THE MADHYA PRADESH SECOND EXTENSION OF LAWS ACT, 1961 [Act No. XL. of 1961]

[08th December, 1961]

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THE MADHYA PRADESH SECOND EXTENSION OF LAWS ACT, 1961

[Act No. XL. of 1961]

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An Act to provide for the extension of certain laws in force in some of the regions of Madhya Pradesh to the other regions thereof

Be it enacted by the Madhya Pradesh Legislature in the Twelfth Year of the Republic of India as follows

1. Short title and commencement.-(1) This Act may be called the Madhya Pradesh Second Extension of Laws Act, 1961.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

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

(a) *"Appointed day"* means the date appointed under sub-section (2) of Section 1 for the coming into force of this Act;

(b) words and expressions used but not defined in this Act and defined in the Madhya Pradesh Extension of Laws Act, 1958 (No. 23 of 1958), shall have the meanings respectively assigned to them in that Act.

3. Extension and amendment of certain Acts.-(1) The Acts specified in Part A of the First Schedule and as in force in the Mahakoshal region immediately before the appointed day, are, as from the appointed day, hereby extended to all other regions of the State.

(2) The Acts specified in Part B of the First Schedule and as in force in the Madhya Bharat region immediately before the appointed day, are as from the appointed day, hereby extended to all other regions of the State.

(3) The Acts extended by sub-sections (1) and (2) shall in their application to the whole of Madhya Pradesh, be amended in the manner and to the extent specified in the First Schedule.

(4) The Acts extended by sub-sections (1) and (2) shall, unless otherwise expressly provided therein, come into force in any or all regions, as the case may be, from the appointed day.

(5) Without prejudice to the provisions of sub-section (3) wherever in the long title, preamble or short title of any of the Acts extended by sub-section (1) or sub-section (2), any of the expressions Central Provinces and Berar" or 'Madhya Bharat" occurs there shall be substituted there for the expression "Madhya Pradesh.

4. Construction of references to laws not in force in any region.-Any reference in any Act specified in the First Schedule to a law which is not in force in any region of the State shall, in relation to that region, be construed as a reference to the corresponding law, if any, in force in that region.

5. Construction of references to authorities.-(1) Any reference in any Act specified in the First Schedule to any authority not in existence in any other region of the State shall, in relation to that region, have reference to such authority as the State Government may, by notification, specify as the corresponding authority.

(2) Any reference, by whatever form of words, in any law for the time being in force in any region of the State to any authority compet ent at the date of the passing of that law to exercise any powers or discharge any functions in that region shall, where a corresponding new authority has been constituted by or under any Act now extended to that region, have effect as if it were a reference to that new authority.

6. Repeal.-On and from the appointed day, the enactments specified in the Second Schedule shall stand repealed.

7. Power to remove difficulties.-(1) If in consequence of anything contained in this Act, any difficulty arises in giving effect to the provisions of any Act specified in the First Schedule, the State Government may, by order notified in the Gazette, make such provisions or give such directions as appear to be necessary for the removal of the difficulty.

(2) In particular, and without prejudice to the generality of the foregoing power, any such notified order may-

(a) specify the corresponding authorities within the meaning of Section 5;

(b) provide for the transfer of any matter pending before any Court, Tribunal or other authority immediately before the appointed day, to any corresponding Court, Tribunal or other authority for disposal;

(c) specify the areas or circumstances in which, or the extent to which or the conditions subject to which, anything done or any action taken under any enactment repealed by that section shall be recognised or given effect to under the corresponding provision of the Act as now extended.

THE FIRST SCHEDULE

PART A

[See sub-section (1) of Section 3]

1. The Interest Act, 1839 (No. XXXII of 1839)

2. The Indian Treasure Trove Act, 1878 (No. VI of 1878)

Section 1. After "Part B States" add "other than the Madhya. Bharat and Sironj regions of the State of Madhya Pradesh'.

Section 4. Omit 'exceeding in amount or value ten rupees."

3. The Prisons Act, 1894 (No. IX of 1894)

Preamble,- After "Part B States" insert "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh."

Section 1.- (a) In sub-section (2), after "Part B States" insert "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh." (b) Omit sub-section (4).

Section 6.- In the proviso, for "the State Government of Bombay" substitute "the State Government of Madhya Pradesh".

After Section 39, insert the following, namely:-

"39-A. Power of Superintendent to send a prisoner to hospital or asylum for special treatment.-(1) The Superintendent may, if in his opinion, a prisoner requires special treatment in a hospital outside the prison or in any asylum as defined in the Indian Lunacy Act, 1912 (4 of 1912), send him or cause him to be sent to such hospital or asylum, subject to the prisoner or any relative or friend of the prisoner executing such bond and abiding by such other conditions, if any, as the State Government may prescribe.

(2) The period spent by the prisoner for such treatment in the hospital or asylum or in going thereto or returning there from shall be deemed to be part of the period of his detention in the prison.

Explanation 1.-Nothing contained in this section shall be deemed to effect the operation of Section 30 of the Prisoners Act, 1900 (3 of 1900), in cases to which that section applies.

Explanation II.-In this section, 'prisoner' means a convicted criminal prisoner.

39-B. Punishment for escape or attempt to escape from hospital or asylum.-(1) If any prisoner dealt with under Section 39-A escapes or attempts to escape from the hospital or asylum to which he has been sent or when going thereto returning there from, he shall be punished

with imprisonment for a term which may extend to two years, or with fine, or with both.

(2) Such punishment shall be in addition to the punishment for which the prisoner was liable for the offence of which he was already convicted.

39-C. Provisions applicable to bonds referred to in Section 39-A.-The provisions of Chapter XLII of the Code of Criminal Procedure, 1898 (V of 1898), shall, so far as may be, apply to the bonds referred to in Section 39 -A."

Section 44.- For "the Vernacular", substitute "Hindi in Devnagari script."

Section 46.- Omit clause (12) and in the proviso omit "or to whipping'.

Section 47.- In sub-section (1), omit "clause (4)".

Section 52.- (a) Omit "the District Magistrate or of' and "or Presidency Magistrate".

(b) Omit both the provisos.

Section 53.- Omit.

Section 54.- Omit sub-section (2).

Section 61.- For "both in English and in the Vernacular, in some place to which all persons employed within a prison have access" substitute "both in English and in Hindi in Devnagari script, in some conspicuous place and to which all persons employed within a prison have access."

4. The Identification of Prisoners Act, 1920 (No. XXXIII of 1920)

Section 1.-In sub-section (2), after "Part B States" add "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh."

Section 2.- In clause (a), for "finger impressions," substitute "finger impressions, palm impressions."

5. The Police (Incitement to Disaffection) Act, 1922 (No. XXII of 1922)

Section 1.- (a) In sub-section (2), after "Part B States" add "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh".

(b) For sub-section (3), substitute the following, namely:-

"(3) It shall be in force in all such areas in Madhya Pradesh in which in was in force immediately before the commencement of the Madhya Prades h Second Extension of Laws Act, 1961 (40 of 1961), and shall come into force in other areas on such date as the State Government may, by notification, appoint."

6. Central Provinces and Berar Village Sanitation and Public Management Act, 1920 (No. II of 1920)

Throughout the Act, unless otherwise expressly provided, for "local area", or "local areas" substitute "area" or "areas", respectively.

Section 1.- For sub-sections "(2) and (3) substitute the following, namely:-

"(2) It extends to the whole of Madhya Pradesh, but shall be in operation only in such areas in which it was in operation immediately before the commencement of the Madhya Pradesh Second Extension of Laws Act, 1961 (40 of 1961), and shall have operation in other areas as may be notified by the State Government in this behalf under Section 2."

After Section 1, insert the following, namely:-

1-A. Definition.-In this Act, 'Patel' means the Patel appointed under Section 222 of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959),"

Section 2.- For sub-section (1), substitute the following, namely "(1) If the sanitary or other public requirements,-

(a) of a village, or

(b) of a group of two or more villages having inhabited sites adjacent to one another, containing not less than five hundred inhabited houses and not being wholly or partly within the limits of a Municipal Corporation, a Municipality or of a notified area constituted under a law for the time being in force for the organisation and administration of municipal corporations or municipalities, as the case may be, are such that, in the opinion of the Collector of the district in which the village or group of villages in situate, special arrangements are necessary to meet such requirements, the Collector, of his own motion or on application made to him in this behalf by a Patel and ten or more other inhabitants of the area, may, by notice in writing published in such manner as may be prescribed, declare that the area is in need of special arrangements for its management'

Section 3.- For "mukaddam or mukaddam-gumashta or a working patel'' substitute "Patel".

Section 9-A.- In clauses (b) and (c) of sub-section (2) for "district Council" substitute "Zila Panchayat."

Section 10.- (1) In clause (b) of sub-section (2),—

(a) for 'Janapada authority' substitute "Janapada Panchayat";

(b) in the first proviso, for "Central Provinces and Berar Panchayats Act, 1946 (I of 1947)" substitute "a law for the time being in force relating to the constitution and organisation of Panchayats";

(c) in the second proviso,-

(i) for 'Janapada authority" occurring twice, substitute "Janapada Panchayat";

(ii) for "the Central Provinces and Berar Local Government Act, 1948 (XXX of 1948) or the Central Provinces and Berar Panchayats Act, 1946 (I of 1947)" "substitute" "a law for the time being in force relating to the constitution and organisation of Panchayats".

(2) In clause (c) of sub-section (2), for "Janapada authority' substitute "Janapada Panchayat".

Section 11.- (a) In sub-section (1),-

(i) for "the district Council or local board under Section 9 of the Central Provinces Local Self-Government Act, 1883 (I of 1883)" substitute "Zila or Janapada Panchayat constituted under the law for the time being in force relating to the constitution and organisation of Panchayats".

(ii) for "district Council or local board" substitute "Zila Panchayat or Janapada Panchayat."

(b) In sub-section (2) for "district Council" and "Council" substitute "Zila Panchayat".

7. The Madhya Pradesh Local Bodies Services Commission Act, 1950 (XXXVII of 1950)

Section 1.- For sub-section (2), substitute-

"(2) It extends to and shall be in force in the whole of Madhya Pradesh".

Section 2.- For "the City of Jabalpur Corporation, a Janapada authority, a Municipal Committee" substitute "a Municipal Corporation, a Municipal Council, a Zila Panchayat, a Janapada Panchayat".

Section 4.- For "Mahakoshal region" substitute "State".

Sections 7 and 8.- Omit,

8. The Madhya Pradesh Protection of Scheduled Tribes (Interest in Trees) Act, 1956 (No. 11 of 1956)

Throughout the Act including preamble, short title and long title, for "Scheduled Tribes" wherever occurring substitute "Aboriginal Tribes".

Section 1.- For sub-section (2), substitute-

"(2) It extends to the whole of Madhya Pradesh."

Section 2.- (a) For clause (iii), substitute the following, namely:-

"(iii) 'Aboriginal Tribes' means the tribes declared by the State Government as Aboriginal Tribes under sub-section (6) of Section 165 of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959)".

(b) In clause (v), for "1954" substitute "1959".

Section 4.- In sub-section (1), for "prior to the commencement of this Act but after the 31st day of March 1951, may, if the contract is subsisting on the date of the commencement of this Act" substitute "prior to the commencement of the Madhya Pradesh Second Extension of Laws Act, 1961 (40 of 1961), but after the 2nd day of October, 1959, may, if the contract is subsisting on the date of the commencement of the said Act".

Section 5.- In sub-section (1), for "Sections 162 and 163 of the Madhya Pradesh Land Revenue Code, 1954 (II of 1954)" substitute "Sections 179 and 180 of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959)."

Section 6.- For "1954" substitute "1959".

Section 7.- In sub-section (I), for "1954" substitute "1959".

PART B

[See sub-section (2) of Section 3]

9. The Madhya Bharat Municipal Refuse (Conversion into Manure) Act, Samvat 2007 (No. 57 of 1950)

Throughout the Act, for 'municipality' wherever occurs substitute "municipal corporation or municipality'.

Section 1.- For sub-sections (2), (3) and (4) substitute the following namely:-

"(2) It extends to the whole of Madhya Pradesh."

(3) It shall apply to all such municipal corporations and municipalities in Madhya Pradesh to which it has been applied immediately before the commencement of the Madhya Pradesh Second Extension of Laws Act, 1961 (40 of 1961), and shall apply on the commencement of the said Act to the municipalities to which any enactment repealed by Section 6 of the said Act was applicable and may be applied to any other municipal corporations or municipalities, or such date as the State Government may, by notification, appoint and different dates

may be appointed for different municipal corporations or municipalities.'

Section 2.- (a) For clause (1) substitute the following, namely:-

"(1) 'Municipality' means a municipality constituted under a municipal law;

(1-a) 'Municipal Corporation' means a Municipal Corporation constituted under a municipal law,

(1-b) 'Municipal law' means a law for the time being in force for the

organisation and administration of municipal corporations or municipalities or notified areas in the State, as the case may be;"

(b) Omit clause (3).

Section 3.- For "Municipal Act" substitute "Municipal law'.

10. The Madhya Bharat Control of Music and Noises Act, Samvat 2008 (No. 14 of 1951)

Section 1.- For sub-sections (2) and (3), substitute the following, namely :-

"(2) It extends to the whole of Madhya Pradesh."

(3) It shall be in force in all such areas of Madhya Pradesh in which it was in force immediately before the commencement of the Madhya Pradesh Second Extension of Laws Act, 1961 (40 of 1961), and shall come into force in such other areas and on such dates as the State Government may, by notification, appoint and different dates may be appointed for different areas."

Section 2.- Omit clause (a).

Section 5.- Omit "(Suba)".

11. The Madhya Bharat Prisoners' Release on Probation Act, 1954 (No. 15 of 1954)

Section 1.- For sub-sections (2) and (3), substitute the following, namely:-

"(2) it extends to the whole of Madhya Pradesh."

(3) It shall be in force in all such areas of Madhya Pradesh in which it was in force immediately before the commencement of the Madhya Pradesh Second Extension of Laws Act, 1961 (40 of 1961), and shall come into force in such other areas and on such dates as the State Government may, by notification, appoint."

Section 7.- In sub-section (2), for sub-section (i)" substitute "sub-section (1)",

12. The Madhya Bharat Nursing Homes Registration Act, 1954 (No. 28 of 1954)

Section 1.- For sub-sections (2) and (3), substitute the following, namely:-

"(2) It extends to the whole of Madhya Pradesh."

(3) It shall be in force in all such areas in which it was in for ce immediately before the commencement of the Madhya Pradesh Second Extension of Laws Act, 1261 (40 of 1961), and shall come into force in other areas and on such date as the State Government may, by notification, appoint and different dates may be appointed for different areas."

Section 8.- (a) In sub-section (1) for 'not less than one calendar Month's notice" substitute "a notice of not less than thirty days" and for "within a calendar month after the receipt of the notice" substitute "within a period of thirty days from the date of the receipt of the notice".

(2) In sub-section (3) for "within a calendar month after" substitute "within a period of thirty days from".

(3) in sub-section (4) for "calendar month" substitute "period of thirty days".

Section 13.- For Section 13, substitute the following, namely:-

"13. Offences by Companies.-(1) Where an offence under this Act has been committed by a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section.-

(a) 'company' means any body corporate and includes a firm or other association of individuals, and

(b) 'director' in relation to a firm is a partner in the firm."

13. The Madhya Bharat Control of Lepers Act, 1955 (No. 14 of 1955)

Throughout the Act, for 'leper home" substitute "leper asylum" and for home" substitute "leper asylum."

Section 1.- For sub-sections (2), (3) and (4), substitute the following, namely:-

"(2) It extends to the whole of Madhya Pradesh."

(3) It shall be in force in all such areas of Madhya Pradesh in which it was in force immediately before the commencement of the Madhya Pradesh Second Extension of Laws Act, 1961 (40 of 1961), and shall come into force on the commencement of the said Act in the areas in which any corresponding law immediately before such commencement was in force and in any other areas it shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different provisions of the Act."

Section 2.- In clause (3), for 'appointed" substitute "declared".

Section 3.- For "local areas" substitute "areas".

Section 6.- In sub-section (1), for "local area" substitute "area".

Section 8.- In second proviso to sub-section (1) for “such friend or relative, requiring him” substitute “such friend or relative or institution requiring him or it,”

THE SECOND SCHEDULE

[See Section 6]

The Madhya Bharat Interest Act, 1956 (No. 17 of 1956).

The Madhya Bharat Treasure Trove Act, Samvat 2006 (No. 44 of 1949).

The Rajasthan Adaptation of Central Laws Ordinance, 1950 (IV of 1950), in its application to the Sironj region so far as it relates to-

(1) The Interest Act, 1839 (XXXII of 1839).

(2) The Indian Treasure Trove Act, 1878 (VI of 1878).

(3) The Prisons Act, 1894 (IX of 1894).

(4) The Lepers Act, 1898 (III of 1898).

The Merged States (Laws) Act, 1949 (No. 59 of 1949), in its application to the Vindhya Pradesh and Bhopal regions so far as it relates to-

(1) The Interest Act, 1839 (XXXII of 1839).

(2) The Indian Treasure Trove Act, 1878 (VI of 1878).

(3) The Prisons Act, 1894 (IX of 1894).

(4) The Lepers Act, 1898 (III of 1898).

(5) The Identification of Prisoners Act, 1920 (XXXIII of 1920).

(6) The Police (Incitement to Disaffection) Act, 1922 (XXII of 1922).

The Madhya Bharat Indian Prisons (Adoption) Act, Samvat 2006 (23 of 1950). The Madhya Bharat Identification of Prisoners Act, Samvat 2008 (15 of 1951). The Rajasthan Identification of Prisoners Act, 1956 (12 of 1956).

The Lepers Act, 1898 (No. III of 1898), in its application to Mahakoshal region. The Rajasthan refuse (Conversion into Manure) Act, 1951 (VI of 1951), in its application to Sironj region.