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ASSAM ACT I OF 1939

THE ASSAM COMMISSIONERS' POWERS DISTRIBUTION ACT, 1939

[Passed by the Assam Legislature]

[Received the assent of the Governor on the
22nd April 1939]

[Published in the *Assam Gazette* of the 26th April
1939]

*An Act for the distribution of powers of the Commis-
sioners of Divisions in Assam*

Preamble.

WHEREAS the Secretary of State has sanctioned the abolition of the post of the Commissioner, Surma Valley and Hill Division ;

AND WHEREAS the Governor of Assam has appointed the Commissioner, Assam Valley Division, to exercise jurisdiction in certain matters in the Surma Valley and Hill Division ;

AND WHEREAS, as a measure of relief to the Commissioner, Assam Valley Division, it is expedient to transfer his appellate and revisional powers in Revenue matters to the Assam Revenue Tribunal and to distribute between the Provincial Government and the Deputy Commissioners or such other authorities as the Provincial Government may direct certain functions hitherto exercised by the Commissioners under the Assam Local Self-Government Act, 1915 and the Assam Municipal Act, 1923.

Assam Act I
of 1915.
Assam Act I
of 1923.

It is hereby enacted as follows :—

Short title,
commence-
ment and
local extent.

1. (1) This Act may be called the Assam Commissioners' Powers Distribution Act, 1939 ;

(2) It shall come into force on the 1st April 1939 ; and

(3) It extends to the whole of Assam.

Jurisdiction
of the Com-
missioner,
Assam Valley
Division, in
the Surma
Valley and
Hill Division.

2. Subject to the next succeeding section, after the commencement of this Act all powers and jurisdictions in Civil, Criminal and Revenue matters which have heretofore been exercised by the Commissioner, Surma Valley and Hill Division, shall be deemed to be transferred to the Commissioner, Assam Valley Division, or to such other authority as the Governor may direct.

Price annas 6.]

English 6d.]

Construction
of certain
references in
enactments,
etc., in force
in the Com-
missioner-
ships.

3. (1) Subject to the next succeeding sub-section and to section 5 of this Act, all enactments made by any authority in British India and all notifications, orders, schemes, rules, forms and bye-laws issued, made or prescribed under such enactments, which, immediately before the commencement of this Act, were in force in, or prescribed for, any of the territories in the Surma Valley and Hill Division, shall in their application to such territories as aforesaid be construed as if references therein to the authorities mentioned in column 1 of Schedule A were references to the authority mentioned opposite thereto in column 2 of the said Schedule.

Commis-
sioners juris-
diction in
Revenue ap-
peals and
revisions
barred.

(2) Notwithstanding anything in the preceding sub-section the Commissioner, Assam Valley Division, shall not have jurisdiction to entertain appeals or revise decisions in Revenue cases arising in the Assam Valley Division or in the Surma Valley and Hill Division. Any such jurisdiction as was immediately before the commencement of this Act, vested in the Commissioner of a Division shall, after the commencement of this Act, be exercised by the tribunal constituted under section 296 of the Government of India Act, 1935. ^{26 Geo. Ch. 2.}

Validity of
certain acts
and adapta-
tion of laws.

4. (1) Without prejudice to the continuing validity of any notification, appointment, orders, schemes, rules, regulations, forms, bye-laws or directions issued or determination made by the Commissioner of a Division under any enactment in force in either or both of the two Commissionerships of Assam before the commencement of this Act, the Governor of Assam may by notification in the Official Gazette at any time and from time to time after the commencement of this Act direct that the provisions of any enactments in force as aforesaid shall until amended, altered or repealed by a competent legislature or other competent authority, be amended, altered, or repealed in such manner as may appear to the Governor to be necessary or expedient to bring them into accord with the provisions of this Act and all notifications, appointments, orders, schemes, rules, regulations, forms, bye-laws or directions issued, made, or prescribed under or with reference to any such enactments shall, except as otherwise provided, be construed as having effect subject to the adaptation, alteration or repeal made in the aforesaid manner. Any such notification made by the Governor shall have effect as if enacted in this Act.

(2) Pending the issue of notifications as provided in the preceding sub-section it shall be lawful for the Governor to issue from time to time such orders, the same being consistent with the provisions of this Act, as may appear to the Governor necessary or expedient for the exercise of the powers and the performance of the duties of the Commissioner, Surma Valley and Hill Division by the Commissioner, Assam Valley Division, or such other authority as the Governor may direct.

Amendment
of Acts.

5. The enactments specified in Schedule B are hereby amended to the extent and in the manner specified in the fourth column thereof.

SCHEDULE A

[See Section 3 (1)]

Construction of enactments etc., in force in the territories comprised within the Commissionerships of Assam

1	2
References	Constructions
1. Commissioner 	
2. Commissioner of a (or the) Division	Commissioner, Assam Valley Division, or such other authority as the Governor may direct.
3. Commissioner, Surma Valley and Hill Division.	

SCHEDULE B

(See Section 5)

1	2	3	4
Year	No.	Short title	Amendments
1897	X	The General Clauses Act.	In section 4(13), after the words "a division" the words "and shall include the Assam Revenue Tribunal while exercising jurisdiction heretofore exercised by a Commissioner in appeals and revisions in Revenue cases" shall be inserted.
1915	II	The Assam General Clauses Act.	In section 4(13), after the words "a division" the words "and shall include the Assam Revenue Tribunal while exercising jurisdiction heretofore exercised by a Commissioner in appeals and revisions in Revenue cases" shall be inserted.