

RECEIVED ASSENT ON 26/12/49 Act No. LIX of 1949

[AS PASSED BY THE DOMINION LEGISLATURE.]

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~~BILL~~ Act

See India Code
Vol. II

to extend certain laws to certain areas administered as parts of Governors' Provinces or as Chief Commissioners' Provinces.

WHEREAS by Orders under section 290A of the Government of India Act, 1935 (26 Geo. 5, c. 2), provision has been made for the administration of certain areas either as if they formed part of an adjoining Governor's Province or as if they were a Chief Commissioner's Province;

AND WHEREAS it is expedient to provide that certain laws should be extended to, and by virtue of such extension, be in force in, the said areas;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Merged States (Laws) Act, 1949.

(2) It shall come into force on the 1st day of January, 1950.

2. Definitions.—In this Act,—

(a) the expressions "absorbing Province" and "merged State" have the same meanings as in the States' Merger (Governors' Provinces) Order, 1949, as amended by the States' Merger (United Provinces) Order, 1949; and

(b) the expression "new Provinces" means the Chief Commissioners' Provinces constituted by the States' Merger (Chief Commissioners' Provinces) Order, 1949, as amended by the States' Merger (United Provinces) Order, 1949.

3. Extension of laws.—(1) The Acts, Ordinances and Regulation specified in the Schedule are hereby extended to, and shall be in force in, all the new Provinces.

(2) So much of any of the Acts, Ordinances and Regulation specified in the Schedule as extends to any absorbing Province and relates to matters with respect to which the Dominion Legislature has power to make laws for a Governor's Province is hereby extended to, and shall be in force in, all the merged States which are now administered as part of that Province.

(3) If any of the said Acts, Ordinances and Regulation as in force in any absorbing Province immediately before the commencement of this Act is subject to any amendments made by the Legislature of that Province, that Act, Ordinance or Regulation shall be deemed to be extended to, and to be in force in, all the merged States which are now administered as part of that Province, subject to so much of the said amendments as relate to matters with respect to which the Dominion Legislature has power to make laws for a Governor's Province.

4. Interpretation of laws as extended.—In any Act, Ordinance or Regulation specified in the Schedule, notwithstanding anything contained in the General Clauses Act, 1897 (X of 1897),—

(a) any reference, by whatever form of words, to the Acceding States shall be construed as not including a reference to any of the merged States

or to any of the States (other than the United State of Saurashtra) mentioned in the States' Merger (Chief Commissioners' Provinces) Order, 1949, as amended by the States' Merger (United Provinces) Order, 1949;

(b) any reference, by whatever form of words, to Indian British subjects shall be deemed to include a reference to persons who, immediately before the 1st day of August, 1949, were subjects of any of the merged States or of any of the States (other than the United State of Saurashtra) mentioned in the States' Merger (Chief Commissioners' Provinces) Order, 1949, as amended by the States' Merger (United Provinces) Order, 1949;

(c) any reference, by whatever form of words, to the Provinces generally or to the Chief Commissioners' Provinces generally shall be construed as including a reference to the new Provinces; and

(d) any reference, by whatever form of words, to an absorbing Province shall be construed as including a reference to the merged States which are now administered as part of that Province.

5. Repeal of corresponding laws.—If immediately before the commencement of this Act there is in force in any of the new Provinces or merged States an Act, Ordinance, Regulation or other law corresponding to an Act, Ordinance or Regulation specified in the Schedule, whether such Act, Ordinance or Regulation is in force by virtue of an Order under the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947), or by virtue of any other legislative power, such corresponding law shall upon the commencement of this Act,—

(a) in a new Province, stand repealed, and

(b) in a merged State, stand repealed to the extent to which the law relates to matters with respect to which the Dominion Legislature has power to make laws for a Governor's Province.

6. Savings.—(1) The repeal by section 5 of this Act of any corresponding law in force in the new Provinces or merged States immediately before the commencement of this Act shall not affect—

(a) the previous operation of any such law, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment,

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.

(2) Subject to the provisions of sub-section (1), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, bye-law or scheme framed, certificate, patent, permit or licence granted or registration effected, under such corresponding law shall be deemed to have been done or taken under the corresponding provision of the Act, Ordinance or Regulation as now extended to, and in force in, the new Province or merged State and shall continue in force accordingly unless and until superseded by anything done or any action taken under the said Act, Ordinance or Regulation.

7. Powers of Courts and other authorities for purposes of facilitating application of laws.—For the purpose of facilitating the application in any of the new Provinces or merged States of any Act, Ordinance or Regulation specified in the Schedule, any Court or other authority may construe any such Act, Ordinance or Regulation with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court or other authority.

THE SCHEDULE

[See section 3]

LAWS EXTENDED TO THE NEW PROVINCES AND MERGED STATES

Year	Number	Short Title
		<i>Acts.</i>
1839	XXXII	The Interest Act, 1839.
1841	X	The Indian Registration of Ships Act, 1841.
1850	XI	The Indian Registration of Ships Act (1841) Amendment Act, 1850.
1850	XVIII	The Judicial Officers' Protection Act, 1850.
1850	XIX	The Apprentices Act, 1850.
1850	XXI	The Caste Disabilities Removal Act, 1850.
1850	XXXIV	The State Prisoners Act, 1850. 2/
1850	XXXVII	The Public Servants (Inquiries) Act, 1850.
1855	XII	The Legal Representatives' Suits Act, 1855.
1855	XIII	The Indian Fatal Accidents Act, 1855.
1856	IX	The Indian Bills of Lading Act, 1856.
1856	XV	The Hindu Widows' Re-marriage Act, 1856.
1857	XIII	The Opium Act, 1857.
1858	III	The State Prisoners Act, 1858.
1860	XXI	The Societies Registration Act, 1860.
1860	XLV	The Indian Penal Code.
1861	V	The Police Act, 1861.
1862	III	The Government Seal Act, 1862.
1863	XXIII	The Waste-lands (Claims) Act, 1863.
1865	III	The Carriers Act, 1865.
1866	XXI	The Native Converts' Marriage Dissolution Act, 1866.
1867	XVI	The Acting Judges Act, 1867.
1867	XXV	The Press and Registration of Books Act, 1867.
1869	IV	The Indian Divorce Act, 1869. 10 2/
1870	VII	The Court-fees Act, 1870.
1871	I	The Cattle-trespass Act, 1871.
1871	XXIII	The Pensions Act, 1871.
1871	XXXI	The Indian Weights and Measures of Capacity Act, 1871.
1872	I	The Indian Evidence Act, 1872.
1872	III	The Special Marriage Act, 1872.
1872	IX	The Indian Contract Act, 1872.
1872	XV	The Indian Christian Marriage Act, 1872.
1873	V	The Government Savings Banks Act, 1873.
1873	X	The Indian Oaths Act, 1873.
1874	III	The Married Women's Property Act, 1874.
1874	IV	The Foreign Recruiting Act, 1874.
1875	IX	The Indian Majority Act, 1875.
1875	XVIII	The Indian Law Reports Act, 1875.
1877	I	The Specific Relief Act, 1877.
1878	I	The Opium Act, 1878.
1878	VI	The Indian Treasure-trove Act, 1878.
1878	VIII	The Sea Customs Act, 1878.
1878	XI	The Indian Arms Act, 1878.
1879	XVIII	The Legal Practitioners Act, 1879.
1880	I	The Religious Societies Act, 1880.
1880	XIII	The Vaccination Act, 1880.
1881	XI	The Municipal Taxation Act, 1881.
1881	XXVI	The Negotiable Instruments Act, 1881.
1882	II	The Indian Trusts Act, 1882.
1882	IV	The Transfer of Property Act, 1882.
1882	VII	The Powers of Attorney Act, 1882.
1884	IV	The Indian Explosives Act, 1884.
1885	XVIII	The Land Acquisition (Mines) Act, 1885.
1886	VI	The Births, Deaths and Marriages Registration Act, 1886.
1886	XI	The Indian Tramways Act, 1886.
1887	VII	The Suits Valuation Act, 1887.
1887	IX	The Provincial Small Cause Courts Act, 1887.
1888	III	The Police Act, 1888.
1889	IV	The Indian Merchandise Marks Act, 1889.
1890	I	The Revenue Recovery Act, 1890.
1890	VI	The Charitable Endowments Act, 1890.

THE SCHEDULE—*contd.*

Year	Number	Short Title
1890	VIII	The Guardians and Wards Act, 1890.
1890	XI	The Prevention of Cruelty to Animals Act, 1890.
1891	XVIII	The Bankers' Books Evidence Act, 1891.
1893	IV	The Partition Act, 1893.
1894	I	The Land Acquisition Act, 1894.
1894	IX	The Prisons Act, 1894.
1897	III	The Epidemic Diseases Act, 1897.
1897	IV	The Indian Fisheries Act, 1897.
1897	X	The General Clauses Act, 1897.
1898	III	The Lepers Act, 1898.
1898	V	The Code of Criminal Procedure, 1898.
1898	VI	The Indian Post Office Act, 1898.
1898	IX	The Live-stock Importation Act, 1898.
1899	II	The Indian Stamp Act, 1899.
1899	IV	The Government Buildings Act, 1899.
1900	III	The Prisoners Act, 1900.
1901	II	The Indian Tolls (Army and Air Force) Act, 1901.
1903	VII	The Indian Works of Defence Act, 1903.
1903	XIV	The Indian Foreign Marriage Act, 1903.
1903	XV	The Indian Extradition Act, 1903.
1904	VII	The Ancient Monuments Preservation Act, 1904.
1905	IV	The Indian Railway Board Act, 1905.
1906	III	The Indian Coinage Act, 1906.
1908	V	The Code of Civil Procedure, 1908.
1908	VI	The Explosive Substances Act, 1908.
1908	IX	The Indian Limitation Act, 1908.
1908	XIV	The Indian Criminal Law Amendment Act, 1908.
1908	XV	The Indian Ports Act, 1908.
1908	XVI	The Indian Registration Act, 1908.
1909	IV	The Whipping Act, 1909.
1909	VII	The Anand Marriage Act, 1909.
1910	IX	The Indian Electricity Act, 1910.
1911	II	The Indian Patents and Designs Act, 1911.
1911	VIII	The Indian Army Act, 1911.
1911	X	The Prevention of Seditious Meetings Act, 1911.
1912	IV	The Indian Lunacy Act, 1912.
1913	II	The Official Trustees Act, 1913.
1913	III	The Administrator General's Act, 1913.
1913	VI	The Mussalman Wakf Validating Act, 1913.
1913	VII	The Indian Companies Act, 1913.
1914	II	The Destructive Insects and Pests Act, 1914.
1914	III	The Indian Copyright Act, 1914.
1914	IX	The Local Authorities Loans Act, 1914.
1916	VII	The Indian Medical Degrees Act, 1916.
1916	XV	The Hindu Disposition of Property Act, 1916.
1917	V	The Destruction of Records Act, 1917.
1917	XVIII	The Post Office Cash Certificates Act, 1917.
1918	II	The Cinematograph Act, 1918.
1918	XXII	The Bronze Coin (Legal Tender) Act, 1918.
1919	I	The Local Authorities Pensions and Gratuities Act, 1919.
1919	XII	The Poisons Act, 1919.
1920	V	The Provincial Insolvency Act, 1920.
1920	X	The Indian Securities Act, 1920.
1920	XIV	The Charitable and Religious Trusts Act, 1920.
1920	XXIII	The Indian Rifles Act, 1920.
1920	XXXIII	The Identification of Prisoners Act, 1920.
1920	XXXIX	The Indian Elections Offences and Inquiries Act, 1920.
1920	XLVII	The Imperial Bank of India Act, 1920.
1921	XVIII	The Maintenance Orders Enforcement Act, 1921.
1922	XXII	The Police (Incitement to Disaffection) Act, 1922.
1923	IV	The Indian Mines Act, 1923.
1923	V	The Indian Boilers Act, 1923.
1923	VI	The Cantonments (House-Accommodation) Act, 1923.
1923	VIII	The Workmen's Compensation Act, 1923.
1923	XIV	The Indian Cotton Cess Act, 1923.

THE SCHEDULE—*contd.*

Year	Number	Short Title
1923	XIX	The Indian Official Secrets Act, 1923.
1923	XXI	The Indian Merchant Shipping Act, 1923.
1923	XXIII	The Legal Practitioners (Women) Act, 1923.
1923	XLII	The Mussalman Wakf Act, 1923.
1924	II	The Cantonments Act, 1924.
1924	IV	The Central Board of Revenue Act, 1924.
1924	XIX	The Land Customs Act, 1924.
1925	IV	The Indian Soldiers (Litigation) Act, 1925.
1925	XII	The Cotton Ginning and Pressing Factories Act, 1925.
1925	XIX	The Provident Funds Act, 1925.
1925	XXVI	The Indian Carriage of Goods by Sea Act, 1925.
1925	XXXIX	The Indian Succession Act, 1925.
1926	III	The Government Trading Taxation Act, 1926.
1926	VII	The Indian Naturalization Act, 1926.
1926	XII	The Contempt of Courts Act, 1926.
1926	XVI	The Indian Trade Unions Act, 1926.
1926	XXI	The Legal Practitioners (Fees) Act, 1926.
1926	XXXVIII	The Indian Bar Councils Act, 1926.
1927	XVI	The Indian Forest Act, 1927.
1927	XVII	The Indian Lighthouse Act, 1927.
1928	XII	The Hindu Inheritance (Removal of Disabilities) Act, 1928.
1929	II	The Hindu Law of Inheritance (Amendment) Act, 1929.
1929	XIX	The Child Marriage Restraint Act, 1929.
1930	II	The Dangerous Drugs Act, 1930.
1930	III	The Indian Sale of Goods Act, 1930.
1930	XXIV	The Indian Lac Cess Act, 1930.
1930	XXX	The Hindu Gains of Learning Act, 1930.
1930	XXXII	The Mussalman Wakf Validating Act, 1930.
1931	XVI	The Provisional Collection of Taxes Act, 1931.
1931	XXIII	The Indian Press (Emergency Powers) Act, 1931.
1932	IX	The Indian Partnership Act, 1932.
1932	XII	The Foreign Relations Act, 1932.
1932	XIV	The Indian Air Force Act, 1932.
1932	XX	The Port Haj Committees Act, 1932.
1932	XXII	The Tea Districts Emigrant Labour Act, 1932.
1932	XXIII	The Criminal Law Amendment Act, 1932.
1933	II	The Children (Pledging of Labour) Act, 1933.
1933	XXVII	The Indian Medical Council Act, 1933.
1934	II	The Reserve Bank of India Act, 1934.
1934	VIII	The Khaddar (Name Protection) Act, 1934.
1934	XIX	The Indian Dock Labourers Act, 1934.
1934	XX	The Indian Carriage by Air Act, 1934.
1934	XXII	The Indian Aircraft Act, 1934.
1934	XXX	The Petroleum Act, 1934.
1934	XXXII	The Indian Tariff Act, 1934.
1934	XXXIV	The Indian Navy (Discipline) Act, 1934.
1936	III	The Parsi Marriage and Divorce Act, 1936.
1936	IV	The Payment of Wages Act, 1936.
1937	I	The Agricultural Produce (Grading and Marking) Act, 1937.
1937	XVIII	The Hindu Women's Rights to Property Act, 1937.
1937	XIX	The Arya Marriage Validation Act, 1937.
1937	XXV	The Federal Court Act, 1937.
1937	XXVI	The Muslim Personal Law (<i>Shariat</i>) Application Act, 1937.
1938	IV	The Insurance Act, 1938.
1938	V	The Manœuvres, Field Firing and Artillery Practice Act, 1938.
1938	VIII	The Indian Tea Control Act, 1938.
1938	XX	The Criminal Law Amendment Act, 1938.
1938	XXIV	The Employers' Liability Act, 1938.
1938	XXVI	The Employment of Children Act, 1938.
1939	IV	The Motor Vehicles Act, 1939.
1939	VIII	The Dissolution of Muslim Marriages Act, 1939.
1939	IX	The Standards of Weight Act, 1939.
1939	XIX	The Coal Mines Safety (Stowing) Act, 1939.
1939	..	The Indian Naval Reserve Forces (Discipline) Act, 1939.

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Year	Number	Short Title
1940	V	The Trade Marks Act, 1940.
1940	X	The Arbitration Act, 1940.
1940	XXIII	The Drugs Act, 1940.
1940	XXVII	The Agricultural Produce Cess Act, 1940.
1941	XIX	The Mines Maternity Benefit Act, 1941.
1941	XX	The Professions Tax Limitation Act, 1941.
1941	XXI	The Federal Court Act, 1941.
1941	XXV	The Railways (Local Authorities/Taxation) Act, 1941. 4
1942	VII	The Coffee Market Expansion Act, 1942.
1942	XVIII	The Weekly Holidays Act, 1942.
1942	XIX	The Industrial Statistics Act, 1942.
1942	XXVI	The Federal Court (Supplemental Powers) Act, 1942.
1943	IX	The Reciprocity Act, 1943.
1944	I	The Central Excises and Salt Act, 1944.
1944	X	The Indian Coconut Committee Act, 1944.
1944	XVIII	The Public Debt Act, 1944.
1946	IX	The Indian Oilseeds Committee Act, 1946.
1946	XVII	The Protective Duties Act, 1946.
1946	XIX	The Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946.
1946	XX	The Industrial Employment (Standing Orders) Act, 1946.
1946	XXII	The Mica Mines Labour Welfare Fund Act, 1946.
1946	XXIV	The Essential Supplies (Temporary Powers) Act, 1946.
1946	XXV	The Delhi Special Police Establishment Act, 1946.
1946	XXVIII	The Hindu Marriage Disabilities Removal Act, 1946.
1947	II	The Prevention of Corruption Act, 1947.
1947	VII	The Foreign Exchange Regulation Act, 1947.
1947	XII	The Railways (Transport of Goods) Act, 1947.
1947	XIV	The Industrial Disputes Act, 1947.
1947	XV	The Armed Forces (Emergency Duties) Act, 1947.
1947	XVI	The Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947.
1947	XVIII	The Imports and Exports (Control) Act, 1947.
1947	XXIV	The Rubber (Production and Marketing) Act, 1947.
1947	XXIX	The Capital Issues (Continuance of Control) Act, 1947.
1947	XXXI	The Antiquities (Export Control) Act, 1947.
1947	XXXII	The Coal Mines Labour Welfare Fund Act, 1947.
1947	XLIII	The United Nations (Security Council) Act, 1947.
1947	XLVI	The United Nations (Privileges and Immunities) Act, 1947.
1948	I	The Federal Court (Enlargement of Jurisdiction) Act, 1947.
1948	VIII	The Pharmacy Act, 1948.
1948	IX	The Dockworkers (Regulation of Employment) Act, 1948.
1948	XI	The Minimum Wages Act, 1948.
1948	XII	The Rehabilitation Finance Administration Act, 1948.
1948	XV	The Industrial Finance Corporation Act, 1948.
1948	XVI	The Dentists Act, 1948.
1948	XXII	The Indian Power Alcohol Act, 1948.
1948	XXIX	The Atomic Energy Act, 1948.
1948	XXXII	The Road Transport Corporations Act, 1948.
1948	XXXIV	The Employees' State Insurance Act, 1948.
1948	XXXVII	The Census Act, 1948.
1948	XL	The Indian Matrimonial Causes (War Marriages) Act, 1948.
1948	XLVI	The Coal Mines Provident Fund and Bonus Schemes Act, 1948.
1948	XLVII	The Displaced Persons (Institution of Suits) Act, 1948.
1948	LIII	The Mines and Minerals (Regulation and Development) Act, 1948.
1948	LIV	The Electricity (Supply) Act, 1948.
1948	LXI	The Central Silk Board Act, 1948.
1948	LXIII	The Factories Act, 1948.
1949	X	The Banking Companies Act, 1949.
1949	XIII	The Central Tea Board Act, 1949.
1949	XXI	The Hindu Marriages Validity Act, 1949.
1949	XXIII	The Influx from Pakistan (Control) Act, 1949.
1949	XXV	The Displaced Persons (Legal Proceedings) Act, 1949.
1949	XXX	The Public Companies (Limitation of Dividends) Act, 1949.
1949	XXXVIII	The Chartered Accountants Act, 1949.

THE SCHEDULE—*concl'd.*

Year	Number	Short Title
ORDINANCES.		
1940	IV	The Currency Ordinance, 1940.
1941	XI	The Essential Services (Maintenance) Ordinance, 1941.
1942	XLI	The Armed Forces (Special Powers) Ordinance, 1942.
1944	XXXVIII	The Criminal Law Amendment Ordinance, 1944.
1944	XLII	The Post Office National Savings Certificates Ordinance, 1944.
1945	XLVII	The International Monetary Fund and Bank Ordinance, 1945.
1949	XI	The Industrial Tribunals Payment of Bonus (National Savings Certificates) Ordinance, 1949.
REGULATION.		
1818	III	The Bengal State Prisoners Regulation, 1818.