

The Merged States (Laws) Act, 1949

UNION OF INDIA

India

The Merged States (Laws) Act, 1949

Act 59 of 1949

- Published on 1 January 1949
- Commenced on 1 January 1949
- [This is the version of this document from 1 January 1949.]
- [Note: The original publication document is not available and this content could not be verified.]

An Act 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, (25 and 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, ² as amended by the States' Merger (United Provinces) Order, 1949 ³; and (b) the expression "new Provinces" means the Chief Commissioners' Provinces constituted by the States' Merger (Chief Commissioners' Provinces) Order, 1949, ⁴ 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.

1. This Act was not adapted by the A. O. 1950. 2. See S. O. 25, Gazette of India, 1949, Extraordinary, p. 1317. 3. See S. O. 27, ibid., p. 2611. 4. See S. O. 26, ibid., p. 1343.

(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 , (10 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 , (47 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 subsection (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.