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THIRTEENTH LEGISLATIVE ASSEMBLY FIFTH SESSION

ಶಾಸನ ರಚನೆ ಇಲಾಖ (ಕ್ರೋಧಿಕರಣ)

THE KARNATAKA REPEALING AND AMENDING (REGIONAL LAWS) BILL, 2009

(L.C. Bill No. 1 of 2009)

(As passed by the Karnataka Legislative Council)

A Bill to repeal certain regional laws and to amend certain other laws in force in the State.

Whereas it is expedient to repeal certain regional laws in force in one or other Areas of the State and to amend certain such and other laws in force in the State.

Be it enacted by the Karnataka State Legislature in the Sixtieth year of the Republic of India as follows:-

- 1. Short title and commencement (1) This Act may be called the Karnataka Repealing and Amending (Regional Laws) Act, 2009.
 - (2) It shall come into force at once.
 - **2. Definitions.** In this Act, unless the context otherwise requires,-
- (a) "regional laws" mean laws in force in the former States of Bombay, Coorg, Hyderabad, Madras and Mysore immediately before 1st November 1956, and continued in force under section 119 of the States Reorganization Act 1956 (Central Act 37 of 1956) in the respective Areas of those States which are now part of Karnataka State; and
 - (b) "Schedule" means a Schedule annexed to this Act.
- **3. Repeal of certain laws.** The regional laws specified in Parts A to E of the First Schedule as in force in the respective Areas of the State are hereby repealed.
- **4. Amendment of certain laws** .- The laws specified in the Second Schedule are hereby amended to the extent and in the manner mentioned therein.

5. Savings.- (1) The repeal by this Act of any regional law shall not affect any other law in which the repealed law has been applied, incorporated or referred to:

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognized or derived by, in or from any law hereby repealed;

nor shall the repeal by this Act of any regional law revive or restore any office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, merger or other matter or thing not now existing or in force;

nor shall the repeal of the Appropriation Acts by this Act affect the audit, examination, accounting, investigation, inquiry or any other action taken or to be taken in relation thereto by any authority and such audit, accounting, investigation, inquiry or action could be taken and or continued as if the said Acts are not repealed by this Act;

nor shall the repeal of any regional law shall affect any proceedings initiated or to be initiated under that law before any court or other authority to challenge, or to enforce, the rights conferred by that law and those proceedings shall be continued and disposed off in accordance with that law as if the said law is not repealed by this Act.

- (2) For the removal of doubts it is hereby declared that where this Act repeals any regional law by which,-
- (i) the text of any other law, was amended by the express addition, omission, insertion or substitution of any matter, or extended to any area of the State, the repeal shall not affect the continuance of any such amendment or extension made by the law so repealed and in operation at the commencement of this Act;
- (ii) any action taken (including any rule or order or bye-law or regulation made or any tax or cess or fee assessed or collected) by the Government or any

other authority has been validated or saved or proceedings before one authority has been transferred to another authority or any declaration has been made or any merger, or extension or restoration or restoration has taken place or any direction has been given, the repeal shall not affect the operation of such validation or saving or transfer or declaration or direction or merger, or extension and in operation at the commencement of this Act; and

- (iii) any other law has been amended or repealed or extended to the State of Karnataka or any part thereof with or without some consequential or transitory or saving provisions the repeal shall not affect the operation of such amendment, repeal, extension or provision and in operation at the time of commencement of this Act.
- (3) The provisions of sections 6. 8 and 24 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) shall be applicable in respect of repeal and amendment of a law by this Act.

- (ii) (1)ನೇ ಉಪ ಪ್ರಕರಣದಲ್ಲಿ "ಹೈದರಾಬಾದ್" ಎಂಬ ಪದಕ್ಕೆ "ಕರ್ನಾಟಕ" ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;
- (iii) (1)ನೇ ಉಪ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಮುಂದಿನ ಉಪ ಪ್ರಕರಣವನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:–
 - " (1ಎ) ಇದು ಸಮಗ್ರ ಕರ್ನಾಟಕ ರಾಜ್ಯಕ್ಕೆ ವ್ಯಾಪಿಸತಕ್ಕದ್ದು."
- (2) 11ನೇ ಪ್ರಕರಣದಲ್ಲಿ "1898 (1898ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ V)" ಎಂಬ ಅಂಕಿಗಳು, ಪದಗಳು ಮತ್ತು ಆವರಣ ಚಿಹ್ನೆಗಳಿಗೆ "1973 (1974ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ 2)" ಎಂಬ ಅಂಕಿಗಳು, ಪದಗಳು ಮತ್ತು ಆವರಣ ಚಿಹ್ನೆಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.
- 5. ಕರ್ನಾಟಕ ಆಯುರ್ವೇದ, ಪ್ರಕೃತಿ ಚಿಕಿತ್ಸೆ, ಸಿದ್ಧ, ಯುನಾನಿ ಮತ್ತು ಯೋಗ ವೃತ್ತಿಗರ ನೋಂದಣಿ ಮತ್ತು ವೈದ್ಯ ವೃತ್ತಿಗರ ಸಂಕೀರ್ಣ ಉಪಬಂಧಗಳ ಅಧಿನಿಯಮ, 1961ರ ತಿದ್ದುಪಡಿ .– (1962ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 9) ರ 36ಎ ಪ್ರಕರಣದ (1)ನೇ ಉಪ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಮುಂದಿನ ವಿವರಣೆಯನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:–
- "ವಿವರಣೆ.- "ಕೌಚ್" ಎಂದರೆ ಸೂಜಿ ಅಥವಾ ಇತರ ಸಾಧನವನ್ನು ಬಳಸಿ ಕಣ್ಣಿನ ಯವವನ್ನು ಕೆಳಕ್ಕೆ ತಳ್ಳುವುದಕ್ಕಾಗಿ ಕಣ್ಣಿನ ಅಪಾರದರ್ಶಕ ಮಸೂರಾದ ಶಸ್ತ್ರಚಿಕಿತ್ಸಾ ಸ್ಥಳಾಂತರಣ."
- 6. ಕರ್ನಾಟಕ ಮೋಲೀಸ್ ಅಧಿನಿಯಮ, 1964ರ ತಿದ್ದುಪಡಿ.– ಕರ್ನಾಟಕ ಮೋಲೀಸ್ ಅಧಿನಿಯಮ, 1964ರ (1964ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 4) 36ರ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಮುಂದಿನ ಪ್ರಕರಣವನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:–
- "36a. ನಮಂಸಕರ ನಿಯಂತ್ರಣಕ್ಕೆ ಅಧಿಕಾರ.– (1) ಆಯುಕ್ತರು ತನ್ನ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯ ಪ್ರದೇಶದಲ್ಲಿ ನಮಂಸಕರ ಅನಪೇಕ್ಷಣೀಯ ಚಟುವಟಿಕೆಗಳನ್ನು ನಿಷೇಧಿಸಲು ಅಥವಾ ದಮನಗೊಳಿಸಲು ಅಥವಾ ನಿಯಂತ್ರಿಸಲು ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಈ ಮುಂದಿನವುಗಳಿಗಾಗಿ ಆದೇಶವನ್ನು ಹೊರಡಿಸಬಹುದು, ಎಂದರೆ:–
- (ಎ) ತನ್ನ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ವಾಸಿಸುತ್ತಿರುವ ಎಲ್ಲಾ ನಪುಂಸಕರ ಮತ್ತು ಗಂಡು ಮಕ್ಕಳನ್ನು ಅಪಹರಿಸುವ ಅಥವಾ ಅವರನ್ನು ನಿರ್ವೀರ್ಯರನ್ನಾಗಿ ಮಾಡುವ ಅಥವಾ ಅಸ್ವಾಭಾವಿಕ ಅಪರಾಧಗಳನ್ನು ಮಾಡಿಸುವ ಅಥವಾ ಯಾವುದೇ ಇತರ ಅಪರಾಧಗಳನ್ನು ಮಾಡಿಸುವ ಅಥವಾ ಅಂಥ ಅಪರಾಧಗಳನ್ನು ಮಾಡುವುದಕ್ಕೆ ದುಷ್ಪ್ರೇರಿಸುವ ಸಂಬಂಧದಲ್ಲಿ ನಂಬಬಹುದಾದ ಅನುಮಾನಗಳಿಗೆ ಅವಕಾಶ ನೀಡುವ ವ್ಯಕ್ತಿಗಳ ಹೆಸರುಗಳು ಮತ್ತು ವಾಸಸ್ಥಳಗಳ ವಿವರಗಳನ್ನು ಒಳಗೊಂಡ ಒಂದು ರಿಜಿಸ್ಟರ್ನ್ನು ತಯಾರಿಸಲು ಮತ್ತು ನಿರ್ವಹಿಸಲು;

- (ಬಿ) ಬಾಧಿತ ನಮಂಸಕರು ತಮ್ಮ ಹೆಸರನ್ನು ಲಿಖಿತ ಕಾರಣಗಳಿಗಾಗಿ ರಿಜಿಸ್ಟರ್ನಲ್ಲಿ ಸೇರಿಸುವು ಅಥವಾ ರಿಜಿಸ್ಟರ್ನಿಂದ ತೆಗೆಯುವುದಕ್ಕಾಗಿ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಲು;
- (ಸಿ) ಆದೇಶದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದಂಥ ಚಟುವಟಿಕೆಗಳನ್ನು ಮಾಡುವುದರಿಂದ ನೋಂದಾಯಿತ ನಮಂಸಕರನ್ನು ಪ್ರತಿಷೇಧಿಸಲು;
 - (ಡಿ) ಆತನು ಅವಶ್ಯವೆಂದು ಪರಿಗಣಿಸಬಹುದಾದ ಯಾವುದೇ ಇತರ ವಿಷಯಗಳು."
- (2) 109ನೇ ಪ್ರಕರಣದಲ್ಲಿ "36" ಎಂಬ ಅಂಕಿಗಳ ಬರುವ ಎರಡು ಕಡೆಗಳಲ್ಲಿ ", 36ಎ" ಎಂಬ ಅಲ್ಪವಿರಾಮ ಚಿಹ್ನೆ ಮತ್ತು ಅಂಕಿಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.
- 7. ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಅಧಿನಿಯಮ, 1964ರ ತಿದ್ದುಪಡಿ.– ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಅಧಿನಿಯಮ, 1964ರ (1964ರ ಕರ್ನಾಟಕ್ಷ ಅಧಿನಿಯಮ 12) 165ನೇ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಮುಂದಿನ ಪರಂತುಕವನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:–

"ಪರಂತು, ಪಿತ್ರಾರ್ಜಿತ ಕ್ರಮದಿಂದಾಗಿ ಮತ್ತು ಮೋಷಕರು ಮತ್ತು ಮೇಲ್ವಿಚಾರಕರ ಅಧಿನಿಯಮ, 1890ರ (1890ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ 8) ಅಥವಾ ಅಂತಹುದೇ ಯಾವುದೇ ಇತರ ಕಾನೂನಿನ ಅಡಿಯಲ್ಲಿ ಮೇಲ್ವಿಚಾರಕರ ಅಥವಾ ಪೋಷಕರ ಸುಫರ್ದಿಯಲ್ಲಿರದ ಅಪ್ರಾಪ್ತ ವಯಸ್ಕನಿಗೆ ಬಂದಿರುವ ಯಾವುದೇ ಸ್ವತ್ತನ್ನು ಆತನು ಅಪ್ರಾಪ್ತ ವಯಸ್ಕನಿದ್ದಾಗ ಭೂ ಕಂದಾಯ ಬಾಕಿಗಳಿಗಾಗಿ ಆತನು ಉತ್ತರಾಧಿಕಾರಿಯಾಗುವವರೆಗೆ ಆ ಸ್ವತ್ತನ್ನು ಜಫ್ತಿ ಅಥವಾ ಮಾರಾಟ ಮಾಡತಕ್ಕದ್ದಲ್ಲ."

- 8. ಮದ್ರಾಸ್ ನದಿಗಳ ಸಂರಕ್ಷಣೆ ಅಧಿನಿಯಮ, 1884ರ ತಿದ್ದುಪಡಿ.– ಮದ್ರಾಸ್ ನದಿಗಳ ಸಂರಕ್ಷಣೆ ಅಧಿನಿಯಮ, 1884ರಲ್ಲಿ (1884ರ ಮದ್ರಾಸ್ ಅಧಿನಿಯಮ VI) ,-
 - (1) ದೀರ್ಘ ಶೀರ್ಷಿಕೆ ಮತ್ತು ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ "ಮದ್ರಾಸ್ ಪ್ರೆಸಿಡೆನ್ಸಿ" ಮತ್ತು "ಪ್ರೆಸಿಡೆನ್ಸಿ ಆಫ್ ಮದ್ರಾಸ್" ಎಂಬ ಪದಗಳಿಗೆ "ಕರ್ನಾಟಕ ರಾಜ್ಯ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;
 - (2) 1ನೇ ಪ್ರಕರಣದಲ್ಲಿ,-
 - (ಎ) ಶೀರ್ಷಿಕೆಯ ಕೊನೆಯಲ್ಲಿ "ಮತ್ತು ವ್ಯಾಪ್ತಿ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು;
 - (ಬಿ) "ಮದ್ರಾಸ್" ಎಂಬ ಪದಕ್ಕೆ "ಕರ್ನಾಟಕ" ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.
 - (ಸಿ) ಸದರಿ ಪ್ರಕರಣವನ್ನು ಈ ಪ್ರಕರಣದ (1)ನೇ ಉಪ ಪ್ರಕರಣವೆಂದು ಮರುಸಂಖ್ಯೆ ನೀಡತಕ್ಕದ್ದು ಮತ್ತು ಹಾಗೆ ಮರುಸಂಖ್ಯೆ ನೀಡಿದ (1)ನೇ ಉಪ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಮುಂದಿನ ಉಪ ಪ್ರಕರಣವನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:-
 - "(2) ಇದು ಸಮಗ್ರ ಕರ್ನಾಟಕ ರಾಜ್ಯಕ್ಕೆ ವ್ಯಾಪ್ತವಾಗತಕ್ಕದ್ದು,"

direct execution of any work in Government land or any private land. Detailed procedure of getting such work executed is also indicated in the Act. Railways come under the Central Government. Possible injury or damage to railways is taken care by Railways under Central Acts the Railways Act 1989 and Pailway Protection Force Act 1957. Karnataka Irrigation Act 1965 deals with works relating to irrigation projects. Chapter II thereof relates to construction, control and maintenance of irrigation works. Provisions therein are sufficient to protect and maintain irrigation projects. Public buildings are looked after by the Public Works Department. Hence this Act is not necessary and it may be repealed by the State.

20. The Hyderabad Treasure-Trove Act. (1322 F. III)

This Act has been repealed by section 21 of the Karnataka Treasure Trove Act 1962 (Karnataka Act 23 of 1963) with effect from 27-06-1963 on which date the said Act 23 of 1963 came into force.

21. The Poisons Act. (1322 F. IV)

This Act has been repealed by section 4 of the Poisons (Amendment) Act 1958 (Central Act 47 of 1958) with effect from 17-12-1958 on which date said Act 47 of 1958 came into force.

22. The Hyderabad Court Fees Act (1324 F. VI)

This Act has been repealed by sub-section (1) of section 79 of the Karnataka Court–fees and Suits Valuation Act 1958 (Karnataka Act 16 of 1958) with effect from 15-08-1960 on which date the said Act 16 of 1958 came into force.

23. The Hyderabad District Police Act. (1329 F. X)

This Act has been repealed by section 178 r/w Schedule IV of the Karnataka Police Act 1963 (Karnataka Act 4 of 1964) with effect from 02-04-1965 on which date the said Act 4 of 1964 came into force.

24. The Hyderabad Eunuchs Act. (1329 F. XVI)

This Act (i) requires maintenance of a register of the names and places of residence of all cunuchs in the State, (ii) imposes certain restrictions on the dress to be worn by them, (iii) prohibits certain activities by them, and (iv) specifies the penalties for the offences under the Act. This Committee wrote a letter to the Government, along with a

copy of this Act, requesting them to consider the desirability of introducing such or similar provisions in the Police Act -vide letter No. OMC/46-47/2006 dated 18-08-2006. The Government has agreed to make suitable provisions in the Police Act. Some amendments are suggested to the Police Act in the enclosed Repealing and Amending Bill. Government may consider whether the amendments proposed require modifications. This Act may be repealed.

25. The Government Securities Act (1330 F. II)

This law relates to Government securities. By section 29 of the Public Debt Act 1944 (Central Act 18 of 1944) as amended by the Public Debt (Amendment) Act 1956 (Central Act 57 of 1956) enacted with the approval of all Part B States under article 252 of the Constitution this Act ceases to apply to Government securities created or issued by the then Hyderabad State. The Central Act 18 of 1944 applies to all Government securities created or issued by the Central and State Governments whether before or after the commencement of that Act -vide section 1A of that Act inserted in 1956 by Central Act 57 of 1956. Hence this law has become obsolete and may be repealed.

26. The Hyderabad City Coroner's Act (1330 F. III)

This Act relates to the city of Hyderabad. It has no application in the State of Karnataka. It is not in force in the State of Karnataka.

27. The Hyderabad Small Causes Courts, Act (1330 F. VI)

This Act has been repealed by clause (b) of section 29 of the Karnataka Small Cause Courts Act 1964 (Karnataka Act 11 of 1964) with effect from 01-07-1964 on which date the said Act 11 of 1964 came into force.

28. The Hyderabad Protection of Famine-Stricken Pattadars' Property Protection Act (1331 F. III)

This Act has been repealed by the Mysore Adaptation of Laws order 1956 with effect from 01-11-1956.

29. The Hyderabad Stamp Act (1331 F. IV)

This Act has been repealed by section 71 of the Karnataka Stamp Act 1957 (Karnataka Act 34 of 1957) with effect from 01-06-1958 on which date the said Act 34 of 1957 came into force.