

The Meghalaya Adaptation of Laws Order (No. 1), 1974

MEGHALAYA

India

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Rule

THE-MEGHALAYA-ADAPTATION-OF-LAWS-ORDER-NO-1-1974 of 1974

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The Meghalaya Adaptation of Laws Order (No. 1), 1974Last Updated 19th February, 2020Whereas by Section 79 of the North-Eastern Areas (Re-organisation) Act, 1971 (Central Act 81 of 1971), for the purpose of facilitating the application of any law in relation to the State of Meghalaya, the Government of the State of Meghalaya as the appropriate Government is empowered by Order, to make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient;Now, therefore, in exercise of the power aforesaid, the Government of the State of Meghalaya, hereby makes the following Order namely :

1.

(1)This Order may be. called the State of Meghalaya Adaptation of Laws Order (No. 1), 1974.

2.

In this Order,-(a)"appointed day" means the 21st day of January, 1972;(b)"existing law" means any law in force immediately before the appointed day in the whole or any part of the territories now comprised in the State of Meghalaya and includes any rule, order, by-law, scheme, notification or other instrument made under any such law, but does not include any law relating to a matter enumerated in the Union List;(c)"law" has the same meaning as is assigned to it in Clause (g) of Section 2 of the North-Eastern Areas (Re-organisation) Act, 1971; and(d)"Meghalaya" means the State of Meghalaya formed under Section 5 of the North-Eastern Areas (Re-organisation) Act, 1971.

3.

As from the appointed day, the existing laws mentioned in the Schedule to this Order, with the amendments, modifications or exceptions to which they have been subjected before the appointed day and which are for time being applicable to Meghalaya or any part thereof, shall, until altered, repealed or amended by a competent Legislature or other Competent authority, have effect, subject to the adaptations or modifications directed by that Schedule, or if it is so directed shall stand repealed.

4.

Whenever an expression mentioned in column (1) of the Table hereunder printed occurs in any existing law mentioned in the Schedule to this Order, then unless that expression is by this Order expressly directed to be otherwise adapted or modified or to stand unmodified or to be omitted, there shall be substituted therefor the expression set opposite to it in column (2) of the Table, and there shall also be made in any sentence in which the expression occurs such consequential amendments as the rules of grammar may require :Table

1	2
1. Assam	Meghalaya.
2. Governor, or Governor of Assam	Governor of Meghalaya.
3. Official Gazette	"Official Gazette which expression shall stand unmodified and shall mean the Gazette of Meghalaya.
State or the States (except where it occurs in the expressions State Government or inter-State of inter-State Government)	"State" or "the State" which expressions shall stand unmodified and shall mean the State of Meghalaya.
4. the expressions State Government or inter-State of inter-State Government)	
5. State of Assam of the Assam State	The State of Meghalaya.
6. Government or State Government	"Government" or "State Government" which expression shall stand unmodified and shall mean the Government of the State of Meghalaya.
State Government of Assam, Assam Government,	
7. Government of Assam or Government of Meghalaya	Government of the State of Meghalaya.

5.

(1) Where, in the Short title of any of the existing laws mentioned in the Schedule to this Order, the expression "Assam" occurs, there shall be substituted therefor the word "Meghalaya", and the year of the Act occurring at the end of short title shall be omitted. (2) References by its short title to any such law as is referred to in sub-paragraph (1) in any other law shall be construed as reference to such law as amended by that sub-paragraph.

6.

Any reference in any existing law specified in the Schedule to this Order to a law which is not in force in Meghalaya or any part thereof shall be construed as a reference to the corresponding law, if any, in force in Meghalaya or part thereof, as the case may be.

7.

The provisions of this Order which have effect of modifying any existing law so as to alter the manner in which, the authority by which, or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule or regulation duly made or issued, or anything duly done before the appointed day and any such notification, order, commitment, attachment, bye-law, rule, regulation or thing may be revoked, varied or undone in the like manner to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by the competent authority and under and in accordance with the provisions the applicable to such a case.

8.

Save as is otherwise provided by this Order, all powers which under any law in force in Meghalaya or any part thereof, were, immediately before the appointed, vested in or exercisable by any person or authority shall continue to be so vested or exercisable until other provision is made by Legislature or authority empowered to regulate the matter in question.

9.

Notwithstanding any amendment or adaptation or modification made by this Order in the extent clause of an existing law, that, law shall not be deemed to have been extended or applied to any area to which it did not extend or apply immediately before the appointed day; and a reference in that law to the State of Meghalaya, shall not, unless the context otherwise requires, be deemed to include a reference to any part of that State to which that law did not extend or apply immediately before the appointed day.

10.

Nothing in this Order shall affect the previous operation of, or anything duly done or suffered under, any existing law, or any right, privilege, obligation, or liability already acquired, accrued or incurred under any such law or any penalty, forfeiture or punishment incurred in respect of any offence already committed against any such law.

11.

Any Court, Tribunal or authority required or empowered to enforce any law in force in Meghalaya or part thereof immediately before the appointed day shall, notwithstanding that this Order makes no provisions or insufficient provision for the adaptation of the law, construe the law with all such adaptations as are necessary for the purpose of facilitating its application. The Schedule [See Paragraph 3](a) Bengal Acts and Regulations, etc Bengal Regulations

1. The Bengal Sati Regulation, 1829 (Bengal Regulation 17 of 1829).

Acts of the Governor-General of India in Council

2. The Press and Registration of Books Act, 1867 (Act 25 of 1867).

3. The Northern India Ferries Act, 1878 (Act 17 of 1878). In the Preamble, between the words "Assam" and "Delhi" insert "Meghalaya" followed by a comma.

Section 1. In the second paragraph between the words "Assam" and "Delhi" insert "Meghalaya" followed by a comma. Omit the third paragraph.

4. The Births, Deaths and Marriages Registration Act, 1886 (Act 6 of 1886). Section 1. Omit sub-section (2).

5. The Bengal, Agra and Assam Civil Courts Act, 1887 (Act 12 of 1887). In the Long title insert a comma "(,)" after the word "Provinces" and omit the word "and" occurring between the words "Provinces" and "Assam" and after omitting the fullstop (.) after the word "Assam" add the words "and Shillong" after it, followed by a fullstop "(.)".

In the Preamble insert a comma "(,)" after the word "Provinces" and omit the word "and" occurring between the words "Provinces" and "Assam" and after omitting the semicolon "(:)" after the word "Assam" add the words "and Shillong" after it, followed by a semicolon "(:)". Section 1. (i) In sub-section (1) insert a comma "(,)" after the word "Agra" and omit the word "and" occurring between the words "Agra" and "Assam" and insert the words "and Shillong" between the words "Assam" and "Civil", and (ii) below sub-section (1) insert the following as Explanation namely; "Explanation. 'Shillong' has the same meaning as defined in the Shillong Civil Courts and Laws Act, 1947 (Assam Act 8 of 1947)".

6. The Bengal, Bihar and Orissa and Assam Laws Act, 1912 (Act 7 of 1912). The title of this Act shall stand unmodified.

7. The Police (Incitement to Disaffection) Act, 1922 (Act 22 of 1922). Section 1. Omit sub-section (3).

Regulations made under the Government of India Acts of 1870 and 1915

8. Bengal Eastern Frontier Regulation, 1873 (Regulation 5 of 1873).

9. The Assam Police Officers Regulation, 1883 (Regulation 2 of 1883). Section 1, Omit sub-section (3).

Acts of the Lieutenant-Governor of Bengal in Council

10. The Bengal Cruelty to Animals Act, 1869 (Bengal Act 1 of 1969). Section 7, Omit the full-stop "(.)" at the end and the words "or in the spirit of the said Code in places where the said Code is not applicable" shall be added followed by a full-stop"(.)".

11. The Bengal Cruelty to Animals (Arrest) Act, 1869 (Bengal Act 3 of 1869).

12. The Bengal Police Act, 1869 (Bengal Act 7 of 1869).

(b)Assam Acts

13. The Assam Medical Act, 1916 (Assam Act 1 of 1916).

Section 1. Omit sub-sections (2) and (3) and the proviso. Section 4. For Section 4, substitute-"4. The said Council shall consist of seven members, namely : (a) A President to be nominated by the State Government; (b) Three members to be nominated by the State Government; and (c) Three members to be elected from the graduates or licenciates in medicine, who are registered practitioners and who are permanent residents of Meghalaya".

14. The Assam Local Funds (Accounts and Audit) Act, 1930 (Assam Act 2 of 193). Section 1. For sub-section (2), substitute-

"(2) It extends to the whole of Meghalaya".

15. The Bijini Succession Act, 1931 (Assam Act 2 of 1931).

**16. The Assam Criminal Law Amendment Act, 1934 (Assam Act 3 of 1934).
Section 1. Omit sub-sections (2) and (3).**

17. The Assam Muslim Marriage and Divorce Registration Act, 1935 (Assam Act 9 of 1935). Section 1. Omit sub-sections (2) and (3).

**18. The Assam Debt Conciliation Act, 1936 (Assam Act 10 of 1936). Section 1,
Omit sub-sections (2) and (3).**

**19. The Shillong (Execution of Decree) Act, 1943 (Assam Act 12 of 1943),
Section 1. Omit sub-section (2).**

**20. The Assam Maternity Benefit Act, 1944 (Assam Act 1 of 1944). Section 1.
Omit sub-sections (2) and (3).**

**21. The Assam Nurses, Midwives and Health Visitors' Registration Act, 1944
(Assam Act 2 of 1944). Section 1. Omit sub-sections (2) and (3).**

Section 4. For existing Clause (5), substitute-"(6) A Professor of Midwifery and Gynaecology of Medical College or a person who had been a Professor of such College for not less than five years, to be nominated by the State Government".

**22. The Assam Maintenance of Public Order Act, 1947 (Assam Act 5 of 1947).
Section 1. Omit sub-sections (2) and (3).**

**23. The Assam Professions. Trades, Calling and Employments Taxation Act,
1947 (Assam Act 6 of 1947). Section 1. Omit sub-sections (2) and (3).**

**24. The Assam Electricity Control (Emergency Powers) Act, 1947 (Assam Act
9 of 1947). Section 1. Omit sub-section (2) and (3).**

**25. The Assam Pure Food Act, 1947 (Assam Act 22 of 1947) Section 1. Omit
sub-sections (2) and (3).**

**26. The Assam Shops and Establishments Act, 1948 (Assam Act 13 of 1948).
Section 1. (i) Omit sub-section (2).**

(ii) Omit all the words beginning with "to the Municipalities of Dhubri" and ending with "Assam Municipal Act, 1923 and".

27. The Assam Cattle Diseases Act, 1948 (Assam Act 26 of 1948).

**28. The Assam Kala-Azar Treatment Act, 1949 (Assam Act 26 of 1949).
Section 1. Omit sub-sections (2) and (3).**

**29. The Assam Jute (Control Prices) Act, 1950 (Assam Act 15 of 1950).
Section 1. Omit sub-sections (2) and (3).**

30. The Assam Enhanced Police Disciplinary Powers Act, 1950 (Assam Act 18 of 1950). Section 1. For the existing sub-sections (2) and (3) substitute-

"(2) It extends to the whole of Meghalaya and applies to all members of the Meghalaya Police Forces and the Meghalaya Police Battalion wherever they may be serving". In the Long title, the Preamble and Sections 2 and 3. For the words "Assam Police Force" and "Assam Police Battalion" wherever they occur substitute "Meghalaya Police forces" and "Meghalaya Police Battalion" respectively.

31. The Assam Agricultural Pests and Diseases Act, 1950 (Assam Act 35 of 1950). Section 1. Omit sub-sections (2) and (3).

**32. The Assam Drugs Control Act, 1950 (Assam Act 1 of 1930). Section 1.
Omit sub-sections (2) and (3).**

33. The Assam Evacuee Property Act, 1951 (Assam Act 11 of 1951). Section 2. Omit sub-sections (2) and (3).

34. The Assam Cattle Preservation Act, 1951 (Assam Act 13 of 1951). Section 2. Omit sub-sections (2) and (3).

35. The Assam displaced Persons (Rehabilitation Loans) Act, 1951 (Assam Act 16 of 1951) Section 1. Omit sub-sections (2) and (3).

36. The Assam Cement Control Act, 1953 (Assam Act 7 of 1953). Section 1. Omit sub-sections (2) and (3).

37. The Assam Maintenance of Public Order (Autonomous Districts) Act, 1953 (Assam Act 16 of 1953). Section 1. in sub-section (2) for the word and letter "Part A" substitute "Part II".

Omit sub-section (3).

38. The Assam Acquisition of Land for Flood Control and Prevention of Soil Erosion Act, 1955 (Assam Act 6 of 1955). Section 1. Omit sub-sections (2) and (3).

Section 16. This section shall stand unmodified.

39. The Assam Tea Plantations Provident Fund and Pension Fund Schemes Act, 1955 (Assam Act 10 of 1955). Section 1. For sub-sections (2) and (3) substitute-

"(2) It extends only to such areas in Meghalaya as the Government of Meghalaya may, by notification, specify in this behalf".(3)It shall come into force in any area only on such date as the Government of Meghalaya may, by notification, appoint and different dates may be appointed for different areas".

40. The Assam Homoeopathic Medicines Act, 1955 (Assam Act 11 of 1955). Section 1. Omit sub-sections (ii) and (iii).

41. The Assam Disturbed Areas Act, 1955 (Assam Act 19 of 1955) Section 1, Omit sub-section (3).

Section 7. This section shall stand unmodified.

42. The Assam Autonomous Districts (Administration of Justice (Miscellaneous Provisions), Act, 1957 (Assam Act 22 of 1957). Section 1. Omit sub-section (3).

43. The Assam Local Authorities Grants (Charges) Act, 1959 (Assam Act 23 of 1959), Section 1. Omit sub-sections (2) and (3).

Sections 2-A and 2-B. Omit Sections 2-A and 2-B. Section 5. This section shall stand unmodified.

44. The Assam Tea Plantations Employees Welfare Fund Act, 1959 (Assam Act 18 of 1960).

45. The Assam Loud-Speakers (Control) Act, 1960 (Assam Act 23 of 1960). Section 1. Omit sub-sections (2) and (3).

46. The Assam Non-Trading Companies Act, 1960 (Assam Act 32 of 1960). Section 1. Omit sub-sections (2) and (3).

47. The Assam Special Powers (Press) Act, 1960 (Assam Act 3 of 1961). Section 1. Omit sub-sections (2) and (3).

48. The Assam Urban Immovable Property Tax Act, 1969 (Assam Act 11 of 1969). Section 1. Omit sub-sections (2) and (3).

Section 7. This section shall stand unmodified.

49. The Assam Non-Government School and College Employees Centralised Provident Fund Scheme Act, 1969 (Assam Act 15 of 1969).

50. The Assam Children Act, 1970 (Assam Act 12 of 1971). Section 1. For sub-section (2), substitute-

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

51. The Assam Taxation (Procedure for Rounding-off) Act, 1971 (Assam Act 18 of 1971).

(c)Meghalaya Acts(Acts of the Autonomous State of Meghalaya)

52. The Meghalaya Professions, Traders, Callings and Employment Taxation Act, Section 1. Omit sub-section (2).

Section 10. For "Commissioner" substitute "Assistant Commissioner" wherever it occurs.(d)Rules and OrdersThe Assam Services, Discipline and Appeal Rules, 1964.The Assam Civil Services (Conduct) Rules, 1965.The Assam Fundamental Rules and Subsidiary Rules.The Assam Treasury Rules and Subsidiary Orders.The Assam Financial Rules.The Assam Contingency Manual.The Assam Budget Manual.The Assam Local Audit Manual.The Assam Jail Manual.The Assam Police Manual.The Assam Services (Pension) Rules, 1969.The Delegation of Financial Powers Rules, 1960. Rule 1. For sub-rule (1), substitute-"(1) These rules may be called the Meghalaya Delegation of Financial Powers Rules".The Assam Autonomous District (Constitution of District Council) Rules,

1951. Rule 1. For sub-rule (1) between the words "Assam" and "Autonomous" insert the words "and Meghalaya." Rule 2. (i) Omit Clause (7). (ii) for Clause (12), substitute- "(12) 'Gazette' means the Gazette of Meghalaya". (iii) for Clause (13), substitute- "(13) 'Governor' means the Governor of Meghalaya". (iv) in Clause (19) for the word "Assam" substitute "Meghalaya". (v) for Clause (21), substitute- "(21) 'Secretary. Tribal Areas, means the secretary, to the Government of Meghalaya in the District Council Affairs Department or any other officer whom the State Government may nominate in this behalf". Rule 128. In the proviso to sub-rule (1) for the words, figure and letter "1 of Part I. Assam" substitute "Part XV-Meghalaya". Rules 166, 169 and 180. For "Secretary to the-government of Assam. Tribal Areas Department," Wherever occurring, substitute "Secretary, Tribal Areas". Government of Assam Public Works Department Codes The Meghalaya Adaptation of Laws Order (No. 1). 1973. Paragraph 2 Items-(vii), (viii), (ix), (x), (xii), (xiii), (xiv), (xv) and (xvi) shall be deemed to have been omitted from the Order with immediate effect. The Assam Trade Unions Regulations, 1927. The Assam Industrial Disputes Rules, 1958. The Assam Payment of Wages Rules, 1937. The Assam Industrial Employment (Standing Orders) Rules, 1947. The Assam Minimum Wages Rules, 1952. The Assam Plantations of Labour Rules, 1956. The Assam Motor Transport Workers Rules, 1962. The Assam Beedi and Cigar Workers (Conditions of Employment) Rules, 1968. The Contract Labour (Regulation and Abolition) Assam Rules, 1971. The Assam Maternity Benefit Rules, 1965. Explanation. Save as is otherwise provided by this Order references in any of the aforesaid rules, Manuals and Codes to any Government Departments or authorities shall be construed as referring to the corresponding Government Departments or authorities in the State of Meghalaya or to such Government Departments or authorities exercising corresponding power or authority in the State of Meghalaya. Note - By virtue of this Order, the Government of Meghalaya has adapted a number of Bengal Acts and Regulations and also Assam Acts, the total being fifty-one and also certain Rules and Orders as applicable in the State of Assam have been adapted with necessary amendments as detailed in this Order.