

BENGAL, BIHAR AND ORISSA AND ASSAM LAWS ACT, 1912

Act 7.) (TFE BY.NT.A%, LAW (26 An t to make certain provisions legardi.g th applicati n law in force in t the Presidenc: of ort in the Prot.ince of Bihar arÆ Oric«a atH I the P tif Assam. a an (kup•cil h.t•r been And b'. under Notification No. 290, dated rhc d.o ot March. 1912. the Gover• nor in day of Apr:!, Schedu:e A be and continue subic•ct to the Presidency of Fort William in Bengal : And wherea«. bv Proclomation: puNished under Notification the dav 1012 Governor-Gener.ß. pleased to B to be, for the purpose o:- the Ir,dtan Council Act, I ROI, : Provincc to Act the making of & 5S Vict. and and •ova ament the Presidencies Y'. be applicable, and be called the of to Lieutenant-Gover- Arad i.v publi±hed Notification No. 291, dated Lbcnty-second dav of Match, it) 12 Govemoz-Gcnet2i the sanction a:d approbation of the So-retar•. pleased 'axe under his immctiiatr a: Z the territoty mentioned in Schec*.w.c C, ft.: mekv the Province cf Easter. a: A4Qt:,. to for m same into a Chief to ca.ed Cc-mmissaouersi',ip of Assam, and further to app-'izt a Chief Commissioner there-or ; And whereas is expedient to make certa:u provisions the of the law in force in the territorie affected bv the Proclamation ; It is as i'.,hows I. i ins Act be called the Bc:tgai, Bihar and Ot isa Short title and Assam A! t, at-rd (2) I: sl.all come force the i; st of April, 1912. mencement

2. The to •n the vrcamb.e shall not be deemed to ha•.e atft-cttli any c;aar.gc the •c:ritcsrtal aopha• tion cl any enactme•r.t. not that such enactnet.t Clay Saving of be expressed to apply or to the territories for the time, being under a particular administzation. penac t met the I-art iz G't•ttt • the 22nd March 1912. Rep. and by the Gaven mc:at cf India Act. 160 3. All enactm Construct on made hy any authority in India of ceri•in and ail noacat:,. , order, schemes. rules, forms and bye-laws referacest in igued, mad or prey:ribe' uuder such enactments, which in cdiatei ore the commencement oi this Act, were in force force in terri- for, any of the territory mentioned in pre mention . , B, or Schedule C, shall, in their application to th erritory, be construed as if references therein to the author;- terntory or Gazettes mentioned in culumn 1 of Schedule D reference to Lhe authorities, teritory or Gazettes mentioned or referred to oppoyit thereto in column 2 of that Schedule 4. | Constitutie•j of Board of in Bihar and Orissa. b' Bihor and Orma Act I of 1913. Powers ..i 5. For the purpose of facilitating the application to the Courts and territoryj or any part thereof, in [Schedule Schedule Sta te B C of any enactment P2sscd before the commence• Got•errv• ment of this Act. or of any notificaun, orders, schemes, rules, trrnst form or bye-Invo made under any such enactment,— application enac•- (a) any Court may, subject to the other provisions of this Act construe the enactment, notification, order , schemes, rule, form or bye-law with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court ; and (b' the (State Government may, by notification in the [official Gazette], direct bv what ofcer any authority or power Shail be exercisable ; any such notification shall have effect as if enacted in this Act. rending pro• 6. .N01hing in this Act shall affect any proceeding which, at ceedings• the commencement thereof, is pendin ot in respect of any of the territory mentioned in [Schedule A, Schedule B Schedule C ; and every such oroceeding shall be continued as if this Act had not been passed. Application to adapt• 7. and 8. (Amendment of Acts Repeal. Rep. bj Ad of 1938. [9. References in this Act, by whatever form of words to dons and Indian Laws in force immediately before the commencement modifications this Act shall, after the commencement of (the constitution]' un&r [Arti cle 372 of the be constructed as reierences to those laws as adapted and modi- fed under [Article 372 of the constitution. 1. Successilely amended by A, O. i94& aad A. O. 1950 to rad a' above. 2 Proviv. to section 3 was repealed by sectioa 2 of Act 38 of 1920. It •a Provided Governor-Geoeal in Council may, bv in the ditecr that any function 01 the Chiet of Assan: uz2cr any sue. euacrmnt, notiEQtioa, order, scheme, rule, be-law be diveiurged the in council awl not by the Slid Chief Commissioner. Subs. O. which by A.O. 1937, A. O. 1937for for A.O. 1937. e S A. O. 1950 fer Part III fit of 1935. S• A. O. 1950/ section "3 -Act 1933. 2 Act LAWS SCHEDULE A (Set getions 3, 5 and 6) The Presidency CT Fort William ia Bengal Part ici The Chittagong DiGrion, comprising the districts of Chi#agmg, the Chittagong Hill Tract', -Yoakhali cnd Tippera ; the Dacca DiviJion, comprising the districts Bak«gazi, Dacca, Faridpur and Mymensing ; the Rajshahi Division, combrising the distrites of Boga, Dindpur Jalpaiguri, Melda, Pabna, and Ratgpur. 11 The Burdwan Division, comprising the districts of Bankura, Birbhum, Burdwa, Hoogb, Howroh and Midncpur ; the Presidency Di:i\$ion, co*isin districts of Khulna, Murshidafat town Of Calcutta ad the Sadia and the 24-Pargmas and the district gf Darjeeling.

SCHEDULE B The Prince of Bihar and Orissa The districts Bhagalpur, Monghyr, Purnea and the Saikat Parganas, in the Bhagalpur Division; the Patna Division, comprising the districts of Gaya, Patna and Shahabad; the Tithoo Division, comprising the districts of Chhota Nagpur Darbhanga, Muzaffarpur and Saran; the Chota Nagpur Division, comprising the districts of Hazaribagh Manbhum, Palamau, Ranchi and Singhbhum; and the Orissa Division, comprising the districts of Angul Balasore Cuttack, Puri and Sambalpur. Transferred to the province of Orissa, vide Government India (Constitution of Orissa) Order, 1936. 162 LAWS SCHEDULE C The PROVINCE OF Assam The Assam Valley Districts Division, comprising the districts of Darrang, Garo Hills, Goalpara, Kamrup, Lakhimpur, Nowgong and Sibsagar; and the Surma Valley and Hill Districts Division, comprising the districts of Cachar, Khasi and Jaintia Hills, Lushai Hills, Naga Hills and Sylhet. SCHEDULE D (See section 3) [Part I.—Construction of enactments, etc., in force in the territory mentioned in the Schedule A (Province of Fort William in Bengal) 2. 3. s. The [Local or District of Bengal]. The [Local or District of Eastern Bengal and Assam. Board of Revenue for Eastern Bengal and Assam.]

6. All officers and official bodies not mentioned in the foregoing clauses 2 to 5 except the Treasurer of Charitable endowments authority extended immediately before the commencement of this Act: Province of Eastern Bengal generally inclusive of the territory mentioned in part I of Schedule A. Province Bengal.

(a) The respective officers and official bodies who immediately before the commencement of Act exercised similar functions in Province of Bengal, such other officers or bodies, respectively, as the Government of Bengal may by notification in direct. Subs. by the A. O. 1937 for Local Government" Subs. by the A. O. 1950 for "Provincial" substituted by A. O. 1937 for "Council". The words "Fort William in" rep. by the A. O. 1937. Items 4 and 5 omitted by the A. O.

1937. The words "Fort William in" rep. by the A. O.

1937. Substituted by the A. O. 1937 for local official Gazette" Substituted "Provincial" by O. 1950. the Local which was 1912 Act 7.) LAWS SCHEDULE D—concl. 163 Part I.—Construction of enactments, etc., in force in the territory mentioned in Schedule A (the Presidency of Fort William in Bengal).—concl. References 2 7. The Local official Gazette (English or Vernacular, as the case may be) of the Government of Eastern Bengal and Assam. Bengal and Part II.—Construction of etc., in force in the territory mentioned in Schedule (the Province of Bihar and Orissa)

8. The Statute of Bihar of Bengal and Orissa. 9. Local Statute of the Central Provinces. 10. The Board of Revenue Bengal 512

13. The Court of Wards the Central Provinces. Superintendent of Government. Wards in the Central Provinces. The Judicial Commissioner of the Central Provinces, 16, All officers and official bodies mentioned in the foregoing the Treaties to (authority extended, immediately before the commencement of this Act, over the Province of Bengal generally inclusive of the territory mentioned in Schedule B

11. The local official Gazette (English or Vernacular, as the case may be) Of the Government of the Board of Revenue for Bihar and Orissa. The Court of Judicature in such officers of official Bodies, respectively, the Government may, by notification in the [official Gazette] direct. The Gazette 11 (English or Vernacular, as the case may be) of the Bihar and or the Chief Commissioner of Orissa. the Central Provinces. I Substituted by the A. O. 1937 for "local official Gazette". 2 Set Note I 3 Set Note 7 prepgc. Set Note 2 prepage. S Item 11 and 12 rep. by the A. O. 1937. 6 Subs. by the A. O. 1937 for Fort William in Bengal". LAWS [1912: Act 7. III.—Construction of etc., in force in the territory mentioned in Schedule C (the State of Assam). Reference 18. State 2 of Assam. The Statute—Bengal and Assam. 20. the Board of Revenue for Bengal 21. The Board of Revenue for Eastern Bengal and Assam. 22. 28

24. All officers and official bodies not mentioned in the foregoing clauses 18 to 23 (except the Treasurer of Charitable endowments) whose authority immediately before the commencement of this Act, over the Province Eastern Bengal and Assam inclusive of the territory mentioned in Schedule C

25. Statute of The Gazette (English or Vernacular, as the case may be) of the Government of Bengal or the Government of Eastern Bengal and Assam; Such officers or official bodies, respectively, as the Provincial Government of Assam may, by notification in the [official Gazette] direct.' The territory mentioned in Schedule [B] (English or Vernacular as the case may be) of the Chief Commissioner of Assam. SCHEDULE 1 Note I at page 168. 2 Set Note g at page 168. 8 Subs. by A. O. 1950 for Provincial which was substituted by A. O. 1937 for "L. G." 4 Items 22 and 23 rep. by the A. O. 1937. 5 Sub. by A. O. 1950 for "Provincial Government

which was substituted by A. O. 1937 for "Chief Commissioner". Sub. by A. O. 1937 for "local official Gazette". Notification 8b dated 1st April 1912, Assam Gazette 1912, part I 8 repealed by Act of

