

## **BERAR LAWS ACT, 1941**

**4 of 1941**

**[17th March, 1941]**

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"Though the provisions of many Central Acts are applicable to Berar. this result does not flow from the British Indian Act itself being proprio vigore operative in Berar but is achieved by the application to Berar by order made under the Indian (Foreign Jurisdiction) Order in Council. 1903, of each such Act often with certain modifications of the form in which the Act is in force in British India. Certain administrative inconveniences result from this. The Act as in force in British India is distinct from the Act as in force in Berar. the former being an enactment applying proprio vigore to British India but not to Berar, the latter consisting of the provisions of the British Indian Act made applicable to Berar by order under the Foreign Jurisdiction Order but not applicable to British India, Notifications and statutory Rules issued under identical provisions, operative both in British India and in Berar.

have accordingly to be issued separately for British India and for Berar. and a similar dual process must attend any subsequent amendment of such notifications and rules. The repeal in British India of an Act made applicable to Berar does not automatically make the Act inoperative in Berar. 2. Since the commencement of Government of India Act, 1935. on the 1st April 1937 Berar and the Central Provinces have been deemed to be one Governor's Province and an Act passed after that date and expressed to extend to the whole of British India does extend proprio vigore to Berar. 1. The primary object of the present Bill is to assimilate the position of Central Acts passed before the 1st day 0. April. 1937. to that of those passed after that date and automatically in force in Berar. that is to say. by means of one comprehensive enactment to extend to and make operative proprio vigore in Berar Central Acts passed before the commencement of Government of India Act, 1935. while simultaneously nullifying the orders under the Foreign Jurisdiction Order in Council by virtue of which those Acts are operative in Berar. It is possible, now that the legislative competence of the Central Legislature is confined to matters enumerated in List I and List III of the Seventh Schedule to Government of India Act, 1935 to achieve the result aimed at only in Part by legislation in the Central legislature. So far as the Central Legislature is incompetent to achieve the result completely. because the subject-matter of the Act to be extended is included in List II. it is anticipated that this Central legislation will be supplemented by Provincial legislation. and that the Central Act and the Provincial Act will come into operation simultaneously, each thus completing what the other left incomplete. Accordingly the Acts to be extended to Berar are grouped in two separate Schedules. Schedules I and II. according as their subject-matter is relatable solely to List I and List III or only partly to those Lists and partly to List II. 4. In addition to Central Acts- the provisions of which are already applicable to Berar by virtue of orders under the Foreign Jurisdiction Order in Council. Schedules I and II also contain a few Acts which it seems advisable to take the opportunity afforded by the Bill to extend to Berar. 5. One Act Cotton Cess Act, 1923 which was made operative proprio vigore in Berar by the Government of India (Adaptation of Indian Laws) Order. 1937. is also still operative by virtue of an order under the Foreign Jurisdiction Order in Council. This Act has received special treatment in Cl. 3 of the present Bill. 6. Two Acts Code of Civil Procedure, 1908 and Limitation Act 1908 require small

modifications when operative in Berar owing to the fact that a special law .the Berar Small Cause Courts Law.1905. takes the place of the Provincial Small Cause Courts Act, 1887 in Berar. These modifications have been effected in the Third Schedule to the Bill. The Fourth Schedule contains a list of Acts in regard to which doubts might arise whether they are or not still operative in Berar. They were at one time applied to Berar. and on the repeal or expiry of the Acts in British India no overt action was taken to cancel the notifications by which their provisions were applied to Berar."

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

(1) This Act maybe called The Berar Laws Act, 1941.

(2) It shall come into force on such <sup>1</sup> date as the Central Government may. by notification in the Official Gazette, appoint.

[a] Words beginning with "any references by" and ending with the words `` the Nizam of Hyderabad" omitted by A. I.

### **2. Extension of certain Acts to Berar :-**

(1) The Acts specified in the First Schedule and so much of any Act specified in the Second Schedule as relates to matters with respect to which the Central Legislature has power to make laws are hereby extended to. and shall be in force in. Berar: and in any enactment so extended <sup>2</sup>[\* \* \* \*] notwithstanding anything contained in clause (7) of S.3 of the General Clauses Act. 1897. any reference to <sup>3</sup>[the States] shall be construed as a reference to <sup>4</sup> [the States] and Berar.

(2) The Acts specified in the Third Schedule shall be amended in the manner set forth in the second column of that Schedule.

[a] Words beginning with "any references by" and ending with the words `` the Nizam of Hyderabad" omitted by A. I.

[b] Substituted for the words `` British India" by A. C. A. O. 1948.

### **3. Cessor of application of certain Acts to Berar :-**

The application, if any, to Berar. made by order under the Indian (Foreign Jurisdiction) Order in Council. 1902. of the Acts specified in the First Schedule, or so much of any Act specified in the Second Schedule as relates to matter. with respect to which the Central Legislature has power to make laws. and of Indian Cotton Cess Act, 1923, shall cease to have effect: Provided that all appointments, delegations, notifications, orders, bye-laws, rules and regulations,

which have been made or issued under, or in pursuance of. any provision of any of the laid Acts as applied to Berar by order under the said Order in Council, and which are in force at the commencement of this Act. shall be deemed to have been made or issued under or in pursuance of the corresponding provision of that Act as now extended to. and in force in. Berar.

**4. Removal of doubt :-**

For the removal of doubt it is hereby declared that the Act.- specified in the Fourth Schedule have ceased to have effect and are repealed in Berar.

SCHEDULE 1

Acts Extended to Berar

SCHEDULE 2

Acts partially Extended to Berar

Year	Number	Short title
1843	v	The Indian Slavery Act, 1843.
1850	XII	The Public Accountant's Default Act, 1850.
1850	XXXVII	The Public Servants (Inquiries) Act, 1850.
1855	XXIV	The Penal Servitude Act, 1855.
1870	VII	The Court-fees Act. 1870.
1871	XXIII	The Pensions Act. 1871.

1881	XI	The Municipal Taxation Act, 1881.
1882	IV	The Transfer of Property Act. 1882.
1885	XIII	The Indian Telegraph Act. 1885.
1886	VI	The Births. Deaths and Marriages Registration Act. 1886.
1886	XI	The Indian Tramways Act, 1886.
1890	I	The Revenue Recovery Act 1890.
1890	VI	The Charitable Endowments Act, 1890.
1890	IX	The Indian Railways Act. 1890.
1895	XV	The Crown Grants Act. 1895.
1897	III	The Epidemic Diseases Act. 1897.
1897	X	The General Clauses Act. 1897.
1897	XIV	The Indian Short Titles Act, 1897.
1898	VI	The Indian Post Office Act, 1898.
1899	II	The Indian Stamp Act, 1899.
1899	IV	The Government Buildings Act. 1899.
1913	VII	The Indian Companies Act, 1913.
1914		

1914	IX	The Local Authorities Loans Act, 1914.
1916	XV	The Hindu Disposition of Property Act, 1916.
1917	V	The Destruction of Records Act, 1917.
1918	II	The Cinematograph Act, 1918.
1920	X	The Indian Securities Act, 1920.
1920	XXXIX	The Indian Elections Offences and Inquiries Act, 1920.
1923	III	The Cotton Transport Act. 1923.
1923	XIX	The Indian Official Secrets Act, 1923.
1924	XIII	The Indian (Specified Instruments) Stamp 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.
1927	XVI	The Indian Forest Act, 1927.
1928	XII	The Hindu Inheritance (Removal of Disabilities) Act. 1928.
1929	II	The Hindu Law of Inheritance (Amendment) Act. 1929,
1930	XXX	The Hindu Gain-, of Learning Act. 1930.
1936	V	The Decrees and Orders Validating Act. 1936.

### SCHEDULE 3

Acts Amended (Amendments were made in C.P.C. 1908 and Lim. Act 1908) [Not

printed]

#### SCHEDULE 4

Acts which have ceased to have effect and are repealed in Berar

<b>Year</b>	<b>Number</b>	<b>Short title</b>
1841	XIX	The Succession (Property Protections Act. 1841.
1847	XX	The Indian Copyright Act. 1847.
1860	IX	The Employers and Workmen (Disputes) Act. 1860.
1865	X	The Indian Succession Act. 1865.
1865	XXI	The Parsi intestate Succession Act. 1865.
1881	V	The Probate and Administration Act. 1881.
1881	VI	The District Delegates Act. 1881.
1889	VII	The Succession Certificates Act. 1889.
1911	XII	The Indian Factories Act. 1911.
1912	V	The Provident Insurance Societies Act. 1912.
1912	VI	The Indian Life Assurance Companies Act. 1912.
1914	VIII	The Indian Motor Vehicles Act. 1914.
1919	X	The Excess Profits Tax Act. 1919.
1923	X	The Indian Paper Currency Act. 1923.
1926	XIX	The Indian Finance Act. 1926.
1927	V	The Indian Finance Act. 1927.
1928	XX	The Indian Insurance Companies Act. 1928.
1929	X	The Indian Census Act. 1929.
1933	XIII	The Safeguarding of Industries Act. 1933.
1935	[<FNR>a</FNR>]	The Criminal Law Amendment Act. 1935.
1936	I	The Italian Loans and Credits Prohibition Act. 1936.