

RETROCEDED AREA (APPLICATION OF LAWS) ACT, 1948

47 of 1948

[]

CONTENTS

1. .
2. .
3. Except as hereinafter in this Act provided
4. .
5. .
6. .
7. .
8. .
9. .
10. .
11. The Retrocession (Application of Laws) Act, 1947 (Act XXIII of 1947), is hereby repealed.

SCHEDULE A :-Enactments applied Modifications and restrictions The General Clauses Act, 1899

SCHEDULE B :- Indian Divorce Act, 1869

SCHEDULE C :- Succession Act, 1865, as applied to Mysore

RETROCEDED AREA (APPLICATION OF LAWS) ACT, 1948

47 of 1948

[]

Whereas, it is necessary to provide for the application of laws to the Retroceded area. His Highness the Maharaja is pleased to enact as follows

1. . :-

- (1) This Act may be called the Retroceded Area (Application of Laws) Act, 1948.
- (2) It extends to the whole of Mysore.
- (3) It shall come into force on and from the Fifteenth day of August, 1948 which day will hereinafter be referred to as the "appointed day".

2. . :-

In this Act unless there is anything repugnant in the subject or context.

(a) "Bangalore Civil Station" means the area jurisdiction over which has been restored on the 26th day of July, 1947 under Political Department Notification No. 184-P., dated 23rd July, 1947 and published in the Official Gazette, dated 1st August, 1947 together with the military area described in Schedule A annexed to the said notification jurisdiction over which has been restored on the 14th day of August, 1947;

(b) "Civil and Military Station" means the area comprised within the boundaries of the Civil and Military Station, Bangalore, prior to the 19th day of July, 1947;

(c) "Indian Institute of Science area" means the area jurisdiction over which has been restored on the 19th day of July, 1947 under Political Department Notification No. 174-P., dated 16th July, 1947 and published in the Official Gazette, dated 21st July, 1947;

(d) "Railway lands" means the lands in Mysore occupied by the Bangalore-Madras Branch of the Madras and Southern Manratta Railway including the Hindustan Aircraft siding and the Hospital Town Extension, jurisdiction over which has been restored on the 2nd day of August, 1947 under Political Department Notification No. 197-P., dated 30th July, 1947 and published in the Official Gazette, dated 2nd August, 1947;

(e) "Retroceded Area" means the Bangalore Civil Station, the Railway lands and the Indian Institute of Science area;

(f) "Law" includes Act and any regulation, rule, bye-law, notification or order having the force of law.

3. Except as hereinafter in this Act provided :-

(a) all laws in force in Mysore shall apply to the Retroceded area; and

(b) the laws in force in the Retroceded area immediately before the appointed day shall not/from that day, have effect or be operative in the Retroceded Area.

4. . :-

The enactments in force in Mysore which are set out in the first column of Schedule A to this Act shall apply to the Retroceded area subject to the modifications and restrictions specified in the second column of the said Schedule and the provisions of this Act.

5. . :-

The enactments in force in the Retroceded area immediately before the appointed day which are set out in the first column of Schedule B to this Act shall from that day apply to the Retroceded area subject to the modifications and restrictions specified in the second column of the said Schedule and the provisions of this Act.

6. . :-

Any enactment applied under Section 5 shall, except where the context otherwise requires and except in the modifications and restrictions referred to in Section 5, be construed as if references therein to the authorities, gazette and territories mentioned in the first column of the following table were references to the authorities, gazette and territories respectively mentioned opposite thereto in the second column of the said table. Central Government Governor General or Governor General in Council Federal Railway Authority Provincial Government Governor Chief Controlling Revenue Authority His Majesty or Crown or Crown Representative Resident Central Board of Revenue High Court The Government Court of the Resident Official Gazette of the Crown Representative Gazette of India High Court Official Gazette of the Resident Official Gazette Residency Orders British India Any Province in British India or any part thereof Province Retroceded area Civil and Military Station

7. . :-

Any Court may construe the provisions of any enactment applied under Section 5 and of any notification, order, bye-law, rule or regulation made or issued thereunder with such modifications not affecting the substance thereof as may be necessary or proper in order to adapt them to the matter before the Court.

8. . :-

The enactments in force in Mysore which are specified in Schedule C to this Act shall not apply to or be operative in the Retroceded Area.

9. . :-

Where in any suit or other proceeding whatever filed or initiated in a Court in Mysore after the appointed day and relating to or arising out of any act or transaction done or entered into in the Retroceded area prior to that day, it is necessary to decide any question of personal law which has not been provided for in any enactment in force in the Retroceded area immediately before that day, the personal law applicable to the matter in the Retroceded area immediately before that day shall form the rule of decision.

10. . :-

Insofar as they are not inconsistent with this Act, the provisions of the General Clauses Act, 1899, shall apply to this Act and the enactments applied by this Act, and the provisions of Section 31 of the General Clauses Act, 1899 shall apply to the enactments specified in Section 5 of this Act as if these enactments had been expressed to be applied mutatis mutandis to the Retroceded area.

11. The Retrocession (Application of Laws) Act, 1947 (Act XXIII of 1947), is hereby repealed. :-

But anything done, or any action taken, or appointments made or powers conferred under the provisions of any law in force immediately prior to the appointed day in the Retroceded Area shall be deemed to have been done, taken, made or conferred under the provisions of law in force in the Retroceded area from that day.

SCHEDULE A

Enactments applied Modifications and restrictions The General Clauses Act, 1899

SCHEDULE A

[Section 4]

Modifications and restrictions

In its application to the Acts specified in Section 5, this

Act shall read as if definitions of words and expressions used in any of the aforesaid Acts and not defined in this Act were included therein as they are defined in the General Clauses Act, 1897, as in force in the Retroceded area immediately before the appointed day

Section 29 shall be renumbered as sub-section (1) of that section and the following sub-section added as sub-section (2) "(2)
Nothing in this Act shall apply to suite under the Indian Divorce Act as in force

in the Retroceded area"

Enactments
applied

Modifications
and restrictions

The
Guardian
and Wards
Act, 1911

For Section 3(1)
substitute:
"Minor" means a
person who
under the
provisions of the
Indian Majority
Act, 1875, as in
force in the
Retroceded area
is to be deemed
to have not
attained his
majority"

The
Negotiable

The Act shall
read as if

Instruments
Acts, 1917

Section 85-A of
the Negotiable
Instruments Act,
1881, as in force
in the
Retroceded area
immediately
before the
appointed day
had been
inserted therein

The
Transfer of
Property
Act, 1918

The Act shall
read as if the
following section
had been
inserted therein
as Section 2-A:
"Notwithstanding

anything in this Act any right or liability arising in the Retroceded area out of a legal relation constituted before the appointed day or any relief in respect of such right or liability shall, where it pertains to the Retroceded area, be governed by the provisions of law as then in force

	in the Retroceded Area"
The Mysore Income-tax Act, 1923	1. Omit sub- section (4) of Section 2 of the Mysore Excess Profits Tax Act, 1946
The Mysore Excess Profits Tax Act, 1946	2. Notwithstanding anything to the contrary in the Mysore Income- tax Act, 1923, or the Mysore Excess Profits Tax Act, 1946.
	(a) the rate or

(a) the rate or rates of income-tax or excess profits tax applicable to the total income or profits chargeable to income-tax or excess profits tax in the Retroceded area prior to the First day of July, 1948, shall be the same rate or rates as are specified in similar

circumstances in the Indian Income-tax Act, 1922, or the Excess Profits Tax Act, 1940, as in force in the Retroceded area, immediately prior to the First day of July, 1948; (b) in respect of the total income or profits chargeable to income-tax or excess profits tax in the

Retroceded Area prior to the First day of July, 1948, but which has not been assessed until that date, the provisions of the Indian Income-tax Act, 1922, and the Excess Profits Tax Act, 1940, as in force in the Retroceded Area immediately before that date shall apply to proceedings

relating to the assessment of such income or profits until the stage of assessment,' and the determination of the income-tax and excess profits tax payable thereon, and the Mysore Income-tax Act, 1923, or the Mysore Excess Profits Tax Act, 1946, as the case may be,

	shall apply to such proceedings
Enactments applied	after that stage; Modifications and restrictions
	(c) any appeal or application pending before an income-tax or excess profits tax authority in the Retroceded Area immediately prior to the First day of July, 1948 shall be deemed, on that date, to be an appeal or

application
pending before
an income-tax or
excess profits tax
authority in
Mysore vested
with or ordinarily
exercising the
functions of such
authority and the
Indian Income-
tax Act, 1922, or
the Excess
Profits Tax Act,
1940 as the case
may be, as in
force in the
Retroceded area
immediately prior

	to the First day of July, 1948, shall apply to such appeal or application;
	(d) in respect of any assessment of income-tax or excess profits tax made in the Retroceded area prior to the first day of July, 1948 or an order passed by an Appellate Assistant Commissioner of

Income-tax on appeal from an order of assessment of income in the Retroceded area prior to that date, an appeal or application shall lie to the income-tax or excess profits tax authority in Mysore who would have been entitled to hear such appeal or application if the order of

assessment or appeal had been made in Mysore, provided that the appeal or application is filed or preferred in the circumstances and within the time within which such an appeal or application should have been filed or preferred under the law in force in the Retroceded area

immediately
before that date,
and the
provisions of the
Indian Income-
tax Act, 1922
and the Excess
Profits Tax Act,
1940, as the
case may be, as
in force in the
Retroceded area
immediately prior
to the First day
of July, 1948
shall apply to
such appeal or
application;

(e) where more than half of the total income of any individual, Hindu undivided family, unregistered firm or other association or individuals not being a registered firm or company, accruing, arising or received during the year ending on the 30th day of June, 1948, consists of

income from salaries, interests on securities or dividends or consists of income falling under more than one of these heads, income-tax and super tax shall be charged in respect of any such total income at the rates applicable to such income in the Retroceded

	area immediately before the First day of July, 1948
The Mysore Companies Act, 1938	1. Nothing in Sections 87-A and 87-C shall apply to the term of office or remuneration of a Managing Agent appointed prior to the appointed day under the Indian Companies Act, 1913, as in force in the Retroceded area immediately

	before that day 2. This Act shall read as if the following section had been inserted therein as Section 252.
Enactments applied	Modifications and restrictions
	"Section 252. All Companies incorporated outside the Retroceded area and having places of business in the Retroceded area which have

complied with the requirements laid down in Section 277 of the Indian Companies Act, 1913 as in force in the Retroceded area before the appointed day shall be deemed to have complied with the requirements laid down in this Act".

3. IN SECTION

277-K(3) after
the words

"Government
securities" add
"or Government
of India

securities or
other securities
approved by the
Government",
and at the end
of Section 277-
K(3) add the
following
proviso:

"Provided
further that
every banking

company in the Retroceded area which has complied with the requirements of Section 277-K of the Indian Companies Act, 1913, as in force in the Retroceded area immediately before the appointed day shall be deemed to have complied with the requirements of

this section".

4. To Section 282-B(2) the following proviso shall be added:

"Provided that a Provident Fund constituted in the Retroceded Area prior to the appointed day which has complied with the requirements of Section 282-B(2) of the Indian Companies Act,

1913, as in force in the Retroceded area immediately before that day shall, where it pertains to the Retroceded area, be deemed to have complied with the requirements of this section".

SCHEDULE B

Indian Divorce Act, 1869

SCHEDULE B

[Section 5]

The Indian
Divorce Act,
1869 (IV of
1869)

(1) The
provisions of
the Act as
applied shall
be applicable
only to
persons to
whom the
Special
Marriage Act,
1872, as in
force in the
Retroceded
area applies
and to
persons not
being British
subjects who
profess the

	Christian religion
	(2) In Section 1 omit "and shall come into operation on the first day of April, 1869"
	(3) In Section 2 omit the first paragraph
	(4) In Section 3 omit clauses (1) and (2)

	(5) Omit Sections 4, 5 and 17- A	
The Special Marriage Act, 1872 (III of 1872)	In Section 17 after "Indian Divorce Act" insert "as in force in the Retroceded area"	
The Indian Majority Act, 1875 (IX of 1875)	(1) Omit the second sentence of Section 1	
	(2) In Section 3 for "British India" substitute	

	"India or the Retroceded area"	
The Khazis Act, 1880 (in of 1880)	Omit the second paragraph-of Section 1	
The Indian Trusts Act, 1882 (II of 1882)	(1) In Section 1 omit the words from "and it shall come into force" to "British India"	
	(2) In Section 20:	
	(i) clauses (a) to (d) shall stand	

	unmodified and the modifications set out in Section 6 of this Act shall not apply;	
	(ii) at the end of clause (d) insert "or in debentures or other securities for money issued by the Government of Mysore or in debentures or other	

	securities for money issued by or on behalf of any local authority under powers conferred by any law in force in Mysore";
	(iii) in clause (e) for "British India" substitute, "India or in Mysore".
The Mussalman Wakf	Omit subsection (2) of Section 1

Validating Act, 1913 (VI of 1913)		
The Indian Boilers Act, 1923 (V of 1923)	(1) Omit sub-sections (2) and (3) of Section 1	
	(2) Omit clause (aa) of Section 2	
	(3) Omit Section 27-A	
	(4) In Section 28, for the word "Board" substitute "Government"	

The Provident Funds Act, 1925 (XIX of 1925)	(1) Omit subsections (2) and (3) of Section 1	
	(2) In subsections (1), (2) and (3) of Section 8 for "appropriate Government" substitute "Government" and omit subsection (4)	
The Indian Succession Act, 1925 (XXXIV of 1925)	(1) Omit Section 57	

	(2) In Section 58, omit the words "save as provided by Section 57"
	(3) Omit Sections 264(2) and 265(2), Proviso to Sections 273, 274, 276(3), 278(2), 279, 283(3), 298, 300, 380, 382 and 390, item (iv) in Section

	391 and Schedule in	
The Child Marriage Restraint Act, 1929 (XIX of 1929)	(1) Omit sub- sections (2) and (3) of Section 1	
	(2) In Section 8, omit "a Presidency Magistrate or"	
The Parsi Marriage and Divorce Act, 1936 (in) of 1936)	(1) Omit sub- sections (2) and (3) of Section 1	

The Employers' Liability Act, 1938 (XXIV of 1938)	Omit sub-section (2) of 'Section 1
The Employment of Children Act, 1938 (XXVI of 1938)	(1) Omit sub-section (2) of Section 1, clause (a) of Section 2, sub-section (2) of Section 3, in sub-section (3) of Section 5, the words "a Presidency Magistrate or" and Section 8

	<p>(2) In Section 3-B, omit the words "after the 1st day of October, 1939"</p> <p>(3) In Sections 6 and 7 for "Competent Authority" substitute "Government"</p>
The Arbitration Act, 1940 (X of 1940)	Omit sub-sections (2) and (3) of Section 1
The Bangalore	(1) For "Civil and Military

Municipal Law, 1897	Station" wherever it occurs read "Civil Station"
	(2) In Section 50(1) omit the words from "the officer holding the appointment of" to the end, and substitute the words "any Magistrate having jurisdiction in the station by

whom under
the directions
of the
Government
or the District
Magistrate
such class of
cases is to be
tried" "

SCHEDULE C

Succession Act, 1865, as applied to Mysore

SCHEDULE C

[Section 8]

I. The Indian
Succession Act,
1865, as applied to
Mysore.

2.	The Mysore Infant Marriage Prevention Act, 1894.
3.	The Succession Certificates Act, 1914.
4.	The Probate and Administration Act, 1914.
5.	The Provident Funds Act, 1916.
6.	The Arbitration Act, 1917.
7.	The Mysore Steam boilers and Prime movers Act, 1920".