

MEGHALAYA ADAPTATION AND APPLICATION OF LAWS ACT, 1971

2 of 1971

[7th December, 1971]

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MEGHALAYA ADAPTATION AND APPLICATION OF LAWS ACT, 1971

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An Act to provide for the extension of certain laws to areas in Meghalaya which they are now not in force for the removal of doubts as to application of laws in certain other cases, for the adaptation or modification of such of the laws in force in Meghalaya as are within the Legislative competence of the Meghalaya Legislature, for determining the local extent of all such laws and for matters connected therewith or incidental thereto Be it enacted by the Legislature of Meghalaya in the Twenty-Second Year of the Republic of India as follows :-

1. Short title, extent and commencement :-

(1) This Act may be called the Meghalaya Adaptation and Application of Laws Act, 1971.

(2) It extends to the whole of Meghalaya.

(3) It shall be deemed to have had effect and come into force on the 2nd day of April, 1970.

2. Definitions In this Act :-

(a) "appointed day" means the second day of April, 1970 ;

(b) "existing law" means any law relating to a matter specified in Second Schedule to the Assam Re-organisation (Meghalaya) Act, 1969, made before the appointed day which continues to be in force in Meghalaya or any part thereof after the appointed day and includes any order, bye-law, rule, scheme, notification or other instrument so in force which was made under any such law.

3. Application and extent of certain Central Acts :-

The Central Acts mentioned in the First Schedule, with the amendments to which they have been subjected before the appointed day, shall be deemed to have come into force on the appointed day in those areas of Meghalaya in which they were not in force before the said day, and accordingly, unless otherwise provided,

(a) the Central Acts mentioned in Part I of the said Schedule shall extend to, and shall be in force in, the whole of Meghalaya including Shillong ;

(b) the Central Acts mentioned in Part II of the said Schedule shall extend to, and shall be in force in, the whole of Meghalaya except Shillong ; and

(c) reference to any of the Acts mentioned in the First Schedule to the expression "State Government" or "Government" shall be construed as reference to the "Government of Meghalaya" and reference to the expression "State" shall be construed as reference to "Meghalaya".

4. Application and extent of certain Regulations, Assam Acts etc. :-

(1) As from the appointed day, the laws mentioned in the Second

Schedule, with the amendments to which they have been subjected before the appointed day and which are for the time being applicable to Meghalaya or any part thereof, shall have effect, subject to the adaptations or modifications directed by that Schedule, or if it is so directed shall stand repealed ; and

(2) As from the appointed day, every such law as is referred to in sub-S. (1) shall, unless otherwise provided extend to the whole of Meghalaya, except Shillong.

5. General Adaptations :-

Whenever an expression mentioned in column

(1) of the Table hereunder printed occurs in any existing law mentioned in the Second Schedule, then unless that expression is by this Act expressly to be otherwise adapted or modified or to stand unmodified or to be omitted, there shall be substituted therefor the expression set opposite to it in column

(2) of the Table, and there shall also be made in any sentence in which the expression occurs such consequential amendments as the rules of grammar may require :

6. Amendment of Short title of Acts containing the word "Assam" etc. :-

(1) Where in the Short title of any of the existing laws mentioned in the Schedule to this Act, the expression "Assam", "Bengal" or "Eastern Bengal and Assam" occurs, there shall be substituted therefor the word "Meghalaya", and the year of the Act occurring at the end of the Short title shall be omitted.

(2) References by its Short title to any such law as is referred to in sub-S. (1) in any other law shall be construed as references to such law as amended by that sub-section.

7. References to laws not in force in Meghalaya to be construed as references to corresponding laws :-

Any reference in any existing law specified in the Schedule to a law which is not in force in Meghalaya or any part thereof shall be construed as a reference to the corresponding law, if any, in force in Meghalaya or part thereof, as the case may be.

8. Alteration of functionaries not to affect action taken etc. :-

The provisions of this Act which have the effect of modifying and

existing law so as to alter the manner in which, the authority by which, or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule or regulation duly made or issued or any thing done before the appointed day and any such notification, order, commitment, attachment, bye-law, rule, regulation or thing may be revoked, varied or undone in the like manner to the extent and in the circumstances as if it has been made, issued or done after the commencement of this Act by live corresponding authority and under and in accordance with the provisions then applicable to such a case.

9. Saving of previous operation of existing law :-

Nothing in this Act shall affect the previous operation of, or anything duly done or suffered under, any existing law, or any right, privilege, obligation, or liability already acquired, accrued or incurred under any such law or any penalty, forfeiture or punishment incurred in respect of any offence already committed against any such law.

10. Power of Courts to construe laws to facilitate application :-

Any Court, tribunal or authority required or empowered to enforce any law in force in Meghalaya or part thereof immediately before the appointed day shall, notwithstanding that this Act makes no provision or insufficient provision for the adaptation of the law, construe the law with all such adaptations as are necessary for the purpose of facilitating its application.

11. Power to Remove difficulties :-

(1) If any difficulty arises in giving effect to the provisions of any existing law now extended to the whole or any part of Meghalaya, the Government of Meghalaya by order notified in the Official Gazette, 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 S.8

(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 circumstances in which or the extent to which or the conditions subject to which anything done before the appointed day (including any of the matter specified in S. 8) shall be recognised or given effect to after the appointed day.

SCHEDULE 1

CENTRAL ACTS

SCHEDULE 1

CENTRAL ACTS

[See Section 3 (a)]

1. The Interest Act, 1839 (32 of 1839).
2. The Judicial Officers' Protection Act, 1850 (18 of 1850).
3. The Caste Disabilities Removal Act, 1850 (21 of 1850).
4. The Public Servants Inquiries Act, 1850 (37 of 1850).
5. The Hindu Widows' Remarriage Act, 1856 (15 of 1856).
6. The Converts' Marriage Dissolution Act, 1866 (21 of 1866).
7. The Pensions Act, 1871 (23 of 1871).
8. The Married Women's Property Act, 1874 (3 of 1874).
9. The Anand Marriage Act, 1909 (7 of 1909).
10. The Destructive Insects and Pests Act, 1914 (2 of 1914).
11. The Provident Funds Act, 1925 (19 of 1925).
12. The Hindu Inheritance Removal of Disabilities Act, 1928 (12 of 1928).
13. The Child Marriage Restraint Act, 1929 (19 of 1929).
14. The Parsi Marriage and Divorce Act, 1936 (2 of 1936).
15. The Dissolution of Muslim Marriage Act, 1939 (8 of 1939).

PART 2

[See Section 3 (b)]

1. The Indian Tolls Act, 1851 (8 of 1851).
2. The Court-Fees Act, 1870 (1 of 1870).

After S. 1-A, insert

"1-5. Power to modify Act. It extends to Meghalaya with such exceptions or modifications as are in force :

Provided that the Government of Meghalaya may, by notification direct that this Act shall apply to or in relation to any Court in Meghalaya or in any part thereof with such exceptions or modifications, as may be specified in the notification".

3. The Cattle Trespass Act, 1871 (1 of 1871).
4. The Indian Treasure-Trove Act, 1878 (6 of 1878).
5. The Hackney Carriage Act, 1879 (14 of 1879).
6. The Elephants Preservation Act, 1879 (6 of 1879).
7. The Vaccination Act, 1880 (13 of 1880).
8. The Municipal Taxation Act, 1881 (11 of 1881).
9. The Revenue Recovery Act, 1890 (1 of 1890).
10. The Partition Act, 1893 (4 of 1893).
11. The Prisons Act, 1894 (9 of 1894).
12. The Indian Fisheries Act, 1897 (4 of 1897).
13. The Lepers Act, 1898 (3 of 1898).
14. The Stamp Act, 1899 (2 of 1899) : After S. 1, insert

"1-A. Power to modify Act. It extends to Meghalaya with such exceptions or modifications as are in force :

Provided that the Government of Meghalaya may, by notification, direct that the Act shall apply in Meghalaya or any part thereof with such exceptions, restrictions and modifications, as may be specified in the notification".

15. The Government Buildings Act, 1899 (4 of 1899).
16. The Prisoners Act, 1900 (3 of 1900).
17. The Indian Registration Act, 1908 (16 of 1908). After S. 1, insert

"1-A. Power to modify Act. It extends to Meghalaya with such exceptions or modifications as are in force :

Provided that the Government of Msghalaya may, by notification direct that this Act shall apply in Meghalaya or any part thereof with such exceptions, restrictions and modifications, as miy be specified in the notification".

18. The Local Authorities Loans Act, 1914 (9 of 1914).
19. The Hindu Disposition of Property Act, 1916 (15 of 1916).
20. The Destruction of Records Act, 1917 (5 of 1917).
21. The Local Authorities Pensions and Gratuities Act, 1919 (1 of 1919).
22. The Identification of Prisoners Act, 1920 (33 of 1920).
23. The Indian Succession Act, 1925 (39 of 1925).

SCHEDULE 2
BENGAL REGULATIONS

SCHEDULE 2

[See Section 4]

BENGAL REGULATIONS

1. The Bengal Alluvion and Diluvion Regulation, 1825 (Bengal Regulation 2 of 1825). Section 4 First Proviso. For "under the provisions of Regulation 2, 1819, or of any other Regulation in force" substitute "under any law for the time being in force, Regulations under the Government of India Acts of 1870 and 1915".

2. The Assam Rates Regulation, 1879 (Regulation 3 of 1879). Section 1.

For S. 1, substitute

"7. (1) This Regulation may be called the Meghalaya Local Rates Regulations.

A; (2) It extends to the whols of Msghalaya, but shall come into force i in the United Khasi Jaintia Hills District only on such date as

the Government of Meghalaya may, by notification, appoint".

Section 9-Omit Cl. (4).

In Cl. (5), in sub-CI. (b), omit "is situated in any place other than the permanently settled portions of Cachar and Goalpara and the same".

Omit sub-CI. (d) and in the proviso, omit "or sub-CI. (d)". Section 8. For S. 8, substitute

"8. In appeal from the order of any officer appointed under S. 6 to assess or collect a rate shall lie to the Board of Revenue and the order passed on such appeal by the Board shall be final."

The word "any Government", wherever they occur, shall stand unmodified.

3. The Assam Land and Revenue Regulation, 1886 (Regulation 1 of 1886). 1. Section 1. For sub-Ss. (2) and (3), substitute

"(2) Sections 12 (2), 12 (3), 69, 94, 144, 147 (a), 147 (b) with proviso (iii),

Ss. 148, 149, 150, 151, S. 154 as substituted and new S. 154-A as inserted hereunder, S. 155 with the exception of Cls. (d) and (f), Ss. 156 and 157, shall alone apply to Meghalaya".

"(3) Sections 147 (a), 147 (b) with the proviso (iii), 148, 149, 150, 151, 154, 154-A, 155 with the exception of Cls. (d) and (f), 156 and 157 of the Regulation shall come into force at once".

2. (a) Section 154. For S. 154, substitute

"154. Matters exempted from cognizance of Civil Court. Except when otherwise expressly provided in this Regulation, or in rules issued under this Regulation, no Civil Court shall, exercise jurisdiction in any matter regarding ejectment of aay

person from land over which no person has accrued the right of a proprietor, landholder or settlement-holder and the disposal of any crop raised, or any building or other construction erected without authority on such land".

(b) After S. 154 as so substituted, insert

"154-A. (1) Notwithstanding anything contained in any judgment, decree or order of any court, any notice served or any action taken or any penalty imposed or any ejectment done under

sub-Rr. (1), (2), (3a) and (3b), (4), (5) and (5a) of R. 18 of the Settlement

Rules made under the principal Act shall be and always be deemed to have been validly done

(2) No suit or other proceeding shall be maintained or continued in any court against the Government or any person or authority for any act done or purported to have been done under

sub-Rr. (1), (2), (3a) and (3b), (4), (5) and (5a) of R. 18 of the Settlement Rules made under the principal Act.

(3) No Court shall enforce any decree or order against the Government

or any other person for any action taken or purported to have been taken under sub-Rr. (1), (2), (3a) and (3b), (4), (5) and (5a) of R. 18 of the Settlement Rules made under the principal Act".

4. The Assam Forest Regulation, 1891 (Regulation 7 of 1891). Section 1. For sub-Ss. (2), (3) and (4) substitute

"(2) It extends to the whole of Meghalaya :

Provided that the Government of Meghalaya may, by notification, exempt any place from the operation of the whole or any part thereof and withdraw such exemption.

(3) Clause (c) of S. 72 of the Regulation shall come into force at once".

(2) Section 72. For Cl. (c) substitute

"(c) to provide for ejectment of any person who has entered into unauthorised occupation in a Forest Reserve and for the disposal of any crops raised, or any building or other construction erected without authority in Forest Reserves :

No Civil Court shall exercise jurisdiction in any matter provided for by the rules made under the clause".

5. The Chin Hills Regulation, 1895 (Regulation 5 of 1896). Section 1. For "specified in the Schedule" substitute

"in Meghalaya". Omit the Schedule.

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL

6. The Bengal Prevention of Inoculation Act, 1865 (Bengal Act 4 of 1865). Long title. Omit "in the town and suburbs of Calcutta and in towns to which Act 3 of 1864, passed by Lieutent-Governor of Bengal in Council, has been or shall

hereafter be extended".

Preamble. Omit the second paragraph.

Section 2. For "enter the town of Calcutta or any other town" substitute "enter any town".

Section 3. For S. 3, substitute

"3. It shall be lawful for the Government of Meghalaya, by notification

to extend this Act to any town or place in Meghalaya in which it shall appear to the Government of Meghalaya that at the time of such notification there exists proper and sufficient arrangements for the inoculation of the inhabitants thereof with the cow-pox".

7. The Bengal Vaccination Act, 1880 (Bengal Act 5 of 1880). Preamble. Omit "in the town, port and suburbs of Calcutta and in other towns and selected local areas in the territories administered by the Lieuten-ant-Governor

of Bengal to which this Act may be hereafter extended".

Section 1. For paragraphs (1) and (2), substitute "(1) This Act may be called the Vaccination Act".

"(2) It shall not come into force in any town or area of its own force but the Government of Meghalaya, may, by notification, declare its intention to extend this Act or any of its provisions to any town or selected local area in Meghalaya".

In the last paragraph, omit "This Act shall come into force from the day on which it may be published in the official Gazette with the assent by the Governor-General ; but".

Section 9. For S. 9, substitute

"9. Appropriation of the fees. All such fees shall be appropriated in such manner as the Government of Meghalaya may direct",

Omit Ss. 14 to 17 and the heading above the said sections.

Section 18. For "under the provisions of Chapter X of the Calcutta Municipal Consolidation Act, 1876 or any other law" substitute "under any law".

Section 19. Omit "or if the child was born out of the Town of Calcutta or his birth has not been registered in the said town".

Section 21. For "under the provisions of the Calcutta Municipal Consolidation Act, 1876 or of any other law", substitute "under any law".

Section 25. Omit the words commencing with "In any Municipality" and ending with the words "made to the Commissioner, and".

Section 32. Omit "or the Corporation".

Section 33. In Cl. (b), omit "outside the town of Calcutta".

For the expression in the Schedules "Bengal Vaccination Act, 1830", wherever it occurs, substitute "Vaccination Act".

8. The Private Fisheries Protection Act, 1889 (Bengal Act 2 of 1889).

**ACTS OF THE LIEUTENANT-GOVERNOR OF EASTERN BENGAL AND ASSAM
IN COUNCIL**

9. The Assam Excise Act, 1910 (Eastern Bengal Act 1 of 1910). Long title and Preamble. Omit "In Eastern Bengal and Assam".

Section 1. Omit sub-Ss. (2), (3) and (4). Omit S. 2 and the First Schedule.

Section 7. Omit "Save as is provided in S. 2 and in the First Schedule".

Omit S. 24.

ACTS OF THE GOVERNOR OF BENGAL IN COUNCIL

10. The Bengal Public Demands Recovery Act, 1913 (Bengal Act 3 of 1913). Long title and Preamble. Omit "in Bengal".

Section 1, For S. 1, substitute

"7. This Act may be called the Public Demands Recovery Act". Omit S. 2.

Section 20. Omit sub-Ss. (3) and (4). Section 35. Omit sub-S. (3).

SCHEDULE 1

In item 1, for "the Bengal Land Revenue Sales Act, 1859 or the Bengal Land Revenue Sales Act, 1868 or any other law" substitute "any law".

Omit item 2.

In item 4, omit "or (iii) to be recovered under the Bengal Land Revenue Sales Act, 1868".

Omit items 10, 11 and 12.

SCHEDULE 2

In item 46, omit sub-items (3), (4) and (5). In item 47, omit sub-item (3). In item 48, omit the proviso. Omit items 62, 64 and 67.

11. The Assam Water Hyacinth Act, 1926 (Assam Act 3 of 1926). Section 1. Omit sub-S. (2).

Section 2. In Cl. (2), omit "constituted under S. 329 of the Assam Municipal Act, 1923".

12. The Assam Temperance Act, 1926 (Assam Act 4 of 1926). Omit
S. 2.

Section 3. For S. 3, substitute

"This Act shall come into force in any locality on such date as the Government of Meghalaya may, by notification, appoint and different dates may be appointed for different localities".

13. The Assam Opium Smoking Act, 1927 (Assam Act 3 of 1927).

14. The Assam Highways Act, 1928 (Assam Act 1 of 1928). Section 1. Omit sub-Ss. (2) and (3).

15. The Assam Private Fisheries Protection Act, 1935 (Assam Act 1 of 1935). Section 1. For sub-S. (2), substitute

"(2) The Indian Fisheries Act 1897, is to be read as supplemental to this Act".

16. The Good Conduct Prisoners' Probational Release Act, 1938

(Assam Act 2 of 1938).

17. The Assam Agricultural Income-Tax Act, 1939 (Assam Act 9 of 1939). Preamble. For "the Province of Assam", substitute "Meghalaya".

Sections 3 and 6 shall stand modified. Omit S. 1 .

Section 24. In sub-S. (1) for "Assistant Commissioner of Taxes", substitute "Commissioner of Taxes".

COMMENTS

This Act was passed by the Meghalaya Assembly having been so empowered

under the provisions of Assam Re-organisation (Meghalaya) Act, 1969, whereby it has adapted fifteen Central Acts under S. 3 (a) of the Act; twenty-three Central Acts under S. 3 (b) of the Act and seventeen Bengal Regulations as applicable to the State of Assam, with necessary amendments

as detailed in the Act.

TABLE

1		2
1.	Assam	Meghalaya.
2.	Governor, Governor of Assam	Governor of Assam exercising functions as Governor in relation to Meghalaya.
3.	Official Gazette	Official Gazette, which expression shall stand unmodified and shall mean the Gazette of Meghalaya but wherever the words "notification in the" preceded it the expression "in the official Gazette" shall be omitted.
4.	State, the State, the State of Assam and the Assam State (except where it occurs in the expressions State Government or inter-State or inter-State Government)	Meghalaya.
5.	Government, State Government, State Government of Assam, Assam Government, or Government of Assam	Government of Meghalaya.

