

**PONDICHERRY (EXTENTION OF LAWS) ACT, 1968**

**26 of 1968**

**[24th May, 1968]**

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**SCHEDULE 1 :- 1**

**PONDICHERRY (EXTENTION OF LAWS) ACT, 1968**

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STATEMENT OF OBJECTS AND REASONS "The former French Establishments of Pondicherry, Karikal, Mahe and Yanam were integrated with the Indian Union as the Union Territory of Pondicherry with effect from 16th August, 1962. Since then some essential laws in force in the rest of India, including those relating to criminal procedure, have been extended to that territory. There is a desire among large sections of the people of the territory that the civil, judiciary and important administrative agencies should be switched over from the French pattern to the Indian pattern and more laws that are in force in the rest of India should also be extended to the said Union Territory. The Bill seeks to achieve this object and accordingly provides for the extension with the necessary modifications to the Union Territory of certain Central Acts and for the repeal of the corresponding French laws in force in that territory. While extending personal laws, it has been provided that they will not apply to Renoncants in the Union Territory."-Gaz. of Ind.. 11-12-1967. Pt. II, S. 2, Extra, p. 1224.

**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 Art. 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 had 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 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 .

## SCHEDULE 1

1

[See section 3(1)] the	J	f Year No. Short		
title Modifications. "- 1				
2		I		
1839 32 The Interest Act, 1839. 1850 12 The Public Accountants' Default Act, 1950. 1850 18 The Judicial Officers Protection Act, 1850. 1850 21 The Caste Disabilities Removal Act, 1850. 01 1851 8 The Indian Tolls Act, 1851. foi 1855 12 The Legal Representatives' Suits Act, 1855. p 1855 13 The Indian Fatal Accidents Act, 1855. 1856 9 The Indian Bills of Lading Act, 1856. 156 12 The Civil Courts Amins Act, 1856. i-gl 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 I insert:- "2. Nothing contained in this Act shall apply to S C( the Renoncants of the Union Territory of A Pondicherry." 1872 9 The Indian Contract Act, 1872. 1872 15 The Indian Christian Marriage Act, 1872. In section I, 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 I, at the end insert- "Provided that nothing contained in this Act shall apply to the Renoncants of the Upion Territory of Pondicherry." 1880 I The Religious Societies Act, 1880. 1880 12 TheKazisAct,1880. 1880 13 The Vaccination Act, 1880. 1882 4 The Transfer of Property Act, 1882. 1882 5 The Indian Easements Act, 1882. 1882 7 ThePowers-of-AttorneyAct,1882. 1887 7 The Suits Valuation Act, 1887. 1887 9 The Provincial Small Cause Courts Act, 1887. 1890 I The Revenue Recovery Act, 1890. 1890 8 The Guardian and Wards Act, 1890. In section I, 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 I, 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. -"-2 3- """"""-4"" ""20-1-The Indian Securities Act, 1920.- 1920 15 The Indian Red Cross Society Act, 1920. 1920 3? The Identification of Prisoners Act. 1920. 1921 18 The Maintenance Orders Enforcement Act, 1921. ., 1922 7 TheEmigrationAct,1922. 1922 22 ThePolice(IncitementtoDisafte(-tion)Acl, 1922. 1923 . .5 The Indian Boilers Act, 1923. 1928 12 TheHindulnhcrilance(Rci11oval)(fDisabilities) Insection I.insiiib-section(3).addattheend:- Act, 1928. "or to the Renoncants of the Union territory of Pondicherry," 1929 19 The Chief Marriage Restraint Act. 1929 In section I, ai'ler sub-section (2). insert : " "Provided that nothing contained in this Act shall apply to the Renoncants of the Union Territory of Pondicherry." 1930 3 Tile 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 I. 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 TheMuslimrPersonalLaw(Shariat).Application In section I, aftersub-section (2), insert :- Act. 1937 "Provided that nothing contained in this Act shall apply to (lie Renoncants of the Union Territory of Pondicherry." 1939 8 TheDissolutionofMuslimrMarriagesAct.1939 In si- ction I, aftersub-section (2), insert :- "Provided that nothing contained in this Act shall apply to the Renoncans of the Union Territory , of Pondicherry." 1939 30 TheCommercialDocumentsEvidenceAct,1939 1940 10 The Arbitration Act, 1940 1943 9 The Reciprocity Act. 1943 1944 38 TheCriminalLawAmendiTieitOrdinance, 1944. 1945 ... The International Monetary Fund and Bank Act, 1945. 1947 43 TheUnitedNations(SecurityCoiincil)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 TheTransferofPrisoners Act, 1950 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 TheAll-IndiaServicesAci, 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 Journalils (Condiiti(insofService) and Miscellaneous Provisions Act, 1955, 1956 3 The University Grants Commission Act, 1956 1956 31 The Life Insurance Corporation Acl, 1956 1956 32 The Hindu Minority and Guardianship Act.1956 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." IVol.3915A.M./15 1 2 3 .. 4 1956 42 The Securities Contracts (Regulation) Act, 1956 1956 78 The Hindu Adoptions and Maintenance Act, 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 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 TheRice-MillingIndustry(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 Theinternational Development Association (Status, Immunities and Privileges) Act, 1960 1960 63 ThePreference.Shares(RegulationofDividends) In section I, after sub-section (2), insert:- Act, 1960 "(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) I 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 hal f 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 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 S. 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. as reduced 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 bn the 1st day of April 1966, the said twenty-seven and a half per cent. as reduced by twenty-five percent. thereof: 1 2. . .3. . . 4 (iii) where the dividend is declared or paid in respect of the previous year relevant to the assessment year commencing on the Ist day ot April 1967, or the Ist 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)." 3. In section 5, sub-section (2) shall be omitted. 4. Section 6 shall be omitted.'. 1961 25 The Advocates Act, 1961 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 (cec) 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." (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, 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 ( I ), 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 and be 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 1 2 3 4 of the Iiwal orrsaid shall have effect in relation to such persons as il'they had not been repcaled." 1961 28 The Dowry Prohibition A-I, 1961. 1961 45 The Foreign Awnrtis (Rtl.ognition) and Enforcement A(.1, I ')51. I'ART II Year No. Short title Iiilorceina Statfora Modifications Union Territory . I \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_ 1870 7 The Court-fees Act, As in force in the Union In section 2, for clause ((.1), substitute:- 1870. Territory of Andaman and -(t.) "State Government" in relation to the Union Nicohar Islands on the 1st territory of Pondicherry can the administrator day of August. 1966. thereof.'. 1899 2 The Indian Stamp As in force in the State of In section 2. aficrelauc (25), insert:- Act, 1899. Madras on the 1st day of -(26) "State Government" in relation to the Union " ' ' Territory of Pondiclierry 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 (c) insert:- "(ee) if it arises in the Union Territory of Pondicherry, to the High Court ol Madras.". In section 75A, for sub-section (2), substitute :-- "(2) Every rule made under this Act shall as soon as may he 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 il is so laid or !he session immediately following, the Legislative Assembly makes any modification in the rule or decides that any such rule should not he 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 by without prejudice to the validity of any thing previously done after under that rule.". In Schedule I- (i) in entry 9, omit the Lxemption: (ii) in entry 15. for "Madras Court-fees" and Suits, Valuation Act. 1955 (Madras Act

XIV of 1955) "substitution of the Code of Civil Procedure, 1870 (7 of 1870)": Schedule, Part II into force, then even though French CPC is applicable to Pondicherry, further proceedings for recovery of mortgage money in Pondicherry were " " - payment of money will be continued, but the provisions of the Code of Civil Procedure, 1908 (5 of 1908) under French CPC and Indian CPC will not apply. Under French C.P.C. before Indian CPC came into force, the provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall apply. (iii) omit entry 20A; (iv) in entry 62, in clause (d) for "Administrator General's Act, 1913 (Central Act III of 1918), sec. 25" substitute "Administrator's- General Act, 1963 (45 of 1963). section 22". 1908 5 The Code of As in force in the State of After section 45. insert : " Civil Proce- Madras on the 1st day of . . . . . 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."