

Bengal, Bihar And Orissa And Assam Laws Act, 1912

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Act 7 of 1912

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Bengal, Bihar And Orissa And Assam Laws Act, 1912Act No. 7 of 1912

1433.

[26th March, 1912.]An Act to make certain provisions regarding the application of the law in force in the Presidency of Fort William in Bengal, the Province of Bihar and Orissa and the Province of Assam.WHEREAS a Governor and an Executive Council have been appointed for the Presidency of Fort William in Bengal;AND WHEREAS, by Proclamation published under Notification NO.290, dated the twenty-second day of March, 1912, the Governor-General in Council, with the sanction of His Majesty, has been pleased to declare and appoint that, on and from the first day of April, 1912, the territory mentioned in Schedule A shall be and continue subject to the said Presidency of Fort William in Bengal;AND WHEREAS, by Proclamation published under Notification No.289, dated the twenty-second day of March, 1912, the Governor-General, with the sanction of His Majesty, has been pleased to constitute the territory mentioned in Schedule B to be, for the purposes of the Indian Councils Act, 1861 (24 & 25 Vict., C.67.), a Province to which the provisions of, that Act touching the making of Laws and Regulations for the peace and good government of the Presidencies of Fort St. George and Bombay shall be applicable, and to direct that the said Province shall be called the Province of Bihar and Orissa, and further to appoint a Lieutenant-Governor of that Province;AND WHEREAS, by Proclamation published under Notification NO.291, dated the twenty-second day of March, 1912, the Governor-General in Council, with the sanction and approbation of the Secretary of State for India, has been pleased to take under his immediate authority and management the territory mentioned in Schedule C, which was formerly included within the Province of Eastern Bengal and Assam, and to form the same into a Chief Commissionership, to be called the Chief Commissionership of Assam, and further to appoint a Chief Commissioner therefor;AND WHEREAS it is expedient to make certain provisions regarding the application of the law in force in the territories affected by the said Proclamations;It is hereby enacted as follows:-

1. Short title and Commencement.-

(1)This Act may be called the Bengal, Bihar and Orissa and Assam Laws Act, 1912; and(2)It shall come into force on the first day of April, 1912.

2. Saving of territorial application enactments.-

The Proclamations referred to in the preamble shall not be deemed to have effected any change in the territorial application of any enactment, notwithstanding that such enactment may be expressed to apply or extend to the territories for the time being under a particular administration.

3. Construction of certain references in enactments in force in territory mentioned in Schedules A, B and C.-

All enactments made by any authority in [India] [Substituted by the A.O.1950 for " the States"], and all in notifications, orders, schemes, rules, forms and by-laws issued, made or rights prescribed under such enactments, which, immediately before the commencement of this Act, were in force in, or prescribed for, any of the territory mentioned in Schedule A, Schedule B or Schedule C, shall, in their application to that territory, be construed as if references therein to the authorities, territory or Gazettes mentioned in column 1 of Schedule D were references to the authorities, territory or Gazettes respectively mentioned or referred to opposite thereto in column 2 of that Schedule.[* * * * *] [The proviso to s. 3 rep. by Act 38 of 1920, s.2 and Sch I.]

4. Constitution of Board of Revenue in Bihar and Orissa.

[Rep. by the Bihar and Orissa Board of Revenue Act, 1913 (B. and O. Act 1 of 1913), s.7 and Sch.I.]

5. Powers of Courts and State Governments for facilitating application enactments.-

For the purpose of facilitating the application to the territory, or and any part thereof, mentioned in Schedule A, Schedule B or Schedule C of any enactment passed before the commencement of this Act, or of any notification, order, scheme, rule, form or by law made under any such enactment,-(a)any Court may, subject to the other provisions of this Act, construe the enactment, notification, order, scheme, rule, form or by-law with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court; and(b)the State Government may, by notification in the Official Gazette, direct by what officer any authority or power shall be exercisable; and any such notification shall have effect as if enacted in this Act.

6. Pending proceedings.-

Nothing in this Act shall affect any proceeding which, at the commencement thereof, is pending in or in respect of any of the territory mentioned in Schedule A, Schedule B or Schedule C; and every

such proceeding shall be continued as if this Act had not been passed.

7. and 8.- Amendment of Acts. Repeal.

[Rep. by the Repealing Act, 1938 (1 of 1938), s.2 and Sch.]

9. [Application to adaptations and modifications made under Article 372 of the Constitution.- [Inserted by the A.O. 1937.]

References in this Act, by whatever form of words, to Indian Act laws in force immediately before the commencement of this Act shall, after the commencement of [the Constitution], be construed as references to those laws as adapted and modified under [Article 372 Act of the Constitution] [Substituted by for " section 293 of that Act"].]

A

(See sections 3, 5 and 6) THE PRESIDENCY OF FORT WILLIAM IN BENGAL

Part I – The Chittagong Division, comprising the districts of Chittagong, the Chittagong Hill-tracts, Noakhali and Tippera;

the Dacca Division, comprising the districts of Bakargan;, Dacca, Faridpur and Mymensingh; the Rajshahi Division, comprising the districts of Bogra, Dinajpur, Jalpaiguri, Malda, Pabna, Rajshahi and Rangpur.

Part II – The Burdwan Division, comprising the districts of Bankura, Birbhum, Burdwan, Hooghly, Howrah and Midnapur;

the Presidency Division, comprising the town of Calcutta and the districts of Jessore, Khulna, Murshidabad, Nadia and the 24-Parganas; and the district of Dargeeling.

B

THE STATE OF BIHAR AND ORISSA The districts of Bhagalpur, Monghyr, Purnea and the Sonthal Parganas, in the Bhagalpur Division; the Patna Division, comprising the districts of Gaya, Patna and Shahabad; the Tirhut Division, comprising the districts of Champaran, Darbhanga, Muzaffarpur and Saran; the Chota Nagpur Division, comprising the districts of Hazaribagh, Manbhum, Palamau, Ranchi and Singhbhum; and the Orissa Division, comprising the districts of Angul, Balasore, Cuttack, Puri and Sambalpur {As regards the district of Sambalpur, see the Malkharoda and Gaontia Villages Laws Act, 1923 (22 of 1923).}

C

THE STATE OF ASSAMThe Assam Valley Districts Division, comprising the districts of Darrang, Garo Hills, Goalpara, Kamrup, Lakhimpur, Nowgong and Sibsagar; andthe Surma Valley and Hill Districts Division, comprising the districts of Cachar, Khasi and Jaintia Hills, Lushai Hills, Naga Hills and Sylhet.

D

(See section 3)

Part I – .- Construction of enactments, etc., in force in the territory mentioned in Schedule A (the Presidency of Fort William in Bengal)

References Constructions

Reference

1

1. The[Local or State Government] [Substituted for the words " Local Government" by A.O., 1937]of Bengal.

2. The[Local or State Government] [Substituted for the words " Local Government" by A.O., 1937]of Eastern Bengal and Assam.

3. The Board of Revenue for Eastern Bengal and Assam.

4-5.[* * * * *] [Items 4 and 5 relating to the Chief Controlling Revenue authority and Chief Revenue authority, were repealed, by A.O., 1937]

6. All officers and Official bodies not mentioned in the foregoing 2 to 5 (except

Constructions

2

The[State Government] [Substituted for the words " Governor in Council" by A.O., 1937]of[* * * *] [The words Fort William in were omitted by A.O., 1937]Bengal

The Board of Revenue for Bengal(a) The respective officers and official bodies who immediately before the commencement of the Act exercised similar functions in the State of Bengal; or(b) Such other officers or official bodies, respectively, as the[State Government] [Substituted for the words " Local Government" by A.O., 1937]of[* * * *] [The words Fort William in were omitted by A.O., 1937]Bengal may, by notification in the Official Gazette, direct.

the Treasurer of before the commencement of Charitable Endowments) whose authority extended, immediately before the commencement of this Act, over the Province of Eastern Bengal and generally, inclusive of the territory mentioned in Part I of Schedule A.

7. The local Official Gazette (English or Vernacular, as the case may be) of the Government of Eastern Bengal and Assam.

The Official Gazette (English or Vernacular, as the case may be) of the Government of Bengal.

Part II – .- Construction of enactments, etc., in force in the territory mentioned in Schedule B (the State of Bihar and Orissa).

Reference

1

8. The[Local or State Government] [Substituted for the words " Local Government" by A.O., 1937]of Bengal.

9. The[Local or State Government] [Substituted for the words " Local Government" by A.O., 1937]of Central Provinces.

10. The Board of Revenue for Bengal.

11.-12.[* * * * *] [Items 11 and 12 relating to the Chief Controlling Revenue Authority and Chief Revenue authority were Repealed, A.O., 1937]

13. The Court of Wards of the Central Provinces.

14. The Superintendent of Government Wards in the Central Provinces.

15. The Judicial Commissioner of the Central Provinces.

16. All officers and official bodies not mentioned in the foregoing clause 8 to 15(except the Treasurer of Charitable Endowments) whose authority extended, immediately before the commencement of this Act, over the Province of Bengal generally, inclusive of the territory, mentioned in Schedule B.

17. The local official Gazette (English or Vernacular as the case may be) of the Government of Bengal of the Chief Commissionership of the Central Province.

Constructions

2

The[State Government] [Substituted for the words " Governor in Council" by A.O., 1937]of Bihar and Orissa.

The Board of Revenue for Bihar and Orissa.

The High Court of Judicature[in Calcutta] [Substituted for word " at Fort William in Bengal" , by A.O. 1937.].Such officers or official bodies, respectively, as the State Government may, by notification in the Official Gazette, direct.

The Official Gazette (English or Vernacular, as the case may be) of the Government of Bihar and Orissa.

Part II – .- Construction of enactments, etc., in force in the territory mentioned in Schedule C (the State of Assam).

Reference	Constructions	
1	2	
18. The[Local or State Government] [Substituted for the word " Local Government " by A.O., 1937]of Bengal.		
19. The[Local or State Government] [Substituted for the word " Local Government " by A.O., 1937]of Eastern Bengal and Assam.	The[State Government] [Substituted for the word " Chief Commissioner" by A.O., 1937]of Assam.	
20. The Board of Revenue for Eastern Bengal and Assam.	-	21. The Board of Revenue for Eastern Bengal and Assam.22.-23.[* * * * *] [Items 22 and 23 relating to the Chief Controlling Revenue Authority and Chief Revenue authority were repealed by A.O., 1937]
24. All officers and Official bodies not mentioned in the foregoing 18 to 28 (except the Treasurer of Charitable Endowments) whose authority extended, immediately before the commencement of this Act over the Province of Eastern Bengal and Assam generally, inclusive of the territory mentioned in Schedule C.	Such officers or official bodies, respectively as[State Government] [Substituted for the word " Chief Commissioner" by A.O., 1937]of Assam may, by notification in the Official Gazette, direct.	
25. The Chief Commissionership of Assam.	-	26. The local Official Gazette (English or Vernacular, as the case may be) of the
		The Official Gazette (English or Vernacular, as the case may be) of the Chief

Government of
Bengal or the
Government of
Eastern Bengal and
Assam.

Commissionership of
Assam.

E

Repealed by Repealing Act, 1938 (1 of 1938), section 2 and Sch.