

## **ACQUIRED TERRITORIES (MERGER) ACT, 1960**

**64 of 1960**

**[28th December, 1960]**

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## **ACQUIRED TERRITORIES (MERGER) ACT, 1960**

**64 of 1960**

**[28th December, 1960]**

STATEMENT OF OBJECTS AND REASONS "Agreements between the Governments of India and Pakistan dated 10th September, 1958, 23rd October, 1959, and 11th January, 1960, settled certain boundary disputes between the Govern- ments of India and Pakistan relating to the borders of the States of Assam, Punjab and West Bengal, and the Union Territory of Tripura. According to these agreements, certain territories are to be transferred to Pakistan after demar- cation. In the light of the Advisory Opinion of the Supreme Court in Special Reference No. 1 of 1959, it is proposed to amend the First Schedule to the Constitution under a law relatable to Article 368 thereof to give effect to the transfer of these territories. -Gaz. of ind., 16-12-1960, Pt. II-Sec. 2, Extra p. 903.

### **1. Short title :-**

This Act may be called The Acquired Territories (Merger) Act, 1960.

## **2. Definitions :-**

In this Act, unless the context otherwise requires,-

(a) "acquired territories" mean so much of the territories comprised in the Indo-Pakistan agreements and referred to in the First Schedule as are demarcated for the purpose of being acquired by India in pursuance of the said agreements;

(d) "Indo-Pakistan agreements" mean the Agreements dated the 10th day of September, 1958, the 23rd day of October, 1959 and the 11th day of January, 1960 entered into between the Governments of India and Pakistan, the relevant extracts of which are set out in the Second Schedule;

(e) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the acquired territory;

(f) "sitting member", in relation to either House of Parliament or of the Legislature of a State, means a person who, immediately before the appointed day, is a member of that House;

(g) "State concerned", in relation to the acquired territories referred to in Part I, Part II and Part III of the First Schedule, means, respectively, the State of Assam, the State of Punjab and the State of West Bengal: and "State Government concerned" shall be construed accordingly:

## **3. Merger of acquired territories :-**

(1) As from the appointed day, the acquired territories referred to in Part I, Part II and Part III of the First Schedule shall, respectively be included in and form part of the State of Assam, Punjab and West Bengal.

(2) As from the appointed day, the State Government concerned shall, by order in the Official Gazette, provide for the administration of the acquired territories included in that State by including them or, any part of them in such district, sub-division, police station or other administrative unit as may be specified in the order.

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

As from the appointed day, in the Constitution of India .

(a) in the paragraph relating to the territories of the State of

Assam, after the words "the Assam Tribal Areas", the words, figures and brackets "and the territories referred to in Part I of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted,

(c) in the paragraph relating to the territories of the State of West Bengal, after the words, brackets and figures "the Bihar and West Bengal (Transfer of Territories) Act, 1956", the words, figures and brackets "and the territories referred to in Part III of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted.

**5. Construction of references to existing constituencies :-**

As from the appointed day,-

**6. Provisions as to sitting members :-**

(1) Every sitting member of the House of the People representing any parliamentary constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to that House by that constituency as so altered.

(2) Every sitting member of the Legislative Assembly of the State of Assam or Punjab or West Bengal representing any assembly constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the said Legislative Assembly by that constituency as so altered.

(3) Every sitting member of the Legislative Council of Punjab or West Bengal representing any Council constituency the extent of which has been altered by virtue of the provisions of this Act, shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the said Legislative Council by that constituency as so altered.

**7. Property and assets :-**

(2) A certificate of the Central Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any property or assets are held immediately before the appointed day, are Union purposes.

**8. Appropriation of moneys for expenditure in acquired territories :-**

(1) As from the appointed day, any Act passed by the Legislature of the State of Assam or Punjab or West Bengal before that day for the appropriation of any moneys out of the Consolidated Fund of that State to meet any expenditure in respect of any part of the financial year 1960-61, shall have effect also in relation to the acquired territories included in that State and it shall be lawful for the State Government concerned to spend any amount in respect of those territories out of the amount authorised by such Act to be expenditure for any service in that State.

(2) The Governor of the State concerned may, after the appointed day, authorise such expenditure from the Consolidated Fund of that State as he deems necessary for any purpose or service in the acquired territories included in that State for a period of not more than three months beginning with the appointed day pending the sanction of such expenditure by the Legislature of that State.

**9. Extension of laws :-**

All laws in force in the acquired territories immediately before the appointed day shall, as from that day, cease to be in force in those territories and all laws in force generally in the State concerned in which the acquired territories are included shall, as from that day, extend to, or as the case may be, come into force in those territories: Provided that any thing done or any action taken before the appointed day under any law in force in the acquired territories shall be deemed to have been done or taken, as from the appointed day, under the corresponding law extended to, and in force, in those territories.

**10. Power to name authorities for exercising statutory functions :-**

The State Government concerned, as respects the acquired territories included in that State may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions, exercisable under any law in force on that day in those territories as may be mentioned in that notification and such law shall have effect accordingly.

**11. Power to remove difficulties :-**

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from any corresponding law) or in connection with the administration of the

acquired territories as a part of the State in which they are included, the State Government concerned may, by order in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(3) No power under sub-section (1) or sub-section (2) shall be exercised by the Central Government or, as the case may be, the State Government after the expiry of three years from the appointed day.

(4) Any order made under sub-section (1) or sub-section (2) may be so made as to be retrospective to any date not earlier than the appointed day.

## SCHEDULE 1

### THE FIRST SCHEDULE

\\ (See section 2(a), rule 2(g), rule 3 and rule 4) \\ \\ \\ \\ \\ \\ \\ \\ PART I  
The acquired territory in relation to item (7) of paragraph (2) of the Agreement dated the 10th day of September, 1958. \\ \\ \\ \\ PART II  
The acquired territory in relation to item (ii) and item (iii) of paragraph I of the Agreement dated the 11th day of January, 1960. \\ \\ \\ \\ PART III  
The acquired territory in relation to item (5) and item (10) of paragraph 2 of the Agreement dated the 10th day of September, 1958, and paragraph 4 of the Agreement dated the 23rd day of October, 1959.

## SCHEDULE 2

### THE SECOND SCHEDULE

\\ \\ \\ (See Section 2(d)) 1. [EXTRACTS FROM THE NOTE CONTAINING THE AGREEMENT DATED THE 10TH DAY OF SEPTEMBER, 1958] \\ \\ \* \\ \* \\ \* \\ \* \\ \* \\ \* 2. As a result of the discussions, the following agreements were arrived at :-- (5) 24 Parganas - Khulna Boundary disputes. 24 Parganas - Jessore It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute. (Ichhamati river). \* \\ \* \\ \* \\ \* \\ \* (7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers. \* \\ \* \\ \* \\ \* \\ \* (10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to. \\ \\ \* \\ \* \\ \* \\ \* \\ \* (signed) (M.S.A. BAIG) \\ \\ \\ (signed) (M. J. DESAI) Foreign Secretary, \\ \\ \\ \\ Commonwealth Secretary, Ministry of Foreign Affairs \\ \\ \\ \\ Ministry of External Affairs, and Commonwealth Relations, \\ \\ \\ \\ Government of India. Government of Pakistan. NEW DELHI, SEPTEMBER. 10. 1958. 2. EXTRACTS FROM THE AGREEMENT ENTITLED "AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-EAST PAKISTAN BORDER AREAS," DATED THE 23RD DAY OF OCTOBER, 1959. \* \\ \* \\ \* \\ \* \\ \* 4. West Bengal East Pakistan Boundary. Over 1.200 miles of this boundary

