

## **MERGED STATES (LAWS) ACT, 1949**

**59 of 1949**

**[26th December, 1949]**

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### **SCHEDULE 1 :-LAWS EXTENDED TO THE NEW PROVINCES AND MERGED STATES**

## **MERGED STATES (LAWS) ACT, 1949**

**59 of 1949**

**[26th December, 1949]**

STATEMENT OF OBJECTS AND REASONS "With effect from the 1st August, 1949, a large number of Acceding States which have ceded full jurisdiction to the Dominion Government, and which were being previously administered under the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947) [now the Foreign Jurisdiction Act, 1947] have either been finally merged in the adjoining Governors' Provinces [now the States] or constituted into new Chief Commissioners' Provinces [now the Union territories] by orders under S.290-A of the Government of India Act, 1935. The existing laws in the merged States will, however, continue, until repealed, modified or amended by a competent Legislature or other competent authority.

2. A considerable number of Central Acts and Ordinances has been applied to the merged States by Orders under the Extra-Provincial Jurisdiction Act, 1947; but the Acts and Ordinances so applied are in law distinct from the Acts and Ordinances as in force in the Provinces of India. This position which is continuing even after the 1st August, 1949 is obviously unsatisfactory. A similar situation in

regard to Berar as from the 1st April, 1937, had to be resolved by the passing of the Berar Laws Act, 1941 (IV of 1941). Considering the large number of island territories which stand merged in the Governors' Provinces from the 1st August 1949, it is desirable to provide for the proprio vigore extension of the more important Central Acts and Ordinances and the Bengal State Prisoners Regulation, 1818 (III of 1818), to all the merged States, including those which have been constituted into Chief Commissioners' Provinces. Hence this Bill has been prepared in consultation with the Ministeries of the Government of India, the Provincial Governments and the Chief Commissioners' Provinces concerned. 3. It will be observed from clause (3) of the Bill that, in so far as the Governor's Provinces are concerned, the proprio vigore extension to the merged States of the laws specified in the Schedule to the Bill will not be fully affected by the Central Act and that corresponding supplementary legislation by the Provinces will be necessary. As it is obviously desirable that the Central Act and the Provincial legislation should come into force on the same day, a commencement clause stating that this Act shall come into force on the 1st January, 1950, has been included in the Bill, and the Provincial Governments will be requested to bring their corresponding legislation into force on the aftme day".- Gaz. of Ind., 1949, Pt. V, p. 401.

### **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

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### **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 a as amended tates' Merged (United by the SProvinces) Order, 1949, and

(b) the expression "new Provinces" means the Chief Commissioners' Provinces. constituted by the States' Merger (Chief Commissioners' Provinces) Order, 1949 <sup>c</sup> , as amended by the States' Merger (United Provinces) Order, 1949 .

[c] See Notification No. S.O. 26, D/-30-7-1949, published in Gaz.

of Ind., 1949, p. 1343.

### **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.

(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,-

(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 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;

(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 not 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, 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,

(2) Subject to the provisions of sub-section (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.

### SCHEDULE 1

#### LAWS EXTENDED TO THE NEW PROVINCES AND MERGED STATES

Year	Number	Short title	Acts
1839	XXXII	...	...
1841	X	...	...
1841	XI	...	...
1850	XVIII	...	...
1850	XIX	...	...
1850	XXI	...	...
1850	XXXIV	...	...
1855	XII	...	...
1855	XIII	...	...
1856	IX	...	...
1856	XV	...	...
1857	XIII	...	...
1858	III	...	...
1860	XXI	...	...
1860	XLV	...	...
1861	V	...	...
1862	III	...	...
1863	XXIII	...	...
1865	III	...	...
1866	XXI	...	...
1867	XVI	...	...
1867	XXV	...	...
1869	IV	...	...
1870	VII	...	...
1871	I	...	...
1871	XXIII	...	...
1871	XXXI	...	...
1872	I	...	...
1872	III	...	...
1872	IX	...	...
1872	XV	...	...
1873	V	...	...
1873	X	...	...
1874	III	...	...
1874	IV	...	...
1875	IX	...	...
1875	XVIII	...	...
1877	I	...	...
1878	I	...	...
1878	VI	...	...
1878	VIII	...	...
1878	XI	...	...
1879	XVIII	...	...
1880	I	...	...
1880	XIII	...	...
1881	XI	...	...
1881	XXVI	...	...
1882	II	...	...
1882	IV	...	...
1882	VII	...	...
1884	IV	...	...
1885	XVIII	...	...
1886	VI	...	...
1886	XI	...	...
1887	VII	...	...

Act, 1887. 1887 \IX \The Provincial Small Cause Courts Act, 1887. 1888 \III \The Police Act, 1888. 1889 \IV \The Indian Merchandise Marks Act, 1889 . 1890 \1 \The Revenue Recovery Act, 1890. 1890 \VI \The Charitable Endowments Act, 1890. 1890 \VIII \The Guardians and Wards Act, 1890. 1890 \XI \The Prevention of Cruelty to Animals Act, 1890". 1891 \XVIII \The Banker's Books Evidence Act, 1891. 1893 \IV \The Partition Act, 1893. 1894 \1 \.:. The Land Acquisition^ct, 1894. 1894 \IX \The Prisons Act, 1894. 1897 \III \The Epidemic Diseases Act, 1897. 1897 \IV \The Indian Fisheries Act, 1897. 1897 \x \The General Clauses Act, 1897. 1898 \III \... The Lepers Act, 1898. 1898 \v \The Code of Criminal Procedure, 1898. 1898 \VI \The Indian Post Office Act, 1898. . 1898 \IX \The Live-stock Importation Act, 1898. 1899 \11 \The Indian Stamp Act, 1899. 1899 \IV \The Government Buildings Act, 1899. 1900 \III \The Prisoners Act, 1900. 1901 \11 \The Indian Toils (Army and Air Force) Act, 1901. 1903 \VII \The Indian Works of Defence Act, 1903. ' 1903 \XIV \The Indian Foreign Marriage Act, 1903. 1903 \XV \The Indian Extradition Act, 1903 . 1904 \VII \The Ancient Monuments Preservation Act 1904. 1905 \IV \The Indian Railway Board Act, 1905. 1906 \III \The Indian Coinage Act, 1906. 1908 \v \The Code of Civil Procedure, 1908. 1908 \VI \The Explosive Substances Act, 1908. 1908 \IX \The Indian Limitation Act, 1908. 1908 \XIV \The Indian Criminal Law Amendment Act, 1908. 1908 \XV \The Indian Ports Act, 1908. 1908 \XVI \The Indian Registration Act, 1908. 1909 \IV \The Whipping Act, 1909 a. 1909 \VII \The Anand Marriage Act, 1909. 1910 \IX \The Indian Electricity Act, 1910. 1911 \11 \The Indin Patents and Designs Act, 1911. 1911 \VIII \The Indian Army Act, 1911 . 1911 \x \The Prevention of Seditious Meetings Act, 1911. 1912 \IV \The Indian Lunacy Act, 1912. 1913 \11 \The Official Trustees Act, 1913. 1913 \III \The Administrator General's Act, 1913. 1913 1913 \VI VII \The Mussalman Wakf Validating Act, 1913. The Indian Companies Act, 1913 . 1914 \11 \The Destructive Insects and PesK Act, 1914. 1914 \III \The Indian Copyright Act, 1914 . 1914 \IX \The Local Authorities Loans Act, 1914. 1916 \VII \The Indian Medical Degrees Act, 1916. 1916 \XV \The Hindu Disposition of Property Act, 1916. 1917 \v \The Destruction of Records Act, 1917. 1917 \XVIII \The Post Office Cash Certificates Act, 1917. 1918 \II \The Cinematograph Act, 1918. 1918 \XXII \The Bronze Coin (Legal Tender) Act, 1918. 1919 \1 \The Local Authorities Pensions and Gratuities Act, 1919. 1919 \XII \The Poisons Act, 1919. 1920 \v \The Provincial Insolvency Act, 1920. 1920 \x \The Indian Securities Act, 1920. 1920 \Xw \The Charitable and Religious Trusts Act, 1920. Year \Number \Short title \ \Acts-(contd.) 1920 \XXIII \The Indian Rifies Act, 1920. 1920 \XXXIII ... \The Identification of Prisoners Act, 1920 . 1920 \XXXIX \The Indian Elections Offences and Inquiries Act, 1920 . 1920 \XIVII \The Imperial Bank of India Act, 1920. 1921 \XVIII \The Maintenance Orders Enforcement Act, 1921 . 1922 1923 \XXII IV \The Police (Incitement to Disaffection) Act, 1922. The Indian Mines Act, 1923. 1923 \V \The Indian Boilers Act, 1923. 1923 \VI \The Cantonments (House-Accommodation) Act, 1923. 1923 \VIII \The Workmen's Compensation Act, 1923. 1923 \XIV \The Indian Cotton Cess Act, 1923. 1923 \XIX \The Indian Official Secrets Act, 1923. 1923 \XXI \The Indian Merchant Shipping Act, 1923. 1923 \XXIII \The Legal Practitioners (Women) Act, 1923. 1923 \XIII \The Mussalman Wakf Act, 1923. 1924 \II \The Cantonments Act, 1924. 1924 \IV \The Central Board of Revenue Act, 1924. 1924 \XIX \The Land Customs Act, 1924 . 1925 \IV \The Indian Soldiers (Litigation) Act, 1925. 1925 \XII \The Cotton Ginning and Pressing Factories Act, 1925. 1925 \XIX \The Provident Funds Act, 1925. 1925 \XXVI \The Indian Carriage of Goods by Sea Act, 1925. 1925 \XXXIX \The Indian Succession Act, 1925. 1926 \III \The Government Trading Taxation Act, 1926 . 1926 \VII \The Indian

Naturalization Act, 1926 . 1926 \XII \The Contempt of Courts Act, 1926 .  
 1926 \XVI \The Indian Trade Unions Act, 1926. 1926 \XXI \The Legal  
 practitioners (Fees) Act, 1926 . 1926 \XXXVIII \The Indian Bar Councils Act,  
 1926 . 1927 \XVI \The Indian Forest Act, 1927. 1927 \XVII \The Indian  
 Lighthouse Act, 1927. 1928 \XII \The Hindu Inheritance (Removal of  
 Disabilities) Act, 1928. 1929 \11 \The Hindu Law of Inheritance  
 (Amendment) Act, 1929 1929 \XIX . . . \The Child Marriage Restraint Act,  
 1929. 1930 \II \The Dangerous Drugs Act, 1930. 1930 \III . . . \The Indian  
 Sale of Goods Act, 1930. 1930 \XXIV . . . \The Indian Lac Cess Act, 1930.  
 1930 \XXX \The Hindu Gains of Learning Act, 1930. 1930 \XXXII \The  
 Mussalman Wakf Validating Act, 1930. 1931 \XVI \The Provisional Collection  
 of Taxes Act, 1931. 1931 \XXIII \The Indian Press (Emergency Powers) Act,  
 1931 . 1932 \IX \The Indian Partnership Act, 1931 1932 \XII \The Foreign  
 Relations Act, 1932 . 1932 \XIV \The Indian Air Force Act, 1932 . 1932 \XX  
 \The Port Haj Committees Act, 1932. 1932 \XXII \The Tea Districts Emigrant  
 Labour Act, 1932. 1932 \XXIII \The Criminal Law Amendment Act, 1932.  
 1933 \II \The Children (Pledging of Labour) Act, 1933. 1933 \XXVII \The  
 Indian Medical Council Act, 1933. 1934 \II \The Reserve Bank of India Act,  
 1934. 1934 \VIII \The Khaddar (Name Protection) Act, 1934. 1934 \XIX  
 \The Indian Dock Labourers Act, 1934. . . 1934 \XX \The Indian Carriage by  
 Air Act, 1934. 1934 \XXII \The. Indian Aircraft Act, 1934. 1934 \XXX \The  
 Petroleum. Act, 1934. 1934 \XXXII \The Indian Tariff Act, 1934. 1934  
 \XXXIV \The Indian Navy (Discipline) Act, 1934 . 1936 \III \The Parsi  
 Marriage and Divorce Act, 1936. 1936 \IV \The Payment of Wages Act,  
 1936. 1937 \I \The Agricultural Produce (Grading and Marketing) Act, 1937.  
 1937 \XVIII \The Hindu Women's Rights to Property Act, 1937 . 1937 \XIX  
 \The Arya Marriage Validation Act, 1937. Year \Number \Short title \ \Acts-  
 (contd.) 1937 \XXV \The Federal Court Act, 1937. 1937 \XXVI \The Muslim  
 Personal Law (Shariat) Application Act, 1937. 1938 \IV . \The Insurance Act,  
 1938. 1938 1938 \V VIII \The Manoeuvres, Field Firing and Artillery Practice  
 Act, 1938. The Indian Tea Control Act, 1938 . 1938 \XX \The Criminal Law  
 Amendment Act, 1938. 1938 \XXVI \The Employers' Liability Act, 1938.  
 1938 \XXVI \The Employment of Children Act, 1933 1939 \IV \The Motor  
 Vehicles Act, 1939. 1939 \VIII \The Dissolution of Muslim Marriages Act,  
 1939. 1939 \IX \The Standards of Weight Act, 1939 . 1939 \XIX \The Coal  
 Mines Safety (Stowing) Act, 1939 . 1939 \ \The Indian Naval Reserve Forces  
 (Discipline) Act, 1939 . 1940 \V \The Trade Marks Act, 1949 1940 \X \The  
 Arbitration Act, 1940 . 1940 \XXIII \The Drugs Act, 1940 . 1940 \XXVII \The  
 Agricultural Produce Cess Act, 1940. 1941 \XIX \The Mines Maternity Benefit  
 Act, 1941 1941 \XX \The Professions Tax Limitation Act, 1941. 1941 \XXI  
 \The Federal Court Act, 1941 . 1941 \XXV \The Railways (Local Authorities'  
 Taxation) Act, 1941. 1942 \VII \The Coffee Market Expansion Act, 1942.  
 1942 \XVIII \The Weekly Holidays Act, 1942 . 1942 \XIX \The Industrial  
 Statistics Act, 1942 . 1942 \XXVI \The Federal Court (Supplemental Powers)  
 Act, 1942 . 1932 \IX \The Reciprocity Act, 1943. 1944 \I \The Central  
 Excises and Salt Act, 1944. 1944 \x \The Indian Coconut Committee Act,  
 1944. 1944 \XVIII \The Public Debt Act, 1944. 1946 1946 \IX XVII \The  
 Indian Oilseeds Committee Act, 1946. The Protective Duties Act, 1946 ..  
 1946 \XIX \The Hindu Married Wopien's Right to Seprate Residence and \  
 \Maintenance Act, 1946 . 1946 \XX \The Industrial Employment (Standing  
 Orders) Act, 1946 . 1946 \XXII \The Mica Mines Labour Welfare Fund Act,  
 1946. 1946 \XXIV \The Essential Supplies (Temporary Powers) Act, 1946 .  
 1946 \XXV \The Delhi Special Police Establishment Act, 1946. 1946 \XXVIII  
 \The Hindu Marriage Disabilities Removal Act, 1946 . 1947 \11 \The  
 Prevention of Corruption Act, 1947. 1947 \VII \The Foreign Exchange  
 Regulation Act, 1947. 1947 \XII \The Railways (Transport of Goods) Act,

1947 . 1947 \XIV \The Industrial Disputes Act, 1947. 1947 \XV \The Armed Forces (Emergency Duties) Act, 1947 1947 \XVI \The Trading with the Enemy (Continuance of Emergency Provi- \ \sions) Act, 1947. 1947 \XVIII \The Imports and Exports (Control) Act, 1947. 1947 \XXIV \The Rubber (Production and Marketing) Act, 1947. 1947 \XXIX \The Capital Issues (Continuance of Control) Act, 1947. 1947 \XXXI \The Antiquities (Export Control) Act, 1947. 1947 \XXXII \The Coal Mines Labour Welfare Fund Act, 1947. 1947 \XLIII \The United Nations (Security Council) Act, 1947. 1947 \XLVI \The United Nations (Privileges and Immunities) Act, 1947. 1948 \I \The Federal Court (Enlargement of Jurisdiction) Act, 1947. 1948 \VIII \The Pharmacy Act, 1948. 1948 \IX \The Dock Workers (Regulation of Employment) Act, 1948. 1948 \XI \The Minimum Wages Act, 1948. 1948 \XII \The Rehabilitation Finance Administration Act, 1948. 1948 \XV \The Industrial Finance Corporation Act, 1948. Year Number Short title Acts- (contd.) 1948 XVI ... .. The Dentists Act, 1948. 1948 XXII ... .. The Indian Power Alcohol Act, 1948. 1948 XXIX ... .. The Atomic Energy Act, 1948. 1948 XXXII ... .. The Road Transport Corporations Act, 1948 1948 XXXIV ... .. The Employees' State Insurance Act, 1948. 1948 XXXVII ... .. The Census Act, 1948. 1948 XL ... .. The Indian Matrimonial Causes (War Marriages) Act, 1948. 1948 XLVI ... .. The Coal Mines Provident Fund and Bonus Schemes Act, 1948. 1948 XLVII ... .. The Displaced Persons (Institution of Suits) Act, 1948. 1948 LIII ... .. The Mines and Minerals (Regulation and Development Act, 1948. 1948 LIV ... .. The Electricity (Supply) Act, 1948. 1948 LXI ... .. The Central Silk Board Act, 1948. 1948 LXIII ... .. The Factories Act, 1948. 1949 X ... .. The Banking Companies Act, 1949 1949 XIII ... .. The Central Tea Board Act, 1949 . 1949 XXI ... .. The Hindu Marriages Validity Act, 1949 .. 1949 XXIII ... .. The Influx from Pakistan (Control) Act, 1949 . 1949 XXV ... .. The Displaced Persons (Legal Proceedings) Act, 1949 . 1949 XXX ... .. ThePublicCompanies(LimitationofDividends)Act,1949\*. 1949 XXXVIII ... .. The Chartered Accountants Act, 1949. ORDINANCES 1949 IV ... .. The Currency Ordinance, 1940. 1941 XI ... .. The Essential Services (Maintenance) Ordinance, 1941. 1942 XLI ... .. The Armed Forces (Special Powers) Ordinance, 1942. 1944 XXXVIII ... .. The Criminal Law Amendment Ordinance, 1944. 1944 XLII ... .. The Post Office National Savings Certificates Ordinance, 1944 1945 XLVII ... .. The International Monetary Fund and Bank Ordinance, 1945. 1949 XI ... .. The Inustrial Tribunals Payment of Bonus (National Savings Certificates) Ordinance, 1949 . REGULATION 1818 III ... .. The Bengal State Prisoners Regulation, 1818.