THE PONDICHERRY (EXTENSION OF LAWS) ACT, 1968

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title.
2. Definitions.
3. Extension with amendments of certain laws to Pondicherry and their commencement therein.
4. Repeal and saving.
5. Extension of rules, orders, etc., under certain laws.
6. Rules of construction.
7. Power to remove difficulties.

THE SCHEDULE.

IndiaCode

THE PONDICHERRY (EXTENSION OF LAWS) ACT, 1968

ACT NO. 26 OF 1968

[24*th May*, 1968.]

An Act to extend certain Central Acts to the Union territory of Pondicherry.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Pondicherry (Extension of Laws) Act, 1968.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Act" means an Act or the Ordinance specified in the Schedule;

(*b*) "Administrator" means the administrator of Pondicherry appointed by the President under article 239 of the Constitution;

(*c*) "Pondicherry" means the Union territory of Pondicherry.

3. Extension with amendments of certain laws to Pondicherry and their commencement therein.—(*1*) The Acts specified in Part I of the Schedule as they are generally in force in the territories to which they extend and the Acts specified in Part II of the Schedule as they were in force on the 1st day of August, 1966, in the State or Union territory mentioned there against shall extend to Pondicherry, subject to the modifications, if any, specified in the Schedule.

(*2*) Notwithstanding anything contained in sub-section (*1*), or in the relevant provision, if any, of each such Act for the commencement thereof, the provisions of each such Act shall come into force in Pondicherry on such date as the Administrator may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of any Act and any reference in any such provision to the commencement of the Act shall be construed as a reference to the coming into force of that provision.

4. Repeal and saving.—(*1*) Any law in force in Pondicherry or any area thereof corresponding to any Act referred to in sub-section (*1*) of section 3 or any part thereof (except in so far as such law continues to be applicable to Renoncants) shall stand repealed as from the coming into force of such Act in Pondicherry.

(*2*) Nothing in sub-section (*1*) shall effect—

(*a*) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law 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 has not been passed:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licene granted, or registration effected) under any such law, shall be deemed to have been done or taken under the corresponding provision of the Act extended to Pondicherry by this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

5. Extension of rules, orders, etc., under certain laws.—All rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the provisions of any Act generally for the territories to which such Act extends shall, as from the commencement of the provisions of such Act in Pondicherry, extend to, and come into force in, Pondicherry.

6. Rules of construction.—(*1*) In any Act or in any of the rules, notifications, orders, regulations and bye-laws made or issued thereunder and extended to Pondicherry by this Act,—

(*a*) any reference to any provision of law not in force, or to any functionary not in existence, in Pondicherry shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory:

Provided that—

(*i*) if any question arises as to who such corresponding functionary is, or

(*ii*) if there is no such corresponding functionary, the Administrator shall decide as to who such functionary will be and his decision shall be final;

(*b*) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Administrator.

(*2*) For the purpose of facilitating the application in relation to Pondicherry of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

7. Power to remove difficulties.—If any difficulty arises in giving effect in Pondicherry to the provisions of any Act extended by this Act to Pondicherry, the Central Government may, as occasion may require, by order, make such provisions or give such directions not inconsistent with the provisions of such Act as appear to it to be necessary for the purpose of removing the difficulty and any such order may provide for the transfer of any matter pending before any court, tribunal or other authority immediately before the commencement of such Act in Pondicherry to any corresponding court, tribunal or authority for disposal:

Provided that no such order shall be made under this section in respect of any Act after the expiration of two years from the date on which such Act comes into force in Pondicherry and in respect of an Act, the provisions of which are brought into force in Pondicherry on different dates, the period of two years shall be reckoned with reference to the commencement of the relevant provision as specified in the proviso to sub-section (*2*) of section 3.

THE SCHEDULE

[*See* section 3(*1*)]

PART I

Year	No.	Short title	Modifications
1	2	3	4
1839	32	The Interest Act, 1839.	
1850	12	The Public Accountants' Default Act, 1850.	
1850	18	The Judicial Officers Protection Act, 1850.	
1850	21	The Caste Disabilities Removal Act, 1850.	
1851	8	The Indian Tolls Act, 1851.	

Year	No.	Short title	Modifications
1	2	3	4
1855	12	The Legal Representatives' Suits Act, 1855.	
1855	13	The Indian Fatal Accidents Act, 1855.	
1856	9	The Indian Bills of Lading Act, 1856.	
1856	12	The Civil Courts Amins Act, 1856.	
1859	9	The Forfeiture Act, 1859.	
1863	23	The Waste Lands (Claims) Act, 1863.	
1864	15	The Indian Tolls Act, 1864.	
1865	3	The Carriers Act, 1865.	
1866	21	The Converts' Marriage Dissolution Act, 1866.	After section 1, insert:— "2. Nothing contained in this Act shall apply to saving the Renoncants of the Union territory of Pondicherry.".
1872	9	The Indian Contract Act, 1872.	
1872	15	The Indian Christian Marriage Act, 1872.	In section 1, at the end, insert:— "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.".
1873	10	The Indian Oaths Act, 1873.	
1875	9	The Indian Majority Act, 1875.	In section 1, at the end insert:— "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.".
1880	1	The Religious Societies Act, 1880.	
1880	12	The Kazis Act, 1880.	
1880	13	The Vaccination Act, 1880.	
1882	4	The Transfer of Property Act, 1882.	
1882	5	The Indian Easements Act, 1882.	
1882	7	The Powers-of-Attorney Act, 1882.	
1887	7	The Suits Valuation Act, 1887.	
1887	9	The Provincial Small Cause Courts Act, 1887.	
1890	1	The Revenue Recovery Act, 1890.	

IndiaCode

Year	No.	Short title	Modifications
1	2	3	4
1890	8	The Guardians and Wards Act, 1890.	In section 1, after sub-section (*2*), insert:— "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry."
1891	18	The Bankers' Books Evidence Act, 1891.	
1893	4	The Partition Act, 1893.	
1894	9	The Prisons Act, 1894.	
1897	3	The Epidemic Diseases Act, 1897.	
1899	4	The Government Buildings Act, 1899.	
1900	3	The Prisoners Act, 1900.	
1908	16	The Indian Registration Act, 1908.	
1914	9	The Local Authorities Loans Act, 1914.	
1916	15	The Hindu Disposition of Property Act, 1916.	In section 1, after sub-section (*2*), insert:— "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.".
1917	5	The Destruction of Records Act, 1917.	
1918	10	The Usurious Loans Act, 1918.	
1919	12	The Poisons Act, 1919.	
1920	5	The Provincial Insolvency Act, 1920.	
1920	10	The Indian Securities Act, 1920.	
1920	15	The indian Red Cross Society Act, 1920.	
1920	33	The Identification of Prisoners Act, 1920.	
1921	18	The Maintenance Orders Enforcement Act, 1921.	
1922	7	The Emigration Act, 1922.	
1922	22	The Police(incitement to Disaffection)Act, 1922.	
1923	5	The Indian Boilers Act, 1923.	
1928	12	The Hindu Inheritance (Removal of Disabilities) Act, 1928.	In section 1, in sub-section (*3*), add at the end:— "or to the Renoncants of the Union territory of Pondicherry.".

IndiaCode

Year	No.	Short title	Modifications
1	2	3	4
1929	19	The Child Marriage Restraint Act, 1929.	In section 1, after sub-section (*2*), insert:— "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.".
1930	3	The Sale of Goods Act, 1930.	
1930	30	The Hindu Gains of Learning Act, 1930.	
1936	3	The Parsi Marriage and Divorce Act, 1936.	In section 1, in sub-section (*2*), after the proviso, insert:— "Provided further that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.".
1937	26	The Muslim Personal Law (*Shariat*), Application Act, 1937.	In section 1, after sub-section (*2*), insert: "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.".
1939	8	The Dissolution of Muslim Marriages Act, 1939.	In section 1, after sub-section (*2*), insert:— "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.".
1939	30	The Commercial Documents Evidence Act, 1939.	
1940	10	The Arbitration Act, 1940.	
1943	9	The Reciprocity Act, 1943.	
1944	38	The Criminal Law Amendment Ordinance, 1944.	
1945	...	The International Monetary Fund and Bank Act,1945.	
1947	43	The United Nations(Security Council) Act, 1947.	
1947	46	The United Nations (Privileges and Immunities) Act, 1947.	
1948	41	The Diplomatic and Consular Officers (Oaths and Fees) Act, 1948.	
1950	29	The Transfer of Prisoners Act, 1950.	

IndiaCode

Year	No.	Short title	Modifications
1	2	3	4
1950	64	The Road Transport Corporations Act, 1950.	
1950	74	The Telegraph Wires (Unlawful Possession) Act, 1950.	
1951	50	The Tariff Commission Act, 1951.	
1951	54	The Companies (Donations to National Funds) Act, 1951.	
1951	61	The All-India Services Act, 1951.	
1952	35	The Mines Act, 1952.	
1952	53	The Notaries Act, 1952.	
1954	29	The Wakf Act, 1954.	
1955	32	The Prisoners (Attendance in Courts) Act, 1955.	
1955	42	The Prize Competitions Act, 1955.	
1955	45	The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.	
1956	3	The University Grants Commission Act, 1956.	
1956	31	The Life Insurance Corporation Act, 1956.	
1956	32	The Hindu Minority and Guardianship Act, 1 956.	In section 3, after sub-section (*2*), insert:— "(*2A*) Notwithstanding anything contained in sub-section (*1*), nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.".
1956	42	The Securities Contracts (Regulation) Act, 1956.	
1956	78	The Hindu Adoptions and Maintenance Act, 1956.	In section 2, after sub-section (*2*), insert:— "(*2A*) Notwithstanding anything contained in sub-section (*1*), nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.".
1956	93	The Young Persons (Harmful Publications) Act, 1956.	

IndiaCode

Year	No.	Short title	Modifications
1	2	3	4
1956	96	The Slum Areas (Improvement and Clearance) Act, 1956.	
1956	104	The Suppression of Immoral Traffic in Women and Girls Act, 1956.	
1958	20	The Probation of Offenders Act, 1958.	
1958	21	The Rice-Milling Industry (Regulation) Act, 1958.	
1958	29	The Working Journalists (Fixation of Rates of Wages) Act, 1958.	
1958	42	The International Finance Corporation (Status, Immunities and Privileges) Act, 1958.	
1960	6	The Geneva Conventions Act, 1960.	
1960	32	The International Development Association (Status, Immunities and Privileges) Act, 1960.	
1960	63	The Preference Shares (Regulation of Dividends) Act, 1960.	In section 1, after sub-section (*2*), insert:— "(*3*) Notwithstanding anything contained in sub-section (*2*), the provisions of this Act shall, in their application to the Union territory of Pondicherry, have effect subject to the modifications specified in the Schedule.". After section 7, add:— THE SCHEDULE [*See* section 1(*3*)] *Modifications of the Act in its application to the Union territory of Pondicherry* 1. Sections 3 and 4 shall be omitted. 2. In section 4A, for the words, brackets, letters and figures "twenty-seven and a half per cent. of the aggregate of (*i*) the stipulated dividend, and (*ii*) an amount equal to eleven per cent. of the stipulated dividend as specified in sub-section (*3*) of section 3", the following shall be substituted, namely:— "twenty-seven and a half per cent. of the stipulated dividend: Provided that in a case where the preference shares in respect of which dividend is declared or paid from part of the preference share capital of a company which, in respect

IndiaCode

Year	No.	Short title	Modifications
1	2	3	4
			of the greater part of its total income, is entitled to a deduction from the tax chargeable from it under the Income-tax Act, 1961 (43 of 1961), under a notification issued by the Central Government under section 294A of that Act, the reference to twenty-seven and a half per cent. of the stipulated dividend shall be construed as a reference to— (*i*) where the stipulated dividend in respect of such preference share is declared or paid in respect of the previous year relevant to the assessment year commencing on the 1st day of April, 1965, the said twenty-seven and a half per cent. asreduced by forty-five per cent. thereof; (*ii*) where such dividend is declared or paid in respect of the previous year relevant to the assessment year commencing on the 1st day of April, 1966, the said twenty-seven and a half per cent. as reduced by twenty-five per cent. thereof; (*iii*) wheresuch dividend is declared or paid in respect of the previous year relevant to the assessment year commencing on the 1st day of April, 1967, or the 1st day of April, 1968, or the 1st day of April, 1969, the said twenty-seven and a half per cent. as reduced by ten per cent. thereof. *Explanation*.—For the removal of doubts it is hereby declared that any reference in this section to deduction made from a dividend on account of the income-tax payable by the company does not include any amount deducted by the company from that dividend under section 194 of the Income-tax Act, 1961 (43 of 1961).”.
1961	25	The Advocates Act, 1961	3. In section 5, sub-section (*2*) shall be omitted. 4. Section 6 shall be omitted.’. In section 3. in sub-section (*1*),— (*1*) in clause (*a*), omit, “Madras”; (*2*) re-letter clause (*cc*) (inserted by Regulation 8 of 1963) as clause (*ccc*) and before the clause as so re-lettered, insert:— “(*cc*) for the State of Madras and the Union territory of Pondicherry to be known as the Bar Council of Madras.”. After Section 58A, insert :— “58AA. *Special Provisions in relation to the Union Territory of Pondicherry*.—

India Code

Year	No.	Short title	Modifications
1	2	3	4
			(*1*) Notwithstanding anything contained in this Act, all persons who, immediately before the date on which the provisions of Chapter III are brought into force in the Union territory of Pondicherry, were entitled to practise the profession of law (whether by way of pleading or acting or both) under any law in force in the said Union territory or who would have been so entitled had they not been in public service on the said date, shall for the purposes of clause (*a*) of sub-section (*1*) of section 17, be deemed to be persons who were entered as advocates on the roll of a High Court under the Indian Bar Councils Act, 1926, (38 of 1926) and every such person may, on an application made in this behalf within such time as may be specified by the Bar Council of Madras, be admitted as an advocate on the State roll maintained in respect of the said Union territory. (*2*) Notwithstanding anything contained in this Act, every person who, immediately before the date on which the provisions of Chapter IV are brought into force in the Union territory of Pondicherry, was practising the profession of law (whether by way of pleading or acting or both or in any other way) by virtue of the provisions of any law in force in the said Union territory, who does not elect to be or is not qualified to be, enrolled as an advocate under sub-section (*1*), shall, notwithstanding the repeal of the relevant provisions of such law by the Pondicherry (Extension of Laws) Act, 1968, continue to enjoy the same rights as respects practice in any court or revenue office or before any authority or person andbe subject to the disciplinary jurisdiction of the same authority which he enjoyed, or, as the case may be, to which he was subject, immediately before the said date and accordingly the relevant provisions of the law aforesaid shall have effect in relation to such persons as if they had not been repealed.”
1961	28	The Dowry Prohibition Act, 196l.	
1961	45	The Foreign Awards (Recognition and Enforcement) Act, 1961.	

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PART II

Year	No.	Short title	In force in a State or a Union Territory	Modifications
1	2	3	4	5
1870	7	The Court-fees Act, 1870.	As in force in the Union territory of Andaman and Nicobar Islands on the 1st day of August, 1966.	In section 2, for clause (*b*), substitute:— '(*b*) "State Government" in relation to the Union territory of Pondicherry means the administrator thereof.'.
1899	2	The Indian Stamp Act, 1899.	As in force in the State of Madras on the 1st day of August, 1966.	In section 2, after clause (*25*), insert:— (*26*) "State Government" in relation to the Union territory of Pondicherry means the administrator thereof.'. In section 3, omit the first and second provisos. In section 19A,— (*a*) for "Presidency of Madras", substitute "Union territory of Pondicherry"; (*b*) for"Presidency" substitute "Union territory". In section 57, in sub-section (*1*), omit "and" at the end of clause (*d*) and after clause (*e*) insert: — "(*ee*) if it arises in the Union territory of Pondicherry, to the High Court of Madras.". In section 75 A, for sub-section (*2*), substitute :— "(*2*) Every rule made under this Act shall, as soon as may be after it is made, be laid before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that any such rule should not be made, that rule shall thereafter have effect only in such modified form or be of no effect, as the case may be;so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done after under that rule.".

IndiaCode

Year	No.	Short title	In force in a State or a Union Territory	Modifications
1	2	3	4	5
				In Schedule 1— (*i*) in entry 9, omit the Exemption; (*ii*) in entry 15, for "Madras Court-fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955)", substitute "Court-fees Act, 1870 (7 of 1870)"; (*iii*) omit entry 20A; (*iv*) in entry 62, in clause (*d*), for "Administrator General's Act, 1913 (Central Act III of 1913), section 25", substitute"Administrators-General Act, 1963 (45 of 1963), section 22.".
1908	5	The Code of Civil Procedure, 1908	As in force in the State of Madras on the 1st day of August, 1966.	After section 45, insert :— "45A. *Execution of decrees, etc., passed or made before the commencement of the Code in Pondicherry.*—Any judgment, decree or order passed or made before the commencement of this Code by any civil court in the Union territory of Pondicherry shall, for the purpose of execution, be deemed to have been passed or made under this Code: Provided that nothing contained in this section shall be construed as extending the period of limitation to which any proceeding in respect of such judgment, decree or order may be subject.".

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