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## **Bengal, Bihar And Orissa And Assam Laws Act, 1912**

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## **Bengal, Bihar And Orissa And Assam Laws Act, 1912**

An Act to make certain provisions regarding the application of the law in force in the Presidency of Fort William in Bengal, the Province of Bihar and Orissa and the Province of Assam. WHEREAS a Governor and an Executive Council have been appointed for the Presidency of Fort William in Bengal; AND WHEREAS, by Proclamation [Fn. 1] published under Notification NO.290, dated the twenty-second day of March, 1912, the Governor-General in Council, with the sanction of His Majesty, has been pleased to declare and appoint that, on and from the first day of April, 1912, the territory mentioned in Schedule A shall be and continue subject to the said Presidency of Fort William in Bengal; AND WHEREAS, by Proclamation [Fn. 2] published under Notification No.289, dated the twenty-second day of March, 1912, the Governor-General, with the sanction of His Majesty, has been pleased to constitute the territory

mentioned in Schedule B to be, for the purposes of the Indian Councils Act, 1861 (24 & 25 Vict., C.67.), [Fn.3] a Province to which the provisions of, that Act touching the making of Laws and Regulations for the peace and good government of the Presidencies of Fort St.George and Bombay shall be applicable, and to direct that the said Province shall be called the Province of Bihar and Orissa, and further to appoint a Lieutenant-Governor of that Province; AND WHEREAS, by Proclamation [Fn. 4] published under Notification NO.291, dated the twenty-second day of March, 1912, the Governor-General in Council, with the sanction and approbation of the Secretary of State for India, has been pleased to take under his immediate authority and management the territory mentioned in Schedule C, which was formerly included within the Province of Eastern Bengal and Assam, and to form the same into a Chief Commissionership, to be called the Chief Commissionership of Assam, and further to appoint a Chief Commissioner therefor; AND WHEREAS it is expedient to make certain provisions regarding the application of the law in force in the territories affected by the said Proclamations; PART IV.- CONSTITUTION It is hereby enacted as follows:-FOOTNOTES: 1. See the Gazette of India, Extraordinary, of the 22nd March, 1912. 2. See the Gazette of India, Extraordinary, of the 22nd March, 1912. 3. Repealed and re-enacted by the Government of India Act, 1915. 4. See the Gazette of India, Extraordinary, of the 22nd March, 1912.

### **1. Short Title And Commencement :-**

(1) This Act may be called the Bengal, Bihar and Orissa and Assam Laws Act, 1912; and (2) It shall come into force on the first day of April, 1912.

### **2. Saving Of Territorial Application Enactments :-**

The Proclamations referred to in the preamble shall not be deemed to have effected any change in the territorial application of any enactment, notwithstanding that such enactment may be expressed to apply or extend to the territories for the time being under a particular administration.

### **3. Construction Of Certain References In Enactments In Force In Territory Mentioned In Schedules A, B And C :-**

All enactments made by any authority in [1] India, and all in notifications, orders, schemes, rules, forms and by-laws issued, made or rights prescribed under such enactments, which, immediately before the commencement of this Act, were in force in,

or prescribed for, any of the territory mentioned in Schedule A, Schedule B or Schedule C, shall, in their application to that territory, be construed as if references therein to the authorities, territory or Gazettes mentioned in column 1 of Schedule D were references to the authorities, territory or Gazettes respectively mentioned or referred to opposite thereto in column 2 of that Schedule. Footnotes: 1. 2] Substituted by the Adaptation of Laws Order, 1950 for "the States". 2. The proviso to Section 3 Repealed by Act 38 of 1920, Section 2 and Sch I.

#### **4. Constitution Of Board Of Revenue In Bihar And Orissa :-**

Rep.by the Bihar and Orissa Board of Revenue Act, 1913 (B.and O.Act 1 of 1913), s.7 and Sch.I.

#### **5. Powers Of Courts And State Governments For Facilitating Application Enactments :-**

For the purpose of facilitating the application to the territory, or and any part thereof, mentioned in Schedule A, Schedule B or Schedule C of any enactment passed before the commencement of this Act, or of any notification, order, scheme, rule, form or by law made under any such enactment,- (a) any Court may, subject to the other provisions of this Act, construe the enactment, notification, order, scheme, rule, form or by-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 by what officer any authority or power shall be exercisable; and any such notification shall have effect as if enacted in this Act. (Schedule A.Schedule B.)

#### **6. Pending Proceedings :-**

Nothing in this Act shall affect any proceeding which, at the commencement thereof, is pending in or in respect of any of the territory mentioned in Schedule A, Schedule B or Schedule C; and every such proceeding shall be continued as if this Act had not been passed.

#### **7. Section 7 :-**

#### **8. Repeal :-**

Rep.by the Repealing Act, 1938 (1 of 1938), s.2 and Sch.

#### **9. Application To Adaptations And Modifications Made Under Article 372 Of The Constitution :-**

References in this Act, by whatever form of words, to Indian Act

laws in force immediately before the commencement of this Act shall, after the commencement of [2] the Constitution, be construed as references to those laws as adapted and modified under [3] Article 372 Act of the Constitution. Footnotes: 1. Inserted by the Government of India (Adaptation of Indian Laws) Order, 1937 as modified by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937 2. Substituted by the Adaptation of Laws Order, 1950 for "Part III of the Government of India Act, 1935". 3. Substituted, *ibid.*, for "section 293 of that Act".

#### SCHEDULE 1

##### SCHEDULE A

(See sections 3, 5 and 6)

#### THE PRESIDENCY OF FORT WILLIAM IN BENGAL

##### Part I

The Chittagong Division, comprising the districts of Chittagong, the Chittagong Hill-tracts, Noakhali and Tippera; the Dacca Division, comprising the districts of Bakarganj, Dacca, Faridpur and Mymensingh; the Rajshahi Division, comprising the districts of Bogra, Dinajpur, Jalpaiguri, Malda, Pabna, Rajshahi and Rangpur.

##### Part II

The Burdwan Division, comprising the districts of Bankura, Birbhum, Burdwan, Hooghly, Howrah and Midnapur; the Presidency Division, comprising the town of Calcutta and the districts of Jessore, Khulna, Murshidabad, Nadia and the 24-Parganas; and the district of Dargeeling.

#### SCHEDULE 2

##### SCHEDULE B

#### THE STATE OF BIHAR AND ORISSA

The districts of Bhagalpur, Monghyr, Purnea and the Sonthal Parganas, in the Bhagalpur Division;

##### PART IV.- CONSTITUTION

(Schedule B. Schedule C. Schedule D.)

##### SCHEDULE B- *concl'd.*

the Patna Division, comprising the districts of Gaya, Patna and Shahabad; the Tirhut Division, comprising the districts of Champaran, 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 [1]

#### SCHEDULE 3

##### SCHEDULE C

#### THE STATE 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 4  
SCHEDULE D

(See section 3)

Part I.- Construction of enactments, etc., in force in the territory mentioned in Schedule A (the Presidency of Fort William in Bengal)

References Constructions

- 1.The [2] Local or State Government of Bengal. The [3] State Government
- 2.The [4] Local or State Government of Eastern Bengal [5]. and Assam. Bengal.
- 3.The Board of Revenue for Eastern The Board of Revenue for Bengal Bengal and Assam. [6]

(Schedule D.)

SCHEDULE D-contd.

References Constructions 126.All officers and Official bodies not (a) The respective officers and mentioned in the foregoing clauses Official bodies who immediately 2 to 5 (except the Treasurer of before the commencement of Charitable Endowments) whose this Act exercised similar func-authority extended, immediately be- tions in the State of Bengal; or fore the commencement of this Act, (b) such other officers or Official over the Province of Eastern Bengal bodies, respectively, as the and Assam generally, inclusive of [7] State Government of Schedule A. [8] Bengal may, By notification in the Official Gazette, direct.

7.The local Official Gazette (English or The Official Gazette (English or Vernacular, as the case may be) of Vernacular, as the case may the Government of Eastern Bengal be) of the Government of and Assam. Bengal.

Part II.- Construction of enactments, etc., in force in the territory mentioned in Schedule B (the State of Bihar and Orissa.)

References Constructions 12

8.The [9] The State Government of Bihar Local or State Government and Orissa. of Bengal.

9.The [10] The State Government of Bihar Local or State Government and Orissa. of the Central Provinces.

10.The Board of Revenue for Bengal. {Items 4, 5, 11 and 12 relating to the Chief Controlling Revenue-authority and Chief Revenue-authority, rep., ibid See flow definition in the General Clauses Act, 1897 (10 of 1897), s.3 (10).}

13.The Court of Wards of the Central The Board of Revenue for Bihar and Orissa.

14.The Superintendent of Government Wards in the Central Provinces.

15.The Judicial Commissioner of the, The High Court of Judicature Central Provinces. {Subs. by the in Calcutta A.O. 1937 for "at Fort William in Bengal".}

(Schedule D.)

SCHEDULE D- contd.

References Constructions 12

16.All officers and Official bodies not Such officers or Official bodies, respectively, as the State Government 8 to 15 (except the Treasurer of may, by notification in the Official Charitable Endowments) whose Gazette, direct. authority extended, immediately before the commencement of this Act, over the Province of Bengal generally, inclusive of the territory mentioned in Schedule B.

17.The local Official Gazette (English The Official Gazette English or or Vernacular as the case Vernacular, as the case may be) may be of the Government of Bengal of the Government of Bihar and or the Chief Commissionership of Orissa. The Central Provinces.

Part III.- Construction of enactments, etc. in force in the territory mentioned in

## Schedule C (the State of Assam)

### Reference Constructions

18.The{Subs.by the AO1937 for "L.G."} Local or State Government of Bengal.

19.The {Subs.by the AO1937 for "L.G."} The {Subs.by the AO1937 for "ChiefLocal or Statement Government of Commissioner}. Eastern Bengal and Assam.

20.The Board of Revenue for Eastern Bengal and Assam.

Items 22 and 23 relating to the Chief Such officers or official bodies, Controlling Revenue-authority and Chief respectively as the {Subs.by the AO1937Revenue-authority rep., ibid.See now for "Chief Commissioner".} StateDefinition in the General Clauses Act, Governmentof Assam may, by1897 (10 of 1897), s.3 (10). Notification in the Official Gazette, direct.

24.All officers and official bodies not mentioned in the foregoing clauses 18 to 23 (except the Treasurer of Charitable Endowments) whose Authority extended, immediately Before the commencement of this Act, over the Province of Eastern Bengal and Assam generally, in- Clusive of the territory mentioned In Schedule C.

25.The Chief Commissionership of The territory mentioned in Schedule C.

26.The local official Gazette (English The Official Gazette (English or orVernacular, as the case may be) of Vernacular, as the case may be) of the Government of Bengal or the the Chief Commissionership ofGovernment of Eastern Bengal and Assam. Assam.

## SCHEDULE 5

### SCHEDULE E

Rep.by the Repealing Act, 1938 (1 of 1938), s.2 and Sch.

#### Footnotes:

As regards the district of Sambalpur, see the Malkharoda and Gaontia Villages Laws Act, 1923 (22 of 1923).

Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 as modified by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937 for "L.G."

Substituted, ibid., for "G.in C."

Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 a s modified by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937 for "L.G."

The words "Fort William in" Repealed, ibid Items 4, 5, 11 and 12relating to the C h i e f Controlling Revenueauthority and Chief Revenue-authority, Repealed,ibid.See now definition in the GeneralClauses Act, 1897 (10of 1897), Section 3 (10). Substituted by the AO1937 for "G.theterritory mentioned in Part I of in c." The words "Fort William in"Repealed, ibid.

Substituted, ibid., for "L.G."

Substituted, ibid., for "L.G."