THE RAJASTHAN AND MADHYA PRADESH (TRANSFER OF TERRITORIES) ACT, 1959

ARRANGEMENT OF SECTIONS

SECTIONS

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THE SECOND SCHEDULE.

THE RAJASTHAN AND MADHYA PRADESH (TRANSFER OF TERRITORIES) ACT, 1959

ACT NO. 47 OF 1959

[18*th September,* 1959.]

An Act to provide for the transfer of certain territories from the State of Rajasthan to the State of Madhya Pradesh and for matters connected therewith.

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

1. Short title.—This Act may be called the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959.

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

(*a*) "appointed day" means the 1st day of October, 1959;

(*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 territories" means the territories specified in the First Schedule and transferred from the State of Rajasthan to the State of Madhya Pradesh by section 3.

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

(*2*) The transferred territories shall be included in, and form part of Bhanpura pargana of, Mandsaur district in the State of Madhya 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 in the State of Madhya Pradesh.

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

(*a*) in the entry against "6. Madhya Pradesh", after the words and figures "States Reorganisation Act, 1956", the words, brackets and figures "and the First Schedule to the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959" shall be inserted.

(*b*) in the entry against "11. Rajasthan", after the words and figures "States Reorganisation Act, 1956", the words, brackets and figures "but excluding the territories specified in the First Schedule to the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959" shall be inserted.

5. Amendments of Delimitation Orders.—The Delimitation of Parliamentary and Assembly Constituencies Order, 1956, and the Constitution of Council Constituencies (Madhya Pradesh) Order, 1957, shall have effect subject to the modifications specified in the Second Schedule.

6. Provision as to sitting members.—(*1*) The sitting members of the House of the People representing Mandsaur constituency in the State of Madhya Pradesh and Kotah constituency in the State of Rajasthan 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 Madhya Pradesh and Rajasthan representing Growth constituency and Begun 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. Extension of jurisdiction of Madhya Pradesh High Court.—(*1*) As from the appointed day,—

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

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

(*2*) If, immediately before the appointed day, there is any proceeding relatable to the transferred territories pending in the High Court of Rajasthan, 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 Rajasthan 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 Rajasthan, but also as an order made by the High Court of Madhya Pradesh.

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

(*a*) proceedings shall be deemed to be pending in the High Court of Rajasthan 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.

8. Appropriation of moneys for expenditure in transferred territories under existing Appropriation Acts.—As from the appointed day, any Act passed by the Legislature of Madhya 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 1959-60 shall have effect also in relation to the transferred territories, and it shall be lawful for the State Government to spend any amount for those territories out of the amount authorised by such Act to be expended for any services in that State.

9. Assets and liabilities.—(*1*) All land and all stores, articles and other goods in the transferred territories belonging to the State of Rajasthan shall, as from the appointed day, pass to the State of Madhya Pradesh.

Explanation.—In this sub-section, the expression "land" includes immoveable 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 Rajasthan in relation to the transferred territories shall, as from the appointed day, be the rights, liabilities and obligations, respectively, of the State of Madhya Pradesh.

10. 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 Rajasthan and Madhya 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.

11. Extension of laws.—All laws which immediately before the appointed day extend to, or are in force in, the Mandsaur district in the State of Madhya Pradesh but do not extend to, or are not in force in, the transferred territories shall, as from that day, extend to, or as the case may be, come into force in, the transferred territories; and all laws which, immediately before the appointed day, are in force in the transferred territories, but not in the Mandsaur district in the State of Madhya Pradesh, shall, on that day, cease to be in force in the transferred territories, 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 Madhya Pradesh or Rajasthan.

12. Power to construe laws.—Any court, tribunal or authority required or empowered to enforce any law extended to the transferred territories by section 11 may, for the purpose of facilitating its application in relation to the transferred territories, 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.

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

14. 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 Rajasthan shall, if it is a proceeding relating exclusively to any part of the transferred territories, stand transferred to the corresponding court, tribunal, authority or officer in the State of Madhya 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 Rajasthan 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 Madhya 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 Madhya Pradesh, or before the appointed day by the Government of Rajasthan, to be the corresponding court, tribunal, authority or officer.

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

16. 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 11 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.

17. Power to make rules.—(*1*) The Central "Government may, by notification 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.

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

THE FIRST SCHEDULE

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

TERRITORIES TRANSFERRED FROM THE STATE OF RAJASTHAN TO THE STATE OF MADHYA PRADESH

The following territories comprised within the villages specified below in Bhensrorgarh tahsil of Chittor district, namely:—

Name of village	Sheet No.	Khasara No.	Area in Bighas	Area in Biswas
1	2	3		4
Dotada	11	361	124	10
	12	362	814	. .
	13	363	173	3
	13	364	572	16
	14	365	[1][921]	14
	14	366	15	16
	14	367	[2][205]	. .
	14	368	202	16
	15	369	364	15
	15	370	239	7
	13	371	14	18
		TOTAL .	3,648	15
Pipalda	5	220	730	. .
	5	221	49	. .
	6	222	535	. .
	6	223	142	12
		TOTAL .	1,456	12
Borkheda	7	118	. .	10
	7	119	248	. .
	8	120	292	1
	8	121	138	2
		TOTAL .	678	13
	GRAND TOTAL . .		5,784 Bighas or 3,085 Acres.	

1. Subs. by Act 52 of 1964, s. 3 and the Second Schedule, for "926" (w.e.f. 29-12-1964).
2. Subs. by s. 3 and the Second Schedule, *ibid.,* for "200" (w.e.f. 29-12-1964).

THE SECOND SCHEDULE

(*See* section 5)

PART I

Modifications of the First Schedule to the Delimitation of Parliamentary and Assembly Constituencies Order, 1956

1. In Part "6—MADHYA PRADESH", the Note at the end shall be numbered as "NOTEI" and the following shall be added thereto, namely:—

"NOTE II:—Any reference to Mandsaur district in column 3 of this Part shall be taken to mean the area comprised within that district on the 1st day of October, 1959.".

2. In Part "11—RAJASTHAN", the following Note shall be added at the end, namely:—

"NOTE:—Any reference in column 3 of this Part to Chittor district or Bhensrorgarh tahsil, shall be taken to mean the area comprised within that district or tahsil on the 1st day of October, 1959.".

PART II

Modifications of the Second Schedule to the Delimitation of Parliamentary and Assembly Constituencies Order, 1956

1. In Part "6—MADHYA PRADESH", the Note at the end shall be numbered as "NOTEI" and the following shall be added thereto, namely:—

"NOTE II:—Any reference in column 3 of this Part to Bhanpura pargana of Mandsaur district shall be taken to mean the area comprised within that pargana on the 1st day of October, 1959.".

2. In Part "11—RAJASTHAN", the following Note shall be added at the end, namely:—

"NOTE:—Any reference in column 3 of this Part to Bhensrorgarh tahsil of Chittor district shall be taken to mean the area comprised within that tahsil on the 1st day of October, 1959.".

PART III

Modification of the Delimitation of Council Constituencies (*Madhya Pradesh*) *Order,* 1957 After the Table, the following Note shall be inserted, namely:—

"NOTE:—Any reference in column 2 of this Table to Indore Division shall be taken to mean the area comprised within that Division on the 1st day of October, 1959.".