THE ANDHRA PRADESH AND MYSORE (TRANSFER OF TERRITORY) ACT, 1968

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THE ANDHRA PRADESH AND MYSORE (TRANSFER OF TERRITORY) ACT, 1968

ACT NO. 36 OF 1968

[22*nd August*, 1968.]

An Act to provide for the transfer of certain territory from the State of Mysore to the State of Andhra Pradesh and for matters connected therewith.

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 Andhra Pradesh and Mysore (Transfer of Territory) Act, 1968.

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

(*a*) "appointed day" means the 1st day of October, 1968;

(*b*) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950 (43 of 1950);

(*c*) "sitting member", in relation to either House of Parliament or of the Legislature of a State, means a person who, immediately before the appointed day, is a member of that House;

(*d*) "transferred territory" means the territory specified in the Schedule and transferred from the State of Mysore to the State of Andhra Pradesh by section 3.

3. Transfer of territory from Mysore to Andhra Pradesh.—(*1*) As from the appointed day, there shall be added to the State of Andhra Pradesh the territory specified in the Schedule which shall thereupon cease to form part of the State of Mysore.

(*2*) The transferred territory shall be included in, and form part of the Hindupur taluk of Anantapur district in the State of Andhra Pradesh.

(*3*) Nothing in sub-section (*2*) shall be deemed to affect the power of the State Government to alter, after the appointed day, the name, extent or boundaries of any district or taluk in the State of Andhra Pradesh.

4. Amendment of First Schedule to the Constitution.—As from the appointed day, in the First Schedule to the Constitution, under the heading "I. THE STATES",—

(*a*) for the entry against "I. Andhra Pradesh", the following shall be substituted, namely:—

"The territories specified in sub-section (*1*) of section 3 of the Andhra State Act, 1953, sub-section (*1*) of section 3 of the States Reorganisation Act, 1956, the First Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959, and the Schedule to the Andhra Pradesh and Mysore (Transfer of Territory) Act, 1968, but excluding the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959."; and

(*b*) in the entry against "9. Mysore", after the words and figures "States Reorganisation Act, 1956", the words, brackets and figures "but excluding the territory specified in the Schedule to the Andhra Pradesh and Mysore (Transfer of Territory) Act, 1968" shall be inserted.

5. Extent of parliamentary and assembly Constituencies.—As from the appointed day, the transferred territory shall cease to be part of Madhugiri parliamentary constituency and Bagepalli assembly constituency in the State of Mysore as delimited in Order No. 11 of the Delimitation Commission made under section 10 of the Delimitation Commission Act, 1962 (61 of 1962), and shall form part of Hindupur parliamentary constituency and Hindupur assembly constituency in the State of Andhra Pradesh as delimited in Order No. 3 of the Delimitation Commission made under the said section.

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6. Provision as to sitting members of Parliament and Legislative Assemblies.—(*1*) The sitting members of the House of the People representing Hindupur parliamentary constituency in the State of Andhra Pradesh and Madhugiri parliamentary constituency in the State of Mysore shall, notwithstanding the alteration in the extent of those constituencies by virtue of the provisions of this Act, continue to be members of the House of the People.

(*2*) The sitting members of the Legislative Assemblies of Andhra Pradesh and Mysore representing Hindupur assembly constituency and Bagepalli assembly constituency respectively shall, notwithstanding the alteration in the extent of those constituencies by virtue of the provisions of this Act, continue to be members of the said Assemblies.

7. Extent of Council Constituencies.—(*1*) Any reference in the Delimitation of Council Constituencies (Andhra Pradesh) Order, 1957, to Anantapur district shall be construed as including the territory transferred to that district from the State of Mysore.

(*2*) Any reference in the Delimitation of Council Constituencies (Mysore) Order, 1951, to Kolar district shall be construed as excluding the territory transferred from that district to the State of Andhra Pradesh.

8. Sitting Members of Legislative Councils.—Every sitting member of the Legislative Council of Andhra Pradesh or of Mysore representing a council constituency the extent of which is altered by virtue of section 7 shall, as from the appointed day, be deemed to have been elected to the said Council by that constituency as so altered.

9. Extension of jurisdiction of Andhra Pradesh High Court.—(*1*) As from the appointed day,—

(*a*) the jurisdiction of the High Court of Andhra Pradesh shall extend to the transferred territory; and

(*b*) the High Court of Mysore shall have no jurisdiction in respect of the said territory.

(*2*) If, immediately before the appointed day, there is any proceeding relatable to the transferred territory pending in the High Court of Mysore, then, notwithstanding anything contained in sub-section (*1*), such proceeding shall be heard and disposed of by that High Court.

(*3*) Any order made by the High Court of Mysore in any proceeding with respect to which that High Court exercises jurisdiction by virtue of sub-section (*2*) shall, for all purposes, have effect, not only as an order of the High Court of Mysore but also as an order made by the High Court of Andhra Pradesh.

(*4*) For the purposes of this section,—

(*a*) proceedings shall be deemed to be pending in the High Court of Mysore until that Court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;

(*b*) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

10. Appropriation of moneys for expenditure in transferred territory under existing Appropriation Acts.—As from the appointed day, any Act passed by the Legislature of Andhra Pradesh before that day for the appropriation of any money out of the Consolidated Fund of the State to meet any expenditure in respect of any part of the financial year 1968-69 shall have effect also in relation to the transferred territory, and it shall be lawful for the State Government to spend any amount for that territory out of the amount authorised by such Act to be expended for any services in that State.

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11. Assets and liabilities.—(*1*) All land and all stores, articles and other goods in the transferred territory belonging to the State of Mysore shall, as from the appointed day, pass to the State of Andhra Pradesh.

Explanation.—In this sub-section, the expression "land" includes immovable property of every kind and any rights in or over such property and the expression "goods" does not include coins, bank notes and currency notes.

(*2*) All rights, liabilities and obligations, whether arising out of a contract or otherwise, of the State of Mysore in relation to the transferred territory shall, as from the appointed day, be the rights, liabilities and obligations, respectively, of the State of Andhra Pradesh.

12. State Financial Corporations and State Electricity Boards.—As from the appointed day,—

(*a*) the Financial Corporations constituted under the State Financial Corporations Act, 1951 (63 of 1951), for the States of Mysore and Andhra Pradesh, and

(*b*) the State Electricity Boards constituted under the Electricity (Supply) Act, 1948 (54 of 1948), for the said States.

shall be deemed to have been constituted for those States with their areas as altered by the provisions of section 3.

13. Extension of laws.—All laws which, immediately before the appointed day, extend to, or are in force in, the Hindupur taluk of Anantapur district in the State of Andhra Pradesh but do not extend to, or are not in force in, the transferred territory, shall, as from that day, extend to, or as the case may be, come into force in, the transferred territory; and all laws which, immediately before the appointed day, are in force in the transferred territory but not in the Hindupur taluk of Anantapur district in the State of Andhra Pradesh shall, on that day, cease to be in force in the transferred territory, except as respects things done or omitted to be done before that day.

Explanation.—In this section, "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the State of Andhra Pradesh or Mysore.

14. Power to construe laws.—Any court, tribunal or authority required or empowered to enforce any law extended to the transferred territory by section 13 may, for the purpose of facilitating its application in relation to the transferred territory, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

15. Legal proceedings.—Where, immediately before the appointed day, the State of Mysore is a party to any legal proceedings with respect to any property, rights or liabilities transferred to the State of Andhra Pradesh under this Act, the State of Andhra Pradesh shall be deemed to be substituted for the State of Mysore as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

16. Transfer of pending proceedings.—(*1*) Every proceeding pending immediately before the appointed day before any court (other than a High Court), tribunal, authority or officer in any area which on that day falls within the State of Mysore shall, if it is a proceeding relating exclusively to any part of the transferred territory, stand transferred to the corresponding court, tribunal, authority or officer in the State of Andhra Pradesh.

(*2*) If any question arises as to whether any proceeding should stand transferred under sub-section (*1*), it shall be referred to the High Court of Mysore and the decision of that High Court shall be final.

(*3*) In this section,—

(*a*) "proceeding" includes any suit, case or appeal; and

(*b*) "corresponding court, tribunal, authority or officer" in the State of Andhra Pradesh means—

(*i*) the court, tribunal, authority or officer in which, or before whom, the proceeding would have lain if the proceeding had been instituted after the appointed day, or

(*ii*) in case of doubt, such court, tribunal, authority or officer in that State as may be determined after the appointed day by the Government of Andhra Pradesh, or before the appointed day by the Government of Mysore, to be the corresponding court, tribunal, authority or officer.

17. Effect of provisions inconsistent with other laws.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

18. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act (including any difficulty in relation to the transition under section 13 from one law to another law), the President may by order do anything not inconsistent with any such provision which appears to him to be necessary for the purpose of removing the difficulty.

19. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(*2*) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or [1][in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the 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 under that rule.

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1. Subs. by Act 4 of 1986, s. 2 and the Schedule, for certain words (w.e.f. 15-5-1986).

THE SCHEDULE

[*See* sections 2(*d*) and 3]

TERRITORY TRANSFERRED FROM THE STATE OF MYSORE TO THE STATE OF ANDHRA PRADESH

Area comprised in survey number 19 of "Abakavaripalli" village of Bagepallitaluk in Kolar district.

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