

Delhi Laws Act, 1912

UNION OF INDIA

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Act 13 of 1912

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Delhi Laws Act, 1912Act No. 13 of 1912

1497.

[18th September, 1912.]An Act to provide for the application of the law in force in the Province of Delhi and for the extension of the enactments thereto.WHEREAS by Proclamation published in Notification No.911, dated the seventeenth day of September, 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 A, which was formerly included within the Province of the Punjab, and to provide for the administration thereof by a Chief Commissioner as a separate Province to be known as the Province of Delhi;AND WHEREAS it is expedient to provide for the application of the law in force in the said territory, and for the extension of other enactments thereto;It is hereby enacted as follows:-

1. Short title and Commencement.-

(1)This Act may be called the Delhi Laws Act, 1912; and(2)It shall come into force on the first day of October, 1912.

2. Saving of territorial application of enactments.-

The Proclamation 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 any particular administration.

3. Construction of certain enactments in force in the territories mentioned in Schedule A.-

All enactments made by any authority in [India] [Substituted by the A.O. 1950 for "the Provinces"] and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under such enactments which immediately before their commencement of this Act were in force in, or prescribed for, any of the territory mentioned in Schedule A, shall in their application to that territory be construed as if references therein to the authorities, or gazette mentioned in column I of Schedule B were references to the authorities, or gazette respectively mentioned or referred to opposite thereto in column 2 of that Schedule.[* * * *] [Proviso to s.3 rep. by the A.O. 1937.]

4. Powers of Courts and State Government for purposes of facilitating application of enactments.-

For the purpose of facilitating the application to the territory mentioned in Schedule A or any part thereof of any enactment passed before the commencement of this Act or of any notification, order, scheme, rule form or by-law issued, made or prescribed under any such enactment-(1)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(2)the [State] [Substituted for the word "Provincial" by A.L.O., 1950] Government may, subject to the other provisions of this Act, by notification in the [Official Gazette] [Substituted for the word Gazette of India by A.O. 1937] direct by what officer any power or duty shall be exercised or discharged, and any such notification shall have effect as if enacted in this Act.

5. Vesting of powers separate officers in single officer.-

(1)A notification issued under section 4, sub-section (2), may direct that any powers or duties vested in separate officers may be consolidated and vested in, discharged by, a single officer.(2)Where by such a notification appellate powers are consolidated and vested the period of limitation for the consolidated appeal shall be the longest period provided in the case of an appeal to any of the officers whose powers are so consolidated.

6. Pending proceedings.-

Nothing in this Act shall affect any proceeding which at the commencement thereof is pending in respect of any of the territory mentioned in Schedule A, and every such proceeding shall be continued as if this Act had not been passed;Provided that all proceedings which at the commencement of this Act are pending before the Commissioner of the Division or any other authority, within the territory mentioned Schedule A shall be transferred to, and disposed of by, such authorities in the [State] [Substituted for the word "Provincial" by A.L.O., 1950] of Delhi as the [State] [Substituted for the word "Provincial" by A.L.O., 1950] Government may, by notification in the [Official Gazette,] [Substituted for the word Gazette of India by A.O. 1937] direct.

7. Power to extend enactments in force in other Provinces with modifications and restrictions.-

[Repealed by the Part C States (Laws) Act, 1950 (30 of 1950), s. 4.]

A

(See Section 3) THE STATE OF DELHI That portion of the District of Delhi comprising the Tahsil of Delhi and the police-station of Mahrauli.

B

(See section 3)

| Reference | Constructions |
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| 1.[* * * * *] [Repealed by A.O., 1937] | |
| 2. The[State] [Substituted for the word "Provincial" by A.L.O., 1950]Government of the Punjab. | |
| 3.[* * * * *] [Repealed by A.O., 1937] | |
| 4.[* * * * *] [Repealed by A.O., 1937] | |
| 5. The Chief Custom Authority. | |
| 6. The Financial Commissioner. | |
| 7. The Commissioner of Revenue. | The[State Government] [Substituted for the word "Provincial" by A.L.O., 1950]of Delhi. |
| 8. The Commissioner of the Division. | |
| 9. The Commissioner..... | |
| 10. The Chief Secretary to Government. | |
| 11. A Secretary to Government or to the[State Government.] [Substituted for the word "Provincial" by A.L.O., 1950] | |
| 12. All officers and official bodies not mentioned in the foregoing clause except the Treasurer of Charitable Endowments whose authority extended immediately before the commencement of this Act over the territory mentioned in Schedule A. | Such officials or official bodies respectively as the[State Government] [Substituted for the word "Provincial" by A.L.O., 1950]may by notification in the[Official Gazette] [Substituted for the word "Gazette of India" by A.O., 1937], direct. |
| 13.[* * * * *] [Repealed by A.O., 1937] | |