

**THE PUBLIC ACCOUNTANT'S DEFAULT AND THE PENSIONS (KARNATAKA EXTENSION
AND AMENDMENT) ACT, 1979.**

ARRANGEMENT OF SECTIONS

Sections :

1. Short title, extent and commencement.
2. Extension of Central Acts 12 of 1850 and 23 of 1871.
3. Amendment of Central Act 12 of 1850.
4. Amendment of Central Act 23 of 1871.
5. Construction of references to certain Acts.
6. Repeal and savings.

* * * *

STATEMENT OF OBJECTS AND REASONS

Act 23 of 1979.- The Public Accountant's Default Act, 1850, applied to all Accountants including Accountants in Government employ. As it is desirable to extend this Act to the whole of the State of Karnataka such extension is proposed in the Bill.

The Pensions Act, 1871, applies even to Pensions granted to persons appointed to public services and posts in connection with the affairs of the State in accordance with the law regulating their conditions of service. To avoid conflict, if any, between the Pensions Act and the law governing the conditions of service of such persons, it is desirable to make that law not applicable to the payment of pension to such persons. For this purpose, certain amendments are proposed.

(Obtained from L.A.Bill No. 37 of 1978)

* * * *

KARNATAKA ACT No. 23 OF 1979.

(First published in the Karnataka Gazette (Extraordinary) on the Twenty-fifth day of April, 1979)

THE PUBLIC ACCOUNTANT'S DEFAULT AND THE PENSIONS (KARNATAKA EXTENSION AND AMENDMENT) ACT, 1979.

(Received the assent of the President on the Eighteenth day of April, 1979)

An Act to provide for the extension of the Public Accountant's Default Act, 1850 and the Pensions Act, 1871 to the whole of the State of Karnataka and further to amend them in their application to the State.

WHEREAS it is expedient to extend the Public Accountant's Default Act, 1850 and the Pension Act, 1871 to the whole of the State of Karnataka and further to amend them in their application to the State ;

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

1. Short title, extent and commencement.- (1) This Act may be called the Public Accountant's Default and the Pensions (Karnataka Extension and Amendment) Act, 1979.

(2) It shall extend to the whole State of Karnataka.

(3) it shall come into force at once.

2. Extension of Central Acts 12 of 1850 and 23 of 1871.- The Public Accountant's Default Act, 1850 (Central Act 12 of 1850) and the Pension Act, 1871 (Central Act 23 of 1871), (hereinafter referred to as the extended Acts), are hereby extended to, and shall be in force in the whole of the State of Karnataka.

3. Amendment of Central Act 12 of 1850.- Section 1 of the Public Accountant's Default Act, 1850 (Central Act 12 of 1850) shall be re-numbered as section 1A and before the section 1A so re-numbered the following section shall be inserted, namely:-

"1. Short title and extent.- (1) This Act may be called the Public Accountant's Default Act, 1850.

(2) It extends to the whole of the State of Karnataka."

4. Amendment of Central Act 23 of 1871.- In the Pensions Act, 1871 (Central Act 23 of 1871),-

(1) in section 1, for the entry under the heading "Extent of Act", the following entry shall be substituted, namely:-

"It extends to the whole of the State of Karnataka."

(2) in section 5, for the words, "Any person having a claim", the words "Save as otherwise provided in any law or any rule regulating payment of pension to persons appointed to public services and posts in connection with the affairs of the State, any person having a claim" shall be substituted and for the words "as the Chief Revenue Authority may, subject to the general control of the appropriate Government", the words "as the appropriate Government may" shall be substituted;

(3) in section 8, for the words "All pensions or grants" the words "Save as otherwise provided in any law or any rule regulating grant and payment of pension to persons appointed to public services and posts in connection with the affairs of the State, all

pensions or grants, shall be substituted and for the words "Chief Controlling Revenue Authority" the words "appropriate government" shall be substituted;

(4) in section 14, for the words, "Chief Controlling Revenue Authority may with the consent of the appropriate Government," the words "appropriate Government may" shall be substituted.

5. Contruction of references to cetain Acts.- Any reference in any of the extended Acts, to any Act which is not in force in the Mysore Area excluding Bellary District or the Gulbarga Area, shall, in relation to that area or those areas, be construed as a reference to the corresponding law, if any, in force, in that area or those areas.

6. Repeal and savings.- As from the date of the commencement of this Act any law corresponding to any of the extended Acts in force in the Mysore Area excluding Bellary District or the Gulbarga Area shall stand repealed:

Provided that in respect of the provisions so repealed, the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act 3 of 1899) shall be applicable as if such provisions were enactments repealed by a Karnataka Act, and the provisions of sections 8 and 24 of the said Karnataka Geneal Clauses Act, 1899 shall be applicable as if the said provisions had been repealed but re-enacted by a Karnataka Act.

* * * *