrial Disputes (Madras Amendment) Act, 1949.

(4) As from the day appointed in respect of the Mysore City Municipalities Act, 1933 (VII of 1933) (hereinafter in this subsection referred to as the said Act), and notwithstanding anything contained in the said Act.-

(i) until the constitution of the municipal council in accordance with the provisions of the said Act, the body functioning as the Town Municipal Council of Bellary Municipality immediately before the day appointed shall exercise the powers and perform the duties conferred by the provisions of the said Act on a municipal council;

(ii) casual vacancies in the seats of the members of the municipal council functioning under clause (i) shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the rules governing the filling up of such vacancies and regulating such matters in force immediately before the day appointed, subject to such modifications as the State Government may, by notification, make in such rules;

(iii) the term of office of the members referred to in clause (i) shall, subject to the provisions of Sections 12 and 13 of the said Act, extend to or expire (as the case may be) on such date as the State Government may, by notification in the Mysore Gazette, appoint,

and the State Government shall cause elections of members to be held so that the newly elected members may come into office on the date fixed for the retirement of the old members.

(5) As from the day appointed in respect of the Mysore Town Municipalities Act, 1951 (XXII of 1951), (hereinafter in this sub-section referred to as the said Act), and notwithstanding anything contained in the said Act.-

(i) until the constitution of the municipal council in accordance with the provisions of the said Act, the body functioning as the Town Municipal Council of Hospet Municipality immediately before the day appointed shall exercise the powers and perform the duties conferred by the provisions of the said Act on a municipal council;

(ii) casual vacancies in the seats of the members of the municipal council functioning under clause (i) shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the rules governing the filling up of such vacancies and regulating such matters in force immediately before the day appointed, subject to such modifications as the State Government may, by notification, make in such rules;

(iii) the term of office of the members referred to in clause (i) shall, subject to the provisions of Sections 14 and 15 of the said Act, extend to or expire (as the case may be) on such date as the State Government may, by notification in the Mysore Gazette, appoint, and the State Government shall cause elections of members to be held so that the newly elected members may come into office on the date fixed for the retirement of the old members.

SCHEDULE 1

SCHEDULE-1

FIRST SCHEDULE	
[See Section 3]	
Short Title	Amendments
The Code of Civil Procedure, 1908 (Central Act V of 1908)	In clause (g) of the proviso to sub-section (1) of Section 60, after "stipends and gratuities allowed to pensioners of the Government", insert "or of a local authority".
The Mysore Treasure Trove Act, 1910 (III of 1910)	1. Renumber Section 4 as sub-section (1) of Section 4 and after the sub-section as so renumbered, add the following subsection, namely:

	<p>"(2) The owner of the place in which the treasure is found, if he is not the finder, and the occupier of such place, if he is neither the finder nor the owner, shall also give notice in writing to the Deputy Commissioner specifying the particulars referred to in clauses (a), (b) and (c) of sub-section (1), before the expiry of one month from the date on which the owner or the occupier, as the case may be, becomes aware of the finding of the treasure".</p> <p>2. In Section 5, for "On receiving a notice under Section 4, the Deputy Commissioner shall, after making such enquiry (if any) as he thinks fit, take the following steps (namely).", substitute the following, namely.</p> <p>"The Deputy Commissioner shall, on receipt of a notice under Section 4, and may, on receipt of information in any other manner that treasure has been found in any place, take the following steps, after making such enquiry (if any) as he thinks fit to make".</p> <p>3. After Section 22, add the following section, namely. "23. Penalty on owner or occupier who fails to give notice under Section 4. If the owner or occupier of the place in which any treasure is found, being aware of the finding thereof, fails to give notice as required by sub-section (2) of Section 4, he shall be punishable with imprisonment which may extend to six months, or with fine, or with both".</p>
The Usurious Loans Act, 1923 (IX of 1923)	<p>In Section 3. (i) in sub-section (1), for the words, letters and brackets beginning with "has reason to believe" and ending with "any of the following powers, namely, may", substitute the following, namely.</p> <p>"has reason to believe that the transaction was as between the parties thereto, substantially unfair, the Court shall exercise one or more of the following powers, namely. ";</p> <p>(ii) renumber the explanation to the same sub-section as Explanation II and insert the following as Explanation I, namely.</p>
	<p>"Explanation I. If the interest is excessive, the Court shall presume that the transaction was substantially unfair; but such presumption may be rebutted by proof of special circumstances justifying the rate of interest";</p> <p>(iii) to clause (b) of sub-section (2), add the following proviso and explanation, namely. "Provided that in the case of loans to agriculturists, if compound interest is charged, the Court shall presume that the interest is excessive.</p> <p>Explanation. The term 'agriculturists' shall have the same meaning as it has in any law for the time being in force relating to the relief of agricultural indebtedness";</p>

	(iv) omit the explanation to clause (d) of the same sub-section.
The Mysore Suppression of Immoral Traffic Act, 1936 (VIII of 1936)	<p>1. In Section 2, after the definition of "prescribed", add the following definition, namely. 'Vigilance Home' means a corrective institution established or recognized by the Government, in which women are detained in pursuance of this Act, and given such training and instruction and subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of offences under this Act".</p> <p>2. After Section 3, insert the following section, namely.</p> <p>"3-A. Detention in a Vigilance Home. (1) Where a Magistrate convicting any woman of an offence punishable under Section 3 finds that she has not attained the age of thirty years, he may, in lieu of passing a sentence of imprisonment under that section, pass a sentence of detention in a Vigilance Home for a term which shall not be less than two years or more than five years.</p> <p>(2) Where a Magistrate has arrived at a finding regarding the age of a woman dealt with by him under sub-section (1), such age shall, for the purpose of that sub-section, be deemed to be her true age, and no order or judgment of the Magistrate shall be deemed to be invalid or be liable to be interfered with in appeal or revision on the ground that her age had not been correctly determined by the Magistrate.</p> <p>(3) For the purposes of appeal and revision under the Code of Criminal Procedure, 1898 (Central Act V of 1898) a sentence of detention for any period passed under sub-section (1) shall be deemed to be a sentence of imprisonment for the like period".</p> <p>3. After Section 11, insert the following section, namely.</p> <p>"11-A. Punishment for living on the earnings of prostitution. (1) Any person not below the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of another person shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.</p>
	<p>(2) Where any person is proved. (a) to be living with, or to be habitually in the company of, a person living in prostitution, or</p> <p>(b) to have exercised control, direction or influence over the movements of a person living in prostitution in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other person or generally,</p> <p>it shall be presumed until the contrary is proved that such</p>

	<p>person is knowingly living on the earnings of the prostitution of another within the meaning of sub-section (1):</p> <p>Provided that the mother or a son or a daughter of a person living in prostitution shall not be punished under sub-section (1) for living on the earnings of such person unless it is proved to the satisfaction of the Court that such mother, son or daughter is aiding, abetting or compelling her prostitution".</p>
<p>The Mysore Diseases of Animals Act, 1949 (XXI of 1949)</p> <p>The Mysore Aided Institutions (Prohibition of Transfers of Property) Act, 1949 (XXX of 1949)</p>	<p>1. To sub-section (1) of Section 7, substitute the following, namely. "(1) The Government may, for the purpose of preventing the outbreak or spread of any contagious or infectious disease in or from any area, by notification in the Mysore Gazette, direct that all animals in such area or any class of such animals shall be compulsorily inoculated or vaccinated in accordance with such rules as may be prescribed or such directions as may be specified in the notification and the owner or person in charge or having control of every such animal liable to compulsory inoculation or vaccination, shall render every facility and assistance to the veterinary officer or his assistant in carrying out such inoculation or vaccination".</p> <p>(2) In the marginal note, omit "in infected areas".</p> <p>1. In clause (4) of Section 2, after "mortgage", insert "charge". 2. After Section 7, insert the following section, namely.' "7-A. Court not to attach, sell, etc., without the permission of the Government. (1) No land or building referred to in subsection</p> <p>(1) of Section 3 shall be liable to be attached, sold, or made subject to a charge by any Court whether in execution of a decree or order or otherwise, unless the person seeking such relief from the Court has obtained the permission of the Government to do so and files such permission in Court.</p> <p>(2) When granting such permission, the Government may impose such conditions as they deem fit.</p> <p>(3) If any such land or building is attached or sold, or a charge is created thereon by any Court without the permission of the Government having been obtained and filed as aforesaid or if any condition imposed by them when granting such permission is contravened, then, the attachment, sale or charge, as the case may be, shall be null and void."</p>

SCHEDULE 2
SCHEDULE-2