

MEGHALAYA ADAPTATION OF LAWS ORDER (No. 4), 1971

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SCHEDULE 1 :- SCHEDULE

MEGHALAYA ADAPTATION OF LAWS ORDER (No. 4), 1971

Whereas for the purpose of facilitating the application in relation to Meghalaya of any law made before the appointed day relating to a matter specified in the Second Schedule to the Assam Re-organisation (Meghalaya) Act, 1969 (Central Act 55 of 1969) which continues to be in force in the autonomous State after the said day, the Government of Meghalaya is empowered by sub-S. (2) of S. 66 of the said Act to make such adaptations or modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient ; Now, therefore, in exercise of the powers aforesaid, the Government of Meghalaya, makes the following Order :

1. . :-

This Order may be called The Meghalaya Adaptation of Laws Order (No. 4), 1971.

2. . :-

In this Order,

(a) "appointed day" means the 2nd day of April, 1970 ;

(b) "existing law" means any law relating to a matter specified in the Second Schedule to the Assam Re-organisation (Meghalaya) Act, 1969 (Central Act 55 of 1969) made before the appointed day which continues to be in force in the Autonomous State after the

appointed day, and includes any rule, order, bye-law, notification or other instrument so in force which was made under any such law.

3. . :-

As from the appointed day, the existing laws mentioned in the Schedule to this Order, 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have effect, subject to the adaptations or modifications directed by that Schedule, or if it is so directed shall stand repealed.

4. . :-

Whenever an expression mentioned in column (1) of the Table here- under printed occurs in any existing law mentioned in the Schedule unless that expression is by this Order expressly directed 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 expressions occur such consequential amendments as the rules of grammar may require.

5. . :-

(1) Where in the Short title of any of the existing laws mentioned in the Schedule to this Order, 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- paragraph (1) in any other law shall be construed as references to such law as amended by that sub-paragraph.

6. . :-

Any reference in any existing law specified in the Schedule to this Order 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.

7. . :-

The provisions of this Order which have the effect of modifying any 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 anything duly 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 like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by the competent authority and under and in accordance with the provisions then applicable to such a case.

8. . :-

Save as is otherwise provided by this Order, all powers which under any law in force in Meghalaya or any part thereof were, immediately before the appointed day, vested in or exercisable by any person or authority shall continue to be so vested or exercisable until other provision is made by Legislature or authority empowered to regulate the matter in question.

9. . :-

Nothing in this Order 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. . :-

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 Order 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.

SCHEDULE 1

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(a) CENTRAL ACTS

1. The Indian Divorce Act, 1869 (Act 4 of 1869). Section 2. For "This Act extends to the whole of India except the State of Jammu and Kashmir substitute "This Act extends to the whole of Meghalaya including Shillong".

Section 3. In Cl.(c) of sub-S. (1), for "Manipur and Tripura" substitute "Meghalaya, Manipur and Tripura".

2. The Indian Christian Marriage Act, 1872 (Act 15 of 1872). Section I. For the second paragraph, substitute "It extends to the whole of Meghalaya including Shillong".

3. The Opium Act, 1878 (Act 1 of 1878), Section 1. For the words "whole of India except the State of Jammu and Kashmir", substitute "whole of Meghalaya".

4. The Religious Societies Act, 1880 (Act 1 of 1880). Section 1. For the second paragraph, substitute "It extends to the whole of Meghalaya".

5. The Garo Hills Regulation, 1882 (Regulation 1 of 1882). Omit the Preambles.

Section 1. Omit "and shall come into operation on being published in the Official Gazette".

6. The Land Improvement Loans Act, 1883 (Act 19 of 1883). Section 1. For sub-S. (2), substitute "This Act extends to the whole of Meghalaya".

7. The Agriculturists Loans Act, 1884 (Act 12 of 1884). Section 2. For S. 2, substitute

"(2) This Act extends to the whole of Meghalaya".

(b) ASSAM ACTS

1. The Assam Students and Juvenile Smoking Act, 1923 (Assam Act 2 of 1923). Section 1. For sub-Ss. (2) and (3) substitute

"(2) The Government of Meghalaya may, by notification, exempt any locality from the operation of this Act".

Section 4. For "Assam or a member of Municipal or Local Board or a member of village authority constituted under S. 20 of the Assam Local Self-Government Act, 1915, or of a Town Committee constituted under S. 329, sub-Ss. (1) and (2), of the Assam Municipal Act, 1913" substitute "Meghalaya".

2. The Goalpara Tenancy Act, 1929 (Assam Act 1 of 1929). Long title. Omit "in the district of Goalpara".

Omit the Preambles.

Section 1. For S. 1, substitute

"1. Short title, extent and commencement. (1) This Act may be called the Garo Hills Tenancy Act.

(2) It extends to the permanently settled areas of the Garo Hills District, but the Government of

Meghalaya may, by notification, extend the whole or any part of this Act to other areas in the

Garo Hills or any part thereof".

Omit Ss. 2 and 3.

Section 4. Omit Cl. (3).

In Cl. (4), omit "means the Deputy Commissioner-in-charge of Goalpara District,

and".

Omit Schedules I and II.

3. The Assam Money-Lenders Act, 1934 (Assam Act 4 of 1934). Section 1. For sub-Ss. (2) and (3) substitute

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

4. The Assam Disorderly Houses Act, 1936 (Assam Act 4 of 1936). Section 1. For sub-Ss. (2) and (3), substitute

"(2) It extends only to such areas in Meghalaya as the Government of Meghalaya may, by notification, specify in this behalf".

Omit S. 2.

5. The Assam Motor Vehicles Taxation Act, 1936 (Assam Act 9 of 1936). Long title and Preamble. Omit "in the Province of Assam" and the "Assam Province" respectively.

Section 1. Omit sub-Ss. (2) and (3).

Section 4. Omit the two provisos to sub-S. (1). In sub-S. (3), omit all the words commencing with "and the owner of such a vehicle" and ending with "Producer Gas Plant".

Section 17. For "the Assam Board of Revenue constituted under S. 3 of the Assam Board of Revenue Act, 1962" substitute "Board of Revenue".

After S. 20, insert

"21. Exemption of certain vehicles registered in Assam or Meghalaya. Notwithstanding anything contained in this Act, any vehicle registered at any place in the State of Assam, not being a place in Meghalaya and transiting through Meghalaya shall not be liable to any tax under any law so long as any vehicle registered at any place in Meghalaya and transiting through the territory of Assam (not comprised in Meghalaya) is exempted from payment of any tax under any law enacted by the Legislature of the State of Assam".

6. The Assam Professions, Trades, Callings and Employments Taxation Act. 1947 (Assam Act 6 of 1947). Section 1. For sub-Ss. (2) and (3), substitute

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

Section 10. For "Assistant Commissioner" substitute "Commissioner" wherever it occurs.

7. The Assam Opium Prohibition Act, 1947 (Assam Act 23 of 1947). Long title and Preamble. For "in the province of Assam", substitute "in Meghalaya."

Section 1. Omit sub-Ss. (2) and (3).

Section 3. For Cl. (i) substitute "(i) 'State' means the autonomous State of Meghalaya."

8. The Assam Home Guards Act, 1947 (Assam Act 24 of 1947). Section 1. Omit sub-Ss. (2) and (3).

9. The Assam Management of Estates Act, 1949 (Assam Act 17 of 1949). Long title. For "district of Goalpara, Garo Hills, Kamrup, Now-gong, Darrang, Sibsagar, Lakhimpur and Cachar in the province of Assam" substitute "Garo Hills District".

Section 1. For sub-S. (2), substitute

"(2) It extends to the permanently settled areas of the Garo Hills District".

Section 2. In Cl. (g) for "districts of Cachar, Goalpara and Garo Hills" substitute "Garo Hills District".

10. The Assam Prohibition of Smoking in Show Houses Act, 1951

(Assam Act 9 of 1951). Section 1. Omit sub-Ss. (2) and (3).

11. The Assam State Acquisition of Zamindaris Act, 1951 (Assam Act 18 of 1951). Long title and Preamble. For "in the districts of Goalpara, Garo Hills and Cachar" substitute "in the Garo Hills District."

Section 2. Omit Cl. (n).

Clause (r). For "in the districts of Cachar, Garo Hills and Goalpara" substitute "in the Garo Hills District".

12. The Assam Embankment and Drainage Act, 1953 (Assam Act 1 of 1954), Section 1. For sub-S. (2) substitute

"(2) It shall also extend to Shillong to the extent to which the provisions of this Act relate to any of the matters specified in paragraph 3 of the Sixth Schedule to the Constitution".

Section 2. In Cl. (vi) (c) add

"or District Council" at the end.

Section 8. After "Town Committee" insert "District Council". Omit S. 22.

13. The Assam Cinemas (Regulation) Act, 1953 (Assam Act 14 of 1953). Section 1. Omit sub-Ss. (2) and

(3).

14. The Assam Prohibition of Smoking in Passengers' Vehicles Act, 1954

(Assam Act 17 of 1954). Section 1. Omit sub-S. (2).

15. The Assam Rhinoceros Preservation Act, 1954 (Assam Act 20 of 1954). Section 1. Omit sub-S. (2).

16. The Assam State Road Transport Act, 1954 (Assam Act 33 of 1954). Section 1. Omit sub-S. (2).

Omit S. 13 and the Schedule.

17. The Assam Non-Agricultural Urban Areas Tenancy Act, 1955 (Act 12 of 1955).

18. The Assam Khadi and Village Industries Board Act, 1955 (Assam Act 16 of 1955). Section 1. Omit sub-S. (2).

Omit S. 17.

19. The Assam Municipal Act, 1956 (Assam Act 15 of 1957). Section 1. Omit sub-S. (3).

20. The Assam Weights and Measures (Enforcement) Act, 1958 (Assam) Act 19 of 1959). Section 1. Omit sub-S. (2).

Omit S. 43.

21. The Assam Ganja and Bhang Prohibition Act, 1958 (Assam Act 21 of 1959).

22. The Assam Ancient Monuments and Records Act, 1959 (Assam Act 25 of 1959). Section 1. Omit

sub-S. (2).

23. The Assam Town and Country Planning Act, 1959 (Assam Act 2 of 1960). Section 8. For sub-S.

(2), substitute

"(2) It shall not come into force in any area unless the Government of Meghalaya, by notification,

otherwise directs, and any such notification may specify the exception, restrictions and

modifications subject to which this Act shall apply in any such area".

24. The Assam Autonomous Districts Administration of Justice Act, 1960 (Assam Act 14 of 1960). Section 1. Omit sub-Ss. (2) and (3).

25. The Assam Regulated and Licensed Warehouses Act, 1959 (Assam Act 15 of 1960). Section 1. Omit sub-S. (2).

26. The Assam Shramik Bahini Act, 1959 (Assam Act 24 of 1960). Section 1. For sub-S. (2), substitute.

"(2) It extends to the whole of Meghalaya". Section 30. Omit sub-S. (2).

27. The Assam Official Language Act, 1960 (Assam Act 33 of 1960). This Act shall stand repealed.

28. The Assam Co-operative Land Mortgage Bank Act, 1960 (Assam Act 1 of 1961). Section 1. For sub-S. (2) substitute

"(2) It extends to the whole of Meghalaya except Shillong." Section 20. Omit sub-S. (2).

29. The Assam State Acquisition of Land belonging to Religious or Charitable Institution of Public Nature Act, 1959 (Assam Act 9 of 1961). Section 1. Omit sub-S. (2).

30. The Assam Slum Areas (Improvement and Clearance) Act, 1959 (Assam Act 12 of 1961). Section 1. For sub-Ss. (2) and (3), substitute

"(2) It shall come into force in any area only on such date as the Government of Meghalaya may, by notification specify and any such notification may specify the exceptions, restrictions, or modifications subject to which the Act shall apply in any such area".

31. The Assam Secondary Education Act, 1961 (Assam Act 25 of 1961). Section I. Omit sub-Ss. (2) and (3).

Omit S. 2.

Section 5. Omit "Additional Director of Public Instruction". "Directors

of Education of the Territories of other States and Administrations admitted to the privileges of the Board", "Deans of the Faculties of Arts and Science, Gauhati University" ; "as recommended by the Executive Committee of the All Assam Aided High School Teachers Association" ; "Two nominees of the Gauhati University".

32. The Assam Passengers and Goods Taxation Act, 1962 (Assam Act 16 of 1962). Section 1. Omit "at sub-S. (2)".

33. The Assam Board of Revenue Act, 1962 (Assam Act 21 of 1962). Section I. For sub-S. (2), substitute

"(2) It extends to the whole of Meghalaya". Omit S. 11.

34. The Assam Land (Requisition and Acquisition) Act, 1964 (Assam Act 15 of 1964). Section 1. For sub-S. (2), substitute

"(2) It shall also extend to Shillong to the extent to which the provisions of this Act relate to any of the matters specified in paragraph 3 of the Sixth Schedule to the Constitution.

Section 2. For Cl. (b), substitute

"(b) 'Court' means the principal civil court of original jurisdiction and includes any other civil court which the Government of Meghalaya may, by notification, appoint to perform all or any of the functions of a Court under this Act".

35. The Assam Prevention of Begging Act, 1964 (Assam Act 18 of 1964). Section 1. Omit sub-S. (2).

36. The Assam Development Authorities Act, 1964 (Assam Act 31 of 1964). Section 1. Omit sub-S. (2).

37. The Assam Village Defence Organisation Act, 1966 (Act 22 of 1966). Section 1. Omit sub-S. (2).

38. The Assam Urban Areas Rent Control Act, 1966 (Assam Act 2 of 1967). Section 1. (1) Omit Cl. (a) of sub-S. (2).

2. For Cl. (b) substitute

"(b) It shall not come into force in any area unless the Government by notification otherwise

directs and any such notification may specify the exceptions, restrictions and modifications subject

to which this Act shall apply in such area".

Section 9. Omit sub-S. (2).

39. The Assam Borstal Institution Act, 1968 (Assam Act 1 of 1969). Section 1. Omit sub-S. (2).

40. The Assam Requisition and Control of Vehicles Act, 1968 (Assam Act 5 of 1969). Section 1. Omit sub-Ss. (2) and (3).

Section 2. For Cl. (a) substitute

"(a) 'Court' means the principal Civil Court of original jurisdiction and includes any other Court which the Government of Meghalaya may, by notification, appoint to perform all or any of the functions of a Court under this Act".

Omit Cl. (d). Omit S. 18.

41. The Assam National Parks Act, 1968 (Assam Act 9 of 1969). Section 1. Omit sub-Ss. (2) and (3).