

ACT No. 7 OF 1912.

(THE BENGAL, BIHAR AND ORISSA AND ASSAM LAWS ACT, 1912) :

[26 March 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 Proclamation¹ 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 Proclamation² published under Notification No. 289,³ 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 purpose of the Indian Council Act, 1861,⁴ a Province to which the provisions of that Act touching the making of Laws^{24 & 55 Vict. C. 67.} 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 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 Proclamation;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal, Bihar and Orissa Short title and Assam Laws Act, 1912; and and commencement.

(2) It shall come into force on the first day of April, 1912.

2. The Proclamation referred to in the preamble shall not be deemed to have affected 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. Saving of territorial application of enactments.

¹ For the Proceedings in the Council, see *Gazette of India*, 1912, Part VI, pages 594 to 596.

² Published in the *Gazette of India* (Extra-ordinary) of the 22nd March 1912.

³ Rep. and re-enacted by the Government of India Act.

Construct on 3. All enactments made by any authority in India¹ of certain and all notifications, order, schemes, rules, forms and bye-laws references in issued, made or prescribed under such enactments, which enactment in immediately before the commencement of this Act, were in force force in territory or prescribed for, any of the territory mentioned in Schedule A, Schedule B, or Schedule C, shall, in their application to Schedule A, that territory, be construed as if references therein to the authorities, territory or Gazettes mentioned in column 1 of Schedule D P and C were references to the authorities, territory or Gazettes respectively mentioned or referred to opposit thereto in column 2 of that Schedule :

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4. [Constitution of Board of Revenue in Bihar and Orissa.]
Rep. by Bihar and Orissa Act I of 1913.

Powers of Courts and State Government for facilitating application of enactments. 5. For the purpose of facilitating the application to the territory, or any part thereof, in [Schedule A, Schedule B or] Schedule C of any enactment passed before the commencement of this Act, or of any notification, orders, schemes, rules, form or bye-laws made under any such enactment,—

- (a) any Court may, subject to the other provisions of this Act construe the enactment, notification, order, schemes, rule, form or bye-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]³ may, by notification in the [official Gazette]⁴, direct by what officer any authority or power shall be exercisable ; any such notification shall have effect as if enacted in this Act.

Pending proceedings. 6. 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.

Application to adaptions and modifications under Constitution. 7. and 8. [Amendment of Acts Repeal.] Rep. by Act of 1938.
5 [9. References in this Act, by whatever form, of words to Indian Laws in force immediately before the commencement of this Act shall, after the commencement of [the constitution]⁶ under Article 372 of the Constitution, be construed as references to those laws as adapted and modified under [Article 372 of the constitution].]⁷

1. Successively amended by A. O. 1948 and A. O. 1950 to read as above.
2 Proviso to section 3 was repealed by section 2 of Act 38 of 1930. It ran as follows—

“Provided that the Governor-General in Council may, by notification in the *Gazette of India*, direct that any function of the Chief Commissioner of Assam under any such enactment, notification, order, scheme, rule, form or bye-law shall be discharged by the Governor-General in council and not by the said Chief Commissioner.”

³ Subs. by the A. O. 1950 for Provincial Government, which was Subs. by A.O. 1937.

⁴ Subs. by the A. O. 1937 for local official Gazette for “L.S.”

⁵ Ins. by the A.O. 1937.

⁶ Substituted by the A. O. 1950 for Part III of the Government of India Act, 1935.

⁷ Subs. by A. O. 1950 for section 293 of the Government of India Act, 1935.

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 Mymensing;**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, Hoogly, Howrah and Midnapur;**the Presidency Division, comprising the town of Calcutta and the districts of Jessor, Khulna, Murshidabad, Nadia and the 24-Parganas and the district of Darjeeling.*

SCHEDULE B

*The Province of Bihar and Orissa**The districts of Bhagalpur, Monghyr, Purnea and the Santhal Parganas, in the Bhagalpur Division;**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**¹ the Orissa Division, comprising the districts of Angul Balasore Cuttack, Puri and Sambalpur.*

¹ Transferred to the province of Orissa, vide Government of India (Constitution of Orissa) Order, 1936.

SCHEDULE C

The PROVINCE OF ASSAM

The Assam Valley Districts Division, comprising the districts of Darrang, Garo Hills, Goalpara, Kamrup, Lakhimpur, Nowrang 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 D

(See section 3)

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

1	2
References	Construction
1. The [Local or State ⁷ Government] ¹ of Bengal. 2. The [Local or State ⁷ Government] ¹ of Eastern Bengal and Assam.	The [State Government] ² of ³ ⁴ Bengal.
3. The Board of Revenue for Eastern Bengal and Assam. 4. * * * * *	The Board of Revenue for Bengal.
5. * * * * *	
6. All officers and official bodies not mentioned in the foregoing clauses 2 to 5 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 inclusive of the territory mentioned in part I of Schedule A.	(a) The respective officers and official bodies who immediately before the commencement of this Act exercised similar functions in the Province of Bengal, or (b) Such other officers or official bodies, respectively, as the [State Government] ² of ⁵ ⁶ Bengal may by notification in the [Official Gazette] ⁶ direct.

1. Subs. by the A. O. 1937 for "Local Government".
2. Subs. by the A. O. 1950 for "Provincial Government" which was substituted by A. O. 1937 for Government in Council.
3. The words "Fort William in" rep. by the A. O. 1937.
4. Items 4 and 5 omitted by the A. O. 1937.
5. The words "Fort William in" rep. by the A. O. 1937.
6. Subs by the A. O. 1937 for "local official Gazette".
7. Substituted for "Provincial" by A. O. 1950.

SCHEDULE D—*contd.*

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

1	2
References	Constructions
7. The local official Gazette (English or Vernacular, as the case may be) of the Government of Eastern Bengal and Assam.	The [Official Gazette] ¹ (English or Vernacular, as the case may be) of the Government of Bengal.
<i>Part II.—Construction of enactments, etc., in force in the territory mentioned in Schedule B (the Province of Bihar and Orissa).</i>	
8. The [Local or State ² Government] ³ of Bengal.	The State Government ⁴ of Bihar and Orissa.
9. The [Local or State ² Government] ³ of the Central Provinces.	
10. The Board of Revenue for Bengal	
511. * * * *	
512. * * * *	
13. The Court of Wards of the Central Provinces.	The Board of Revenue for Bihar and Orissa.
14. The Superintendent of Government Wards in the Central Provinces.	
15. The Judicial Commissioner of the Central Provinces.	The High Court of Judicature [in Calcutta] ⁶ .
16. All officers and official bodies not mentioned in the foregoing clauses 8 to 15 (except the Treasurer of Charitable Endowments) whose authority extended, immediately before the commencement of this Act, over the Province of Bengal generally inclusive of the territory mentioned in Schedule B.	Such officers or official bodies, respectively, as the State Government ⁴ may, by notification in the [Official Gazette] ¹ direct.
17. The local official Gazette (English or Vernacular, as the case may be) of the Government of Bengal or the Chief Commissionership of the Central Provinces.	The [Official Gazette] ¹ (English or Vernacular, as the case may be) of the Government of Bihar and Orissa.

¹ Substituted by the A. O. 1937 for "local official Gazette".

² See Note 1 prepage.

³ See Note 7 prepage.

⁴ See Note 2 prepage.

⁵ Items 11 and 12 rep. by the A. O. 1937.

⁶ Subs. by the A. O. 1937 for "at Fort William in Bengal".

Part III.—Construction of enactments, etc., in force in the territory mentioned in Schedule C (the State of Assam).

1	2
Reference	Constructions
18. The [Local or State ² Government] ¹ of Bengal.	
19. The [Local or State ² Government] ¹ of eastern Bengal and Assam.	
20. The Board of Revenue for Bengal	The [Provincial Government] ³ of Assam;
21. The Board of Revenue for Eastern Bengal and Assam.	
4 22. * * * *	
4 23. * * * *	
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, inclusive of the territory mentioned in Schedule C.	Such officers or official bodies, respectively, as the [Provincial Government] ⁵ of Assam may, by notification in the [Official Gazette] ⁶ direct. ⁷
25. The Chief Commissionership of Assam.	The territory mentioned in Schedule C.
26. The local official Gazette (English or Vernacular, as the case may be) of the Government of Bengal or the Government of Eastern Bengal and Assam.	The [Official Gazette] ⁶ (English or Vernacular, as the case may be) of the Chief Commissionership of Assam.

SCHEDULE

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1 See Note 1 at page 168.
 2 See Note 8 at page 168.
 3 Subs. by the A. O. 1950 for "Provincial Government"⁴ which was substitute by A. O. 1937 for "L. G."
 4 Items 22 and 23 rep. by the A. O. 1937.
 5 Sub. by the A. O. 1950 for "Provincial Government" which was substituted by A. O. 1937 for "Chief Commissioner".
 6 Sub. by the A. O. 1937 for "local official Gazette".
 7 See Notification 8, dated 1st April 1912, Assam Gazette 1912, Part I, page 8.
 8 Schedule E repealed by Act I of 1938.