

**HIMACHAL PRADESH AND BILASPUR (NEW STATE) ACT,
1954**

32 of 1954

[28th May, 1954]

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**HIMACHAL PRADESH AND BILASPUR (NEW STATE) ACT,
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STATEMENT OF OBJECTS AND REASONS "Bilaspur is the smallest of Part C States, It has an area of 458 square miles, a population of 1,26,099 and an annual revenue of about Rs. 7 lakhs, It was one of the Punjab Hill States which should normally have been integrated in Himachal Pradesh but in view of the location of the Bhakra Dam in the State it was kept as a separate Part C State. Bilaspur is geographically contiguous to Himachal Pradesh and the people of Bilaspur and Himachal Pradesh have cultural affinities. It has accordingly been decided that it is no longer necessary to continue Bilaspur as a separate State with all the paraphernalia of a separate administration and that it should be merged in Himachal Pradesh without prejudice to the arrangements that may be devised by the Central Government for the future administration of the Bhakra-Nangal Project. The Bill seeks to carry out the decision and also makes provision for matters consequential to the merger." Gaz.. of India. 1954, Extra. Pt. II, S. 2, p. 129.

PART 1

PRELIMINARY

1. Short title and commencement :-

(1) This Act may be called the Himachal Pradesh and Bilaspur (New State) Act, 1954.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

1. Clause (b) was omitted by 3 A.L.O., 1956.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "article" means an article of the Constitution;

¹[(b) * * * * *]

(c) "existing States" mean the States specified as Bilaspur and Himachal Pradesh in Part C of the First Schedule to the Constitution immediately before the commencement² of this Act, and "existing State" means either of the existing States;

(d) "law" includes any enactment, ordinance, regulation, order, rule, scheme, notification, bye-law or other instrument having the

force of law in the whole or in any part of either of the existing States;

(e) "Order" means an order published in the Official Gazette:

(f) "Parliamentary constituency" has the same meaning as in Representation of the People Act, 1950;

(g) "sitting member" in relation to either House of Parliament or in relation to the Legislature of the existing State of Himachal Pradesh, means a person who immediately before the commencement of this Act is a member of that House or that Legislature, as the case may be.

1. Clause (b) was omitted by 3 A.L.O., 1956.
2. That is, 1st July, 1954.

PART 2

FORMATION OF THE NEW STATE OF HIMACHAL PRADESH

3. Formation of the new State of Himachal Pradesh :-

As from the commencement of this Act there shall be formed by uniting the existing States a new Part C State to be known as the State of Himachal Pradesh (hereafter in this Act referred to as the "new State").

4. Amendment of the First Schedule to the Constitution :-

In the First Schedule to the Constitution, in Part C-

(a) under the heading, "Names of States,"-

(i) entry "3. Bilaspur" shall be omitted; and

(ii) entries 4 to 10 shall be renumbered as entries 3 to 9, respectively;

(b) under the heading "Territories of States," after the first paragraph, the following paragraph shall be inserted, namely:-

"The territory of the State of Himachal Pradesh shall comprise the territories which immediately before the commencement of the Himachal Pradesh and Bilaspur (New State) Act, 1954, were comprised in the State of Bilaspur and Himachal Pradesh."

PART 3

REPRESENTATION IN THE LEGISLATURES

PART 4

COURTS

25. Court of the Judicial Commissioner c for the new State

:-

As from the commencement ¹of this Act,-

(a) the Courts of the Judicial Commissioner for the existing States (hereafter in this Part referred to as "the existing Courts") shall be amalgamated and shall constitute the Court of the Judicial Commissioner for the new State (hereafter in this Part referred to as "the new Court");

(b) the Judicial Commissioner and the Additional Judicial Commissioner if any for the existing State of Himachal Pradesh shall be respectively the Judicial Commissioner and the Additional Judicial Commissioner for the new State,

(c) every person who immediately before the commencement ¹of this Act is an officer or servant of either of the existing Courts shall be an officer or servant, as the case may be, of the new Court deemed to have been appointed on the same terms and conditions of service (or on terms and conditions as similar thereto as the changes effected by this Act permit) as were applicable to him immediately before such commencement ¹: Provided that nothing in this clause shall be deemed to prevent the new Court from altering the designation or the duties of any office or post,

(d) the new Court shall have all such original, appellate and other jurisdiction as under any law is exercisable immediately before the commencement ¹of this Act by either of the existing Courts in respect of any area forming part of the new State.

(e) the new Court shall have the same powers to admit, suspend and remove advocates, vakils and pleaders and to make rules with respect to advocates, vakils and pleaders in the whole of the new State as are immediately before the commencement ¹of this Act exercisable by either of the existing Courts: Provided that subject to any rules made by the new Court in exercise of the powers conferred by this clause, any person who immediately before the commencement ¹of this Act is an advocate, vakil or pleader entitled to practise in either of the existing Courts shall be recognised as an advocate, vakil or pleader entitled to practise in the new Court:

(f) subject to the provisions of this Part, the law in force immediately before the commencement ¹of this Act with respect to the practice and procedure in the Court of the Judicial Commissioner for the existing State of Himachal Pradesh shall, until

varied or altered by a competent authority, apply in relation to the new Court with such modifications as may be made by this Court;

(g) the Judicial Commissioners' Courts (Declaration as High Courts) Act, 1950 shall apply to the new Court as if the new Court were in existence at the commencement of that Act, and any other law in force immediately before the commencement¹ of this Act relating to appeals to the Supreme Court from the Court of the Judicial Commissioner for the existing State of Himachal Pradesh shall, with necessary modifications, apply in relation to the new Court;

(h) all proceedings which immediately before the commencement¹ of this Act are pending in either of the existing Courts shall by virtue of this Act stand transferred to the new Court and shall be continued as if they had been proceedings instituted in that Court;

(i) any order made by either of the existing Courts in any such proceedings as aforesaid shall for all purposes have effect, not only as an order of that Court, but also as an order made by the new Court;

(j) references in any law to either of the existing Courts by whatever name, shall, unless the context otherwise requires, be construed as references to the new Court.

1. 1st July. 1954.

26. Subordinate Courts :-

All Courts which immediately before the commencement¹ of this Act were exercising lawful powers, authority and jurisdiction under the superintendence and control of either of the existing Courts in any area forming part of the new state shall, until further provision is made by a competent Legislature or authority, continue to exercise their respective powers, authority and jurisdiction in that area under the superintendence and control of the new Court.

1. 1st July. 1954.

PART 5

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

27. Existing authorities and officers to continue to function in the new State :-

Save as otherwise provided in this Act, all authorities, and all officers, judicial executive and ministerial, who immediately before the commencement of this Act were exercising lawful functions in

any area forming part of the new State, shall, until further provision is made by a competent authority, continue to exercise their respective functions as far as may be, in the same manner and to the same extent as they were doing before such commencement.

28. Existing laws to continue :-

Save as otherwise provided in this Act, all the law in force immediately before the commencement ¹ of this Act in any area forming part of the new State shall continue to be in force until repealed or amended by a competent Legislature or authority.

1. for Himachal Pradesh and Bilaspur (Removal of Difficulties) Order. 1954. sec S.R .0. 2101 published in Gaz of India, 30-6-1954, Pt. II, S. 3, Extra, p. 1105.

29. Power to construe laws :-

For the purpose of facilitating the application in relation, to the new State of any law made before the commencement ¹ of this Act, any Court, Tribunal or authority may, subject to any express provision of this Act, construe the law with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court, Tribunal or authority, as the case may be.

1. for Himachal Pradesh and Bilaspur (Removal of Difficulties) Order. 1954. sec S.R .0. 2101 published in Gaz of India, 30-6-1954, Pt. II, S. 3, Extra, p. 1105.

30. Existing taxes to continue :-

All taxes, duties, cesses and fees which immediately before the commencement ¹ of this Act were being lawfully levied in either of the existing States or any part thereof, shall continue to be levied in the same manner and to the same extent and to be applied for the same purposes until other provision is made by a competent Legislature or authority.

1. for Himachal Pradesh and Bilaspur (Removal of Difficulties) Order. 1954. sec S.R .0. 2101 published in Gaz of India, 30-6-1954, Pt. II, S. 3, Extra, p. 1105.

31. Saving of the powers of the Central Government in relation to the Bhakra-Nangal Project :-

Nothing in this Act shall be deemed to derogate from the powers of the Central Government to make such arrangements or to take such action in relation to the Bhakra- Nangal Project as may, having due regard to the purposes of the Project, be necessary to

ensure its proper administration and effective implementation.

32. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the President may make such orders¹ not inconsistent with the said provisions, as appears to him to be necessary or expedient for the purpose of removing the difficulty: Provided that no such power shall be exercised by the President after the expiry of one year from the commencement of this Act.

1. for Himachal Pradesh and Bilaspur (Removal of Difficulties) Order. 1954. sec S.R .0. 2101 published in Gaz of India, 30-6-1954, Pt. II, S. 3, Extra, p. 1105.

SCHEDULE 1

THE FIRST SCHEDULE

\\ (See section 10) Modifications in the Delimitation of Parliamentary Constituencies (Part C States) Order, 1951
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SCHEDULE 2

THE SECOND SCHEDULE

(See Section 19) Amendment of the Constitution (Scheduled Castes) (Part C States) Order, 1951
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