

PART B STATES (LAWS) ACT, 1951

3 of 1951

[22nd February, 1951]

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SCHEDULE 1 :- THE SCHEDULE

PART B STATES (LAWS) ACT, 1951

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STATEMENT OF OBJECTS AND REASONS 'For the purpose of improving the administration of Part B States and for placing them, as far as possible on a par with A States, it is necessary that all the more important Central Acts falling within the Union and Concurrent Lists should be extended to Part B States also. With this end in view, a number of such Central Acts has already been extended to Part B States generally or to Part B States except the State of Jammu and Kashmir, as the case may be, according to the legislative competence of Parliament, but a large number of Acts still remain to be similarly extended. Moreover, with the financial integration of Part B States, the Central Government has assumed responsibility for the administration of various subjects in those States, and it is, therefore, a matter of some urgency that the remaining Central Acts requiring to be extended are extended to Part B States as soon as possible. 2. The present Bill is intended to give effect to the above proposal. The Acts and Ordinances listed in the Schedule to this Bill have been prepared in consultation with the administrative departments concerned, and the view of Part B

States with regard to the extension of these Acts and Ordinances have also been obtained.-Gaz., of Ind., 25-11-1950, Pt. II, S. 2, p. 384.

1. Short title and commencement :-

(1) This Act may be called The Part B States (Laws) Act, 1951.

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

2. Definition :-

In this Act, 'appointed day' means the date on which this Act comes into force.¹

1. That is, 1st April, 1951.

3. Extension and amendment of certain Acts and Ordinances :-

The Acts and Ordinances specified in the Schedule shall be amended in the manner and to extent therein specified, and the territorial extent of each of the said Acts and Ordinances shall, as from the appointed day and in so far as any of the said Acts or Ordinances or any of the provisions contained therein relates to matters with respect to which Parliament has power to make laws, be as stated in the extent clause thereof as so amended.

4. Construction of references to laws not in force in Part B States :-

Any reference in any Act or Ordinance specified in the Schedule to a law which is not in a Part B State shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State,

5. Construction of references to authorities where new authorities have been constituted :-

Any reference, by whatever form of words, in any law for the time being in force in a Part B State to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in that State shall, where a corresponding new authority has been constituted by or under any Act or Ordinance now extended to that State, have effect as if it were a reference to that new authority.

6. Repeals and savings :-

If immediately before the appointed day," there is in force in any

Part B State any law corresponding to any of the Acts or Ordinances now extended to that State, that law shall, save as otherwise expressly provided in ¹ [this Act], stand repealed : Provided that, the repeal shall not affect-

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment maybe imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, 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 obtained, patent, permit or licence granted or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act or Ordinance as now extended to that State, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the said Act or Ordinance.

1. Substituted for 'the Act', by the Repealing and Amending Act, 1952 (48 of 1952), Section 3, Schedule II (2-8- 1952.)

7. Power to remove difficulties :-

(1) If any difficulty arises in giving effect in any Part B State to the provisions of any Act or Ordinance now extended to that State, the Central Government may, by order notified in the Official Gazettee, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

(2) In particular, and without prejudice to the generality of the foregoing power, any such notified order may-

(a) specify the corresponding authorities within the meaning of section 5 ;

(b) provide for the transfer of any matter pending before any Court, tribunal or other authority, immediately before the appointed day, to any corresponding Court, tribunal or other authority for disposal;

(c) specify the areas or circumstances in which, or the extent to which or conditions subject to which, anything done or any action taken (including any of the matters specified in the second proviso to section(6) under any law repealed by that section shall be recognised or given effect to under the corresponding provision of the Act or Ordinance as now extended.

SCHEDULE 1

THE SCHEDULE

(See section 3) [Not printed as the amendment made to the Acts referred in this Schedule have been incorporated at their respective places.-Ed.]