

The Assam Commissioners Powers Distribution Act, 1939

ASSAM

India

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Act 1 of 1939

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The Assam Commissioners Powers Distribution Act, 1939(Assam Act No. 1 of 1939)Last Updated 11th February, 2020Published in the Assam Gazette, dated the 26th April, 1939.(Received the assent of the Governor on the 22nd April, 1939)An Act for the distribution of powers of the Commissioners of Divisions in AssamPreamble. - Whereas the Secretary of State has sanctioned the abolition of the post of the Commissioners, Surma Valley and Hill Division ;And whereas the Governor of Assam has appointed the Commissioner, Assam Valley Division, to exercise jurisdiction in certain matters in the Surma Valley and Hill Division ;And whereas, as a measures of relief to the Commissioner, Assam Valley Division, it is expedient to transfer his appellate and revisional powers in Revenue matters to the Assam Revenue Tribunal and to distribute between the Provincial Government and the Deputy Commissioners or such other authorities as the Provincial Government may direct certain functions hitherto exercised by the Commissioners under the Assam Local Self-Government Act, 1915 and the Assam Municipal Act, 1923 ;It is hereby enacted as follows :

1. Short title, commencement and local extent.

(1)This Act may be called the Assam Commissioners' Powers Distribution Act, 1939.(2)It shall come into force on the 1st April, 1939.(3)It extends to the whole of Assam.

2. Jurisdiction of the Commissioner, Assam Valley Division, in the Surma Valley and Hill Division.

- Subject to the next succeeding section, after the commencement of this Act all powers and jurisdictions in civil, criminal and revenue matters which have heretofore been exercised by the Commissioner, Surma Valley and Hill Division, shall be deemed to be transferred to Commissioner, Assam Valley Division, or to such other authority as the Governor may direct.

3. Construction of certain references in enactments, etc., in force in the Commissionerships.

(1) Subject to the next succeeding sub-section and to Section 5 of this Act, all enactments made by any authority in India and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under such enactment, which immediately before the commencement of this Act, were in force in, or prescribed for, and of the territories in the Surma Valley and Hill Division, shall in their application to such territories as aforesaid be construed as if references therein to the authorities mentioned in column I of Schedule A were references to the authority mentioned opposite thereto in column 2 of the said Schedule. Commissioner's jurisdiction in Revenue appeals and revisions barred. - (2) Notwithstanding anything in the preceding sub-section the Commissioner, Assam Valley Division, shall not have jurisdiction to entertain appeals or revise decisions in Revenue cases arising in the Assam Valley Division or in the Surma Valley and Hill Division. Any such jurisdiction as was immediately before the commencement of this Act vested in the Commissioner of a Division shall, after the commencement of this Act, be exercised by the tribunal constituted under Section 296 of the Government of India Act, 1935.

4. Validity of certain Acts and adaptation of laws.

(1) Without prejudice to the continuation of validity of any notification, appointment, orders, schemes, rules, regulations, forms, by-laws or directions issued or determination made by the Commissioner of a Division under any enactment in force in either or both of the two Commissionership of Assam before the commencement of this Act, the Governor of Assam may, by notification in the Official Gazette at any time and from time to time after the commencement of this Act, direct that the provisions of any enactments in force as aforesaid shall, until amended, altered or repealed by a competent legislature or other competent authority, be amended, altered, or repealed in such manner as may appear to the Governor to be necessary or expedient to bring them into accord with the provisions of this Act and all notifications, appointments, orders, schemes, rules, regulations, forms, by-laws or directions issued, made or prescribed under or with reference to any such enactments shall, except as otherwise provided, be construed as having effect subject to the adaptation, alteration on repeal made in the aforesaid manner. Any such notification made by the Governor shall have effect as if enacted in this Act. (2) Pending the issue of notification as provided in the preceding sub-section it shall be lawful for the Governor to issue from time to time such orders, the same being consistent with the provisions of this Act as may appear to the Governor necessary or expedient for the exercise of the powers and the performance of duties of the Commissioner, Surma Valley and Hill Division by the Commissioner, Assam Valley Division, or such other authority as the Governor may direct.

5. Amendment of Acts.

- The enactments specified in Schedule B are hereby amended to the extent in the manner specified in the fourth column thereof.

A

[See Section 3 (1)]Construction of enactments, etc., in force in the territories comprised with in the Commissionership of Assam

1Reference	2Constructions
1. Commissioner	Commissioner, Assam Valley Division, or such other authorityas the Governor may direct.
2. Commissioner of a (or the) Division	
3. Commissioner, Surma Valley and Hill Division	

B

[See Section 5]

1Year	2No.	3Short title	4Amendments
1897	X	The General Clauses Act	In Section 3(13) after the words "a Division" thewords "and shall include the Assam Revenue Tribunal whileexercising jurisdiction heretofore exercised by a Commissioner inappeals and revision in Revenue cases" shall be inserted.
1915	II	The Assam General Clauses Act	In Section 3(13), after the words "a Division" thewords "and shall include the Assam Revenue Tribunal whileexercising jurisdiction heretofore exercised by a Commissioner inappeals and revisions in Revenue cases" shall be inserted.