

Rajasthan Laws Repealing Act, 1954

1 of 1954

[10 February 1954]

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PREAMBLE

An Act to repeal certain Rajasthan Laws.

Whereas it is expedient that certain Rajasthan laws which are spent or are covered by later laws or have otherwise become unnecessary or ceased to be in force should be expressly repealed.

Be it enacted by the Rajasthan State Legislature as follows: -

1. pub. in Raj. Govt.Gaz., Exty., Part 4(A), dated 27.2.1954.

1. Short title and commencement :-

(1) This Act may be called the Rajasthan Laws Repealing Act, 1954.

(2) It shall come into force on the date of its first publication in the Rajasthan Gazette as an Act.

2. Interpretation :-

(1) In this Act, unless the subject or context otherwise requires, -

(1) the expression "Covenanting State" shall mean and include any of the former Indian States of Alwar, Banswara, Bharatpur, Bikaner, Bundi, Dholpur, Dungarpur, Jaipur, Jaisalmer, Jhalawar, Jodhpur, Karauli, Kishangarh, Kotah, Mewar, Partabgarh, Shahpura, Sirohi and Tonk;

(2) the expression "former Matsya State" shall mean the United State of Matsya established by the Covenant entered into by the Rules of the Convenanting States of Alwar, Bharatpur, Dholpur and Karauli;

(3) the expression "former Rajasthan State" shall mean the United State of Rajasthan established by the Covenant entered into by the Rulers of the Convenanting States of Banswara, Bundi, Dungarpur, Jhalawar, Kishangarh, Kotah, Mewar, Partabgarh, Shahpura and Tonk;

(4) the expression "Rajasthan" when used otherwise than in the expression "former Rajasthan State" and "Rajasthan Law", shall mean the State of Rajasthan comprising the territories specified for the time being in Part B of the First Schedule to the Constitution of India; and

(5) the expression "Rajasthan Law" shall mean and include-

(a) as respects the period on and after the seventh day of April, 1949, an Ordinance or Act made and promulgated by the Rajpramukh of Rajasthan; and

(b) as respects the period prior to the said day,-

(i) an Ordinance made and promulgated by the Rajpramukh of the former Rajasthan State or of the former Matsya State, and

(ii) any Act, enactment, Ordinance, regulations, rule, order, resolution, notification or bye-law made by the Ruler or a competent Legislature or other competent authority or Officer of a Convenanting State :

Provided that such Act, enactment, Ordinance, regulation, rule, order, resolution, notification or bye-law in force and has not been expressly repealed on the date on which this Act comes into force.

(2) The provisions of the General Clauses Act, 1897 of the Central Legislature shall mutatis mutandis apply, so far as may be, for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. Specific repeal of certain Rajasthan Laws :-

The Rajasthan laws mentioned in the Schedule are hereby repealed.

4. General repeal of certain Rajasthan laws :-

All Rajasthan laws, other than those referred to in Sec. 3, which are spent or are covered by any Rajasthan Ordinance or Act made on or

after the seventh day of April, 1949 or have otherwise become unnecessary or ceased to be in force, are hereby repealed to the extent to which they are so spent or are covered or have so become unnecessary or ceased to be in force.

5. Saving :-

(1) The repeal by this Act of any Rajasthan law shall not affect any other law in which the repealed Rajasthan law has been applied, incorporated or in referred to; and this Act shall not affect the previous operation of any Rajasthan law hereby repealed or the validity, invalidity, effect or consequences of anything already done or suffered thereunder, or any right, title, privilege, obligation or liability already acquired, accrued or incurred thereunder, or any investigation, legal proceeding or remedy, in respect thereof, or any release or discharge of or from any debt, penalty obligation, liability, claim or demand, or any indemnity already granted or the proof of any past act or thing; nor shall this Act affect any principle or rule of law or established jurisdiction, form or course of pleading, practice or procedure or existing usage, custom privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any Rajasthan law hereby repealed; nor shall the repeal by this Act of any Rajasthan law revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not existing or in force on the date on which this Act comes into force.

(2) The repeal by this Act of any Rajasthan law by which the text of any earlier law was amended by the express omission, insertion or substitution of any matter shall not affect the continuance of any such amendment in operation at the commencement of this Act, unless a different intention is expressly stated in such Rajasthan law.

(3) If any Rajasthan law hereby repealed is expressed to have any retrospective effect or operation, its repeal by this Act shall not in any way affect or prejudice such retrospective effect or operation.

(4) The repeal by this Act of any Rajasthan law shall not affect-

- (i) any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against any Rajasthan law so repealed, or
- (ii) any investigation, legal proceeding or remedy in respect of any such fine, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such fine, penalty, forfeiture or punishment may be imposed as if such Rajasthan law had not been repealed.