

The Merged States (Laws) Act, 1949 Act 59 of 1949

Keyword(s): Absorbing Province, New Provinces

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ACTS

THE MERGED STATES (LAWS) ACT, 1949

ARRANGEMENT OF SECTIONS

SECTIONS:

- 1. Short title and commencement.
- 2. Definitions.
- 3. Extension of laws.
- 4. Interpretation of laws as extended.
- 5. Repeal of corresponding laws.
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THE SCHEDULE

THE MERGED STATES (LAWS) ACT, 1949

 $(ACT No. 59 \text{ of } 1949)^1$

An act to extend certain laws to certain areas administered as parts of Governors' Provinces or as Chief Commissioners' Provinces.

[26th *December*, 1949]

WHEREAS by orders under section 290A of the Government of India Act, 1935 (26 Geo. 5, c. 2), provision has been made for the administration of certain areas either as if they formed part of an adjoining Governor's Province or as if they were a Chief Commissioner's province;

AND WHEREAS it is expedient to provide that certain laws should be extended to, and by virtue of such extension, be in force in, the said areas:

It is hereby enacted as follows :--

1. Short title and commencement.—(1) This Act may be called the Merged States (Laws) Act, 1949.

For Statement of Objects and Reasons see Government of India Gazette 1949 Part—V P.401 unmodified by ALO 1950 and for Hindi text see RHP (Extra) Dated 5-11-88, p. 2717.

- (2) It shall come into force on the 1st day of January, 1950.
- 2. **Definitions.**—In this Act,—
- (a) the expression "absorbing Province" and "merged State" have the same meanings as in the State's Merger (Governors' Provinces) Order, 1949¹, as amended by the State's Merger (United Provinces) Order, 1949²; and
- (b) the expression "new Provinces" means the Chief Commissioner's Provinces constituted by the State's Merger (Chief Commissioner's Provinces) Order, 1949¹, as amended by the State's Merger (United Provinces) Order, 1949.
- 3. Extension of laws.—(1) The Acts, Ordinances and Regulations 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 Regulations 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 Regulations 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 (10 of 1897),--

^{1.} See S.O. 25, Gaz. of 1., Extra., 1949, page 1317.

^{2.} See S.O. 27, *ibi*. page 2611.

- 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 State's Merger (Chief Commissioners' Provinces) Order, 1949, as amended by the State's 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 of any of the State (other than the United State of Saurashtra) mentioned in the State's Merger (Chief Commissioners' Provinces) Order, 1949, as amended by the State's 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 now 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, 1947² (47 of 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.

^{1.} See S. O. 26, Gaz. of I., Extra., 1949 page 1343.

^{2.} Now Foreign Jurisdiction Act. 1947.

- 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, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.
- (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 license 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.

THE SCHEDULE

(See section 3)

LAWS EXTENDED TO THE NEW PROVINCES AND MERGED STATES

Year	Number	Short title	
		Acts	
1839	XXXII	The Interest Act, 1839, (a)	
1841	X	The Indian Registration of Ships Act, 1841. (a))
1850	XI	The Indian Registration of Ships Act (1841) Amendment Act, 1850. (a)	•
1850	XVIII	The Judicial Officers' Protection Act, 1850.	
1850	XIX	The Apprentices Act, 1850. (a)	
1850	XXI	The Caste Disabilities Removal Act, 1850.	
1850	XXXIV	The State Prisoners Act, 1850.	
1850	XXXVII	. The Public Servants (Inquiries) Act, 1850.	
1855	XII	The Legal Representatives Suits Act, 1855.	
1855	XIII	The Indian Fatal Accidents Act, 1855.	
1856	IX	The Indian Bills of Lading Act, 1856.	
1856	XV	The Hindu Widows' Re-marriage Act, 1856.	
1857	XIII	The Opium Act, 1857.	
1858	III	The State Prisoners Act, 1858.	
1860	XXI	The Societies Registration Act, 1860.	
1860	XLV	The Indian Penal Code, 1860	
1861	V	The Police Act, 1861.	•
1862	III	The Government Seal Act, 1862.	
1863	XXIII	The Waste-lands (Claims) Act, 1863.	
1865	III	The Carriers Act, 1865.	
1866	XXI	The Native Converts' Marriage Dissolution Act	t, .
		1866. <i>(a)</i>	
1867	XVI	The Acting Judges Act, 1867.	
1867	XXV	The Press and Registration of Books Act, 1867	•
1869	IV	The Indian Divorce Act, 1869.	
1870	VII	The Court-fees Act, 1870.	
1871	I	The Cattle-trespass Act, 1871.	
1871	XXIII	The Pensions Act, 1871.	
1871	XXXI	The Indian Weights and Measures of Capacity	
		Act, 1871.	

Year	Number	Short title
1872	I	 The Indian Evidence Act, 1872.
1872	III	 The Special Marriage Act, 1872. (a)
1872	IX	 The Indian Contract Act, 1872.
1872	XV	 The Indian Christian Marriage Act, 1872.
1873	V	 The Government Saving Banks Act, 1873.
1873	X	 The Indian Oaths Act, 1873. (a)
1874	III	 The Married Women's Property Act, 1874.
1874	IV	 The Foreign Recruiting Act, 1874.
1875	IX	 The Indian Majority Act, 1875.
1875	XVIII	 The Indian Law Reports Act, 1875.
1877	I	 The Specific Relief Act, 1877. (a)
1878	I	 The Opium Act, 1878 (a)
1878	VI	 The Indian Treasure-trove Act, 1878.
1878	VIII	 The Sea Customs Act, 1878. (a)
1878	XI	 The Indian Arms Act, 1878. (a)
1879	XVIII	 The Legal Practitioners Act, 1879
1880	I	 The Religious Societies Act, 1880.
1880	XIII	 The Vaccination Act, 1880.
1881	XI	 The Municipal Taxation Act, 1881.
1881	XXVI	 The Negotiable Instruments Act, \$1881.
1882	II	 The Indian Trusts Act, 1882.
1882	IV	 The Transfer of Property Act, 1882.
1882	VII	 The Powers of Attorney Act, 1882.
1884	IV	 The Indian Explosives Act, 1884.
1885	XVIII	 The Land Acquisition (Mines) Act, 1885.
1886	VI	 The Births, Deaths, and Marriages Registration
		Act, 1886.
1886	XI	 The Indian Tramways Act, 1886.
1887	VII	 The Suits Valuation 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. (a)
1890	I	 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. (a)
1891	XVIII	 The Bankers' Books Evidence Act, 1891.

Year	Number	Short title
1893	IV	The Partition Act, 1893.
1894	I	The Land Acquisition Act, 1894.
1894	IX	The Prisons Act, 1894.
1897	III	The Epidemic Diseases Act, 1897.
1897	IV	The Indian Fisheries Act, 1897.
1897	\mathbf{X}^{-}	The General Clauses Act, 1897.
1898	III	The Lepers Act, 1898. (a)
1898	V	The Code of Criminal Procedure, 1898 (a)
1898	VI	The Indian Post Office Act, 1898.
1898	IX	The Live-stock Importation Act, 1898.
1899	П	The Indian Stamp Act, 1899.
1899	IV	The Government Buildings Act, 1899.
1900	III	The Prisoners Act, 1900.
1901	П	The Indian Tolls (Army and Air Force) Act, 1901.
1903	VII	The Indian Works of Defence Act, 1903.
1903	XIV	The Indian Foreign Marriage Act, 1903, (a)
1903	XV	The Indian Extradition Act, 1903, (a)
1904	VII	The Ancient Monuments Preservation Act, 1904. (a)
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. (a)
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	II	The Indian Patents and Designs Act, 1911. (a)
1911	VIII	The Indian Army Act, 1911. (a)
1911	X	The Prevention of Seditious Meetings Act, 1911.
1912	IV	The Indian Lunacy Act, 1912. (a)
1913	II	The Official Trustees Act, 1913.
1913	III	The Administrator General's Act, 1913. (a)
1913	VI	The Mussalman Wakf Validating Act, 1913.
1913	VII	The Indian Companies Act, 1913. (a)
1914	II	The Destructive Insects and Pests Act, 1914.
1914	III	The Indian Copyright Act, 1914. (a)

Year	Number	Short title
 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.
917	XVIII	The Post Office Cash Certificates Act, 1917.
918	II	The Cinematograph Act, 1918.
918	XXII	The Bronze Coin (Legal Tender) Act, 1918.
919	I	The Local Authorities Pensions and Gratuities
		Act, 1919.
919	XII	The Poisons Act, 1919.
920	V	The Provincial Insolvency Act, 1920.
920	X	The Indian Securities Act, 1920.
920	XIV	The Charitable and Religious Trusts Act, 1920.
920	XXIII	The Indian Rifles Act, 1920.
920	XXXIII	The Identification of Prisoners Act, 1920.
920	XXXIX	The Indian Elections Offences and Inquiries
		Act, 1920. (a)
920	XLVII	The Imperial Bank of India Act, 1920. (a)
921	XVIII	The Maintenance Orders Enforcement
		Act, 1921. (a)
922	XXII	The Police (Incitement to Disaffection)
,		Act, 1922.
923	IV	The Indian Mines Act, 1923. (a)
923	V	The Indian Boilers Act, 1923.
923	VI	. The Cantonments (House Accommodation)
		Act, 1923.
923	VIII	The Workmen's Compensation Act. 1923.
923	XIV	The Indian Cotton Cess Act, 1923.
923	XIX	The Indian Official Secrets Act, 1923.
923	XXI	The Indian Merchant Shipping Act, 1923. (a)
923	XXIII	The Legal Practitioners (Women) Act, 1923.
923	XLII	The Mussalman Wakf Act, 1923.
924	II	The Cantonments Act, 1924.
924	IV	The Central Board of Revenue Act, 1924.
924	XIX	The Land Customs Act, 1924, (a)
925	IV	The Indian Soldiers (Litigation) Act, 1925.
925	XII	The Cotton Ginning and Pressing Factories
		Act, 1925.
925	XIX	The Provident Fund Act, 1925

THE SCHEDULE—contd.

Year	Number	Short title
1925	XXVI	. The Indian Carriage of Goods by Sea Act, 1925.
1925	XXXVI	The Indian Succession Act, 1925.
1926	III	The Government Trading Taxation Act, 1926.
1926	VII	The Indian Naturalization Act, 1926. (a)
1926	XII	The Contempt of Courts Act, 1926. (a)
1926	XVI	The Indian Trade Unions Act, 1926.
1926	XXI	The Legal Practitioners (Fees) Act, 1926. (a)
1926	XXXVIII	The Indian Bar Councils Act, 1926. (a)
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	II	The Hindu Law of Inheritance (Amendment) Act, 1929. (a)
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
1751	71.1	Act, 1931.
1931	XXIII	The Indian Press (Emergency Powers) Act,1931. (a)
1932	IX	The Indian Partnership Act, 1932.
1932	XII	The Foreign Relations Act, 1932. (a)
1932	XIV	The Indian Air Force Act, 1932. (a)
1932	XX	The Port Haj Committees Act, 1932. (a)
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. (a)
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. (a)
1934	XX	The Indian Carriage by Air Act, 1934.
1934	XXII	The Indian Aircraft Act, 1934.
934	XXX	The Petroleum Act, 1934.
1934	XXXII	The Indian Tariff Act, 1934.

Year	Number	Short title
1934	XXXIV	The Indian Navy (Discipline) Act, 1934. (a)
1936	III	The Parsi Marriage and Divorce Act, 1936.
1936	IV	The Payment of Wages Act, 1936.
1937	I	The Agricultural Produce (Grading and Marking)
		Act, 1937.
1937	XVIII	The Hindu Women's Rights to Property Act,
		1937. (a)
1937	XIX	The Arya Marriage Validation Act, 1937.
1937	XXV	The Federal Court Act, 1937.
1937	XXVI	The Muslim Personal Law (Shariat) Application
		Act, 1937.
1938	IV	The Insurance Act, 1938.
1938	V	The Manoeuvres, Field Firing and Artillery
		Practice Act, 1938.
1938	VIII	The Indian Tea Control Act, 1938. (a)
1938	XX	The Criminal Law Amendment Act, 1938.
1938	XXIV	The Employers' Liability Act, 1938.
1938	XXVI	The Employment of Children Act, 1938.
1939	IV	The Motor Vehicles Act, 1939. (a)
1939	VIII	The Dissolution of Muslim Marriages Act, 1939.
1939	IX	The Standards of Weight Act, 1939. (a)
1939	XIX	The Coal Mines Safety (Stowing) Act, 1939. (a)
1939		The Indian Naval Reserve Forces (Discipline)
		Act, 1939. (a)
1940	V	The Trade Marks Act, 1940. (a)
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. (a)
1941	XX	The Professions Tax Limitation Act, 1941. (a)
1941	XXI	The Federal Court Act, 1941.
1941	XXV	The Railway (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. (a)
1942	XXVI	Federal Court (Supplemental Powers) Act, 1942. (a)
1943	IX	The Reciprocity Act, 1943.
1944	I	The Central Excises and Salt Act, 1944.
1944	X	The Indian Coconut Committee Act, 1944. (a)

Year	Number		Short title
1944	XVIII		The Public Debt Act, 1944.
1946	IX		The Indian Oil Seeds Committee Act, 1946. (a)
1946	XVII	,	The Protective Duties Act, 1946. (a)
1946	XIX		The Hindu Married Women's Right to Separate
			Residence and Maintenance Act, 1946(a)
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. (a)
1946	XXV		The Delhi Special Police Establishment Act,
			1946.
1946	XXVIII		The Hindu Marriage Disabilities Removal Act,
			1946.
1947	II		The Prevention of Corruption Act 1947. (a)
1947	VII		The Foreign Exchange Regulation Act,
			1947. (a)
1947	XII		The Railways (Transport of Goods) Act, 1947. (a)
1947	XIV		The Industrial Disputes Act, 1947.
1947	XV		The Armed Forces (Emergency Duties) Act,
10.17	***		1947.
1947	XVI	• •	The Trading with the Enemy (Continuance of
10.47	3.23.2333		Emergency Provisions) Act, 1947.
1947	XVIII		The Imports and Exports (Control) Act, 1947.
1947	XXIV	• •	The Rubber (Production and Marketing) Act,
1047	VVIV		1947.
1947	XXIX	• •	The Capital Issues (Continuance of Control)
1047	VVVI		Act, 1947. (a)
1947	XXXI	• •	The Antiquities (Export Control) Act, 1947.
1947 1947	XXXII XLIII	• •	The Coal Mines Labour Welfare Fund Act, 1947.
1947			The United Nations (Security Council) Act, 1947.
1947	XLVI	• •	The United Nations (Privileges and Immunities)
1040	T		Act, 1947.
1948	I	• •	The Federal Court (Enlargement of Jurisdiction)
			Act, 1948.
1948	VIII		The Pharmacy Act, 1948.
1948	IX		The Dock Workers (Regulation of Employment)
			Act, 1948.
1948	XI		The Minimum Wages Act, 1948.

Year	Number	Short title
1948	XII	The Rehabilitation Finance Administration Act, 1948.
1948	XV	The Industrial Finance Corporation Act, 1948.
1948	XVI	The Dentists Act, 1948.
1948	XXII	The Indian Power Alcohol Act, 1948.
1948	XXIX	The Atomic Energy Act, 1948. (a)
1948	XXXII	The Road Transport Corporations Act, 1948. (a)
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. (a)
1948	LIII	The Mines and Minerals (Regulation and Development) Act, 1948. (a)
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. (a)
1949	XXI	The Hindu Marriages Validity Act, 1949. (a)
1949	XXIII	The Influx from Pakistan (Control) Act, 1949. (a)
1949	XXV	The Displaced Persons (Legal Proceedings) Act, 1949. (b)
1949	XXX	The Public Companies (Limitation of Dividends) Act, 1949. (a)
1949	XXXVIII	The Chartered Accountants Act, 1949.
		Ordinances
1940	IV	The Currency Ordinance, 1940.
1941	XI ·	The Essential Services (Maintenance) Ordinance, 1941.

Year	Number	Short title
1942	XLI	 The Armed Force (Special Powers) Ordinance, 1942.
1944	XXXVIII	 The Criminal Law Amendment Ordinance, 1944.
1944	XLII	 The Post Office National Savings Certificate
		Ordinance, 1944. (a)
1945	XLVII	 The International Monetary Fund and Bank
		Ordinance, 1945.
1949	XI	 The Industrial Tribunals Payment of Bonus
		(National Savings Certificates) Ordinance,
		1949. (b)
		REGULATION
1818	III	 The Bengal State Prisoners Regulation, 1818.

a.

These Acts have been repealed now.
The Acts and the ordinances stand expired now. b.