

## **GUJARAT ADAPTATION OF LAWS (STATE AND CONCURRENT SUBJECTS) ORDER, 1960**

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## **GUJARAT ADAPTATION OF LAWS (STATE AND CONCURRENT SUBJECTS) ORDER, 1960**

### GUJARAT ADAPTATION OF LAWS (STATE AND CONCURRENT SUBJECTS) ORDER, 1960

#### **1. 1 :-**

- (i) This Order may be called the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
- (ii) It shall come into force on the 1st day of May, 1960.

#### **2. 2 :-**

(1) in this Order-

(a) "appointed day" means the 1st day of May, 1960.

(b) "existing State law" means any law in force immediately before the appointed day in the whole or any part of the territories now comprised in the State of Gujarat, but does not include any law relating to a matter enumerated in the Union List.

(c) "law" has the same meaning as in clause (d) of section 2 of the Act.

(2) The General Clauses Act, 1897, applies for the interpretation of

this or the interpretation of a Central Act.

**3. 3 :-**

As from the appointed day, the existing State-laws mentioned in the Schedule to this Order shall, until altered, repealed or amended by a competent Legislature or other competent authority, have effect subject to the adaptation and modifications directed by the Schedule or, if it is so directed, shall stand repealed.

**4. 4 :-**

(1) Whenever an expression mentioned in column I of the Table hereunder printed occurs (otherwise than in a title or preamble or in a citation or description of an enactment) in an existing State law, whether an Act, Ordinance or Regulation mentioned in the Schedule to this Order or not, then, in the application of that law to the State of Gujarat or as the case may be, to any part thereof, 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 said 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.

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(2) A direction in the Schedule to this Order that a specified existing State law, or section or portion of such law shall stand unmodified shall be construed merely as a direction that it is not to be modified or adapted in accordance with the provisions of this paragraph.

**5. 5 :-**

Where this Order requires that in any specified existing State law or in any section or other portion of such law, certain words shall be substituted for certain other words, or that certain words shall be omitted that substitution or omission, as the case may be, shall except where it is otherwise expressly provided, be made wherever, the words referred to occur in that law or, as the case may be, in that section or portion.

**6. 6 :-**

(1) The following provisions shall have effect where an existing State law which under this Order is to be adapted or modified has

before the appointed day been amended either generally or in relation to any particular area, by the insertion or omission of words, or the substitution of words for other words-

(a) effect shall first be given in the amending law to any adaptation or modification required by paragraphs 3,4 and 5 of this Order to be made therein;

(b) the original law shall then be amended, either generally or, as the case may be, in its application to the particular area, so as to give effect to the directions contained in the amending law, or where any adaptation or modification has fallen to be made under clause (a) in that law as so adapted or modified; and

(c) all adaptations and modifications required by this Order to be made in the original law shall then be made in that law as so amended, except so far as in the case of any particular area they may be inapplicable.

(2) In this paragraph, reference to the amendment of a law by the insertion or omission of words or the substitution of words do not include references to an amendment which is effected merely by directing that certain words shall be construed in a particular manner.

**7. 7 :-**

Any reference in any existing State law the Legislature of the State or (or any House or Houses thereof) shall be construed as a reference to the Legislature of the State of Gujarat.

**8. 8 :-**

Notwithstanding any adaptation made by this Order, where the extent or application of an existing State law in force immediately before appointed day refers, by reason only of such adaptation, to the State of Gujarat, such reference shall not be deemed to include a reference to any part of that State to which the law did not extend or apply immediately before the appointed day.

**9. 9 :-**

(1) If on the appointed day, any body; authority or person entitled by or under any existing State law to exercise any rights, power or jurisdiction or to perform any duties or to discharge any functions or to hold any property, is not or cannot be duly constituted or appointed by reason of the transfer of any area from the existing

State of Bombay to the State of Gujarat then, save as expressly provided by or under the Act or any adaptation made in such law, all such rights, powers and jurisdiction shall be exercisable, all such duties shall be performed and all such functions shall be discharged by and all such property shall vest in, the State Government.

(2) Nothing in sub-paragraph (1) shall be deemed to prevent the State Government from duly constituting or appointing under such law after the appointed day, any body, authority or person to exercise or perform or discharge all or any of such rights, powers, jurisdiction, duties or vesting therein all or any part of the property aforesaid.

**10. 10 :-**

The provisions of this Order which adapt or modify any law as so 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, licence, permission, award, commitment, attachment, bye-law, rule or regulation duly made or issued, or anything duly done before the appointed day; and any such notification, order, licence, permission, award, commitment, attachment, bye-law rule, regulation or thing may be revoked, varied or undone in like manner, to the like extent and in the like circumstances as if it has 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.

**11. 11 :-**

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