

CHANDERNAGORE (ASSIMILATION OF LAWS) ACT, 1955

4 of 1955

[21st March, 1955]

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An Act to provide for the assimilation of certain laws in force in Chandernagore to the laws in force in the rest of West Bengal. WHEREAS it is expedient to provide for the assimilation of certain laws in force in Chandernagore to the laws in force in the rest of West Bengal ; It is hereby enacted as follows:

1. Short title and commencement :-

- (1) This Act may be called the Chandernagore (Assimilation of Laws) Act, 1955.
- (2) It shall come into force immediately on the Chandernagore (Assimilation of Laws) Ordinance, 1954, ceasing to operate.

2. Definitions :-

In this Act,

- (a) "appointed day" means the 2nd day of October, 1954;
- (b) "Chandernagore" means the whole of the territory which immediately before the 9th day of June, 1952, was comprised in

the Free town of Chandernagore;

(c) "law" means so much of any Act, Ordinance, Regulation, order, rule, scheme, notification, bye-law or any other instrument having the force of law as relates to matters enumerated in List II in the Seventh Schedule to the Constitution of India.

3. Extension of laws to Chandernagore :-

All laws which immediately before the appointed day extend to, or are in force in, the State of West Bengal generally shall, as from that day, extend to, or, as the case may be, come into force in, Chandernagore.

4. Repeal of corresponding laws and savings :-

(1) Any law in force in Chandernagore immediately before the appointed day (hereafter in this Act referred to as "corresponding law") which corresponds to any law referred to in section 3, whether such corresponding law is in force in Chandernagore by virtue of the Chandernagore (Application of Laws) Order, 1950 or by virtue of any notification issued under the Chandernagore (Administration) Regulation, 1952, or otherwise, shall as from that day stand repealed in Chandernagore.

(2) The repeal by sub-section (1) of any corresponding law shall not affect

(a) the previous operation of any such law; or

(b) any right, privilege, obligation, or liability acquired, accrued or incurred under any such law; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law; or

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; 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 come into force.

(3) Subject to the provisions of sub-section (2), anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, form, bye-law or scheme framed, certificate, permit or licence granted, or

registration effected) under such corresponding law shall be deemed to have been done or taken under the corresponding provision of the law as extended to, or in force in, Chandernagore by virtue of section 3 on and from the appointed day and shall continue in force accordingly unless and until superseded by anything done or any action taken under such law.

5. Ben. Act 15 of 1932 not to apply to Chandernagore :-

Notwithstanding anything contained in sections 3 and 4, the Bengal Municipal Act, 1932, shall not extend to Chandernagore, and any law in force in Chandernagore immediately before the appointed day which corresponds to that Act, shall, until such law is repealed, continue to apply to, and be in force in Chandernagore, and any reference to the Bengal Municipal Act, 1932 in any of the laws extended to Chandernagore under section 3 shall be deemed to be a reference to the corresponding law continued in force by this section.

6. Provision for removal of difficulties :-

(1) If any difficulty arises in relation to the transition from any corresponding law to any law which, by virtue of section 3, shall, as from the appointed day, extend to , or come into force in, Chandernagore, the State Government may, by order notified in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from any corresponding law) or in connection with the administration of Chandernagore as a part of West Bengal, the State Government may, by order in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(3) No power under sub-section (1) or sub-section (2) shall be exercised by the State Government after the expiry of three years from the appointed day.

(4) Any order made under sub-section (1) or sub-section (2) may be made so as to be retrospective to any date not earlier than the appointed day.

7. Savings :-

Upon the Chandernagore (Assimilation of Laws) Ordinance, 1954,

ceasing to operate, anything whatsoever done or any action whatsoever taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on the 2nd day of October, 1954.

8. Removal of doubts regarding the extension of certain Acts to Chandernagore :-

1 Notwithstanding anything to the contrary, in any judgment or decision of any court, tribunal or authority, the following Acts, that is to say, The West Bengal Land Development and Planning Act, 1948, The West Bengal Non-Agricultural Tenancy Act, 1949, and The West Bengal Estates Acquisition Act, 1953, shall extend to and be deemed always to have extended to Chandernagore with effect from the appointed day.

1. Sec, 8 ins by W.B. Act 5 of 1959.