

GOVERNMENT OF WEST BENGAL

Law Department

Legislative

West Bengal Act XIX of 1958

THE WEST BENGAL TRANSFERRED TERRITORIES
(ASSIMILATION OF LAWS) ACT, 1958.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*,
Extraordinary, of the 24th September, 1958.]

[24th September, 1958.]

An Act to provide for the assimilation of certain laws in force in the territories transferred from the State of Bihar to the State of West Bengal by section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956, to the laws in force in the State of West Bengal.

WHEREAS it is expedient to provide for the assimilation of certain laws in force in the territories transferred from the State of Bihar to the State of West Bengal by section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956, to the laws in force in the rest of West Bengal;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Transferred Territories (Assimilation of Laws) Act, 1958.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Defini-
tions.

(a) "appointed day" means the date appointed under sub-section (2) of section 1;

(b) "State law" means so much of any enactment, ordinance or regulation as relates to any of the matters enumerated in Lists II and III in the Seventh Schedule to the Constitution and includes any order, by-law, rule, scheme, notification or other instrument having the force of law;

(c) "transferred territories" means the territories transferred from the State of Bihar to the State of West Bengal by section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.

2 *The West Bengal Transferred Territories (Assimilation of Laws) Act, 1958.*

[West Ben. Act

(Section 3.)

Assimila-
tion of
State
laws.

3. (1) All State laws which, immediately before the appointed day, extend to, or are in force in, the State of West Bengal, but do not extend to, or are not in force in, the transferred territories shall as from that day, extend to or, as the case may be, come into force in, the transferred territories:

Provided that the State law specified in Schedule I shall extend to the transferred territories subject to the amendment specified in that Schedule.

(2) All State laws which, immediately before the appointed day, are in force in the whole or any part of the transferred territories but not in the rest of West Bengal shall, on that day, stand repealed in the transferred territories:

Provided that such repeal shall not affect—

- (a) the previous operation of any State law so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation, or liability acquired, accrued or incurred under any State law so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any State law so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the State laws specified in Schedule II as in force in the whole or any part of the transferred territories immediately before the appointed day shall continue in force therein after that day, and the State laws specified in Schedule III shall not extend to, or come into force in, the whole or such part of the transferred territories, as the case may be:

Provided that the State law specified in item (16) of Schedule II as in force in the transferred territories immediately before the appointed day shall continue in force, after that day, only in the territory referred to in clause (b) of sub-section (1) of section 3 of the Bihar and West Bengal

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(Section 4 and Schedule I.)

40 of 1956. (Transfer of Territories) Act, 1956, and the State laws specified in items (9) and (10) of Schedule III shall not extend to, or come into force in, such territory:

Provided further that, subject to the provisions of the proviso to sub-section (2) and of section 4, the State laws specified in Schedule II shall stand repealed or the State laws specified in Schedule III shall extend to, or come into force in, the transferred territories or any part thereof, with effect from such date or dates as the State Government may, by notification issued in the *Official Gazette*, from time to time, appoint in this behalf.

4. If any difficulty arises in giving effect to the provisions of this Act, more particularly to the proviso to sub-section (2) of section 3, the State Government may, by notification in the *Official Gazette* issued in this behalf,—

Provision for removal of difficulty.

(i) specify the authority, officer or person who shall be competent to exercise such powers or functions in any part of the transferred territories as may be mentioned in the notification under any State law referred to in sub-section (2) of section 3 or in Schedule II, or

(ii) pass any other orders not inconsistent with the purposes of this Act as may appear to it to be necessary or expedient,

for the purpose of removing such difficulty.

Schedule I.

[See section 3(1), proviso.]

The West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954).

After section 14, the following section shall be added, namely:—

“Transitional provisions for licenses under Bihar Act.

15. Notwithstanding anything contained in any other law or in this Act or in the rules made under this Act or in the license, a license granted or renewed under the Bihar Cinemas (Regulation) Act, 1954 shall be deemed for all purposes to have been granted or renewed under this Act and the conditions and restrictions prescribed by the rules under this Act shall, until a new license is granted under this Act, be deemed to have been incorporated in such license:

Provided that the licensing authority may grant time, or extend the time so granted, for compliance with any such condition or restriction.”

[West Ben. Act

(Schedule II.)

Schedule II.

[See section 3(3).]

- (7) The Bihar Panchayat Raj Act, 1947 (Bihar Act 7 of 1948).
- (2) The Bihar Tenancy Act, 1885 (Act 8 of 1885).
- (3) The Chota Nagpur Tenancy Act, 1908 (Bengal Act 6 of 1908).
- (4) The Bihar Land Reforms Act, 1950 (Bihar Act 30 of 1950).
- (5) The Bihar Recovery of Arrears of Rents of Outgoing Proprietors and Tenure-holders (Vested Estates and Tenures) Act, 1953 (Bihar Act 3 of 1953).
- (6) The Bihar Disqualified Owners' (Management of Property) Act, 1952 (Bihar Act 2 of 1955).
- (7) The Chota Nagpur Encumbered Estates Act, 1876 (Act 6 of 1876).
- (8) The Chota Nagpur Tenure-holders' Rent Account Act, 1929 (Bihar and Orissa Act 1 of 1929).
- (9) The Chota Nagpur Tenures Act, 1869 (Bengal Act 2 of 1869).
- (10) The Land Registration Act, 1876 (Bengal Act 7 of 1876).
- (11) The Bihar Evacuee Interest (Separation) Supplementary Act, 1953 (Bihar Act 23 of 1953).
- (12) The Bihar Hindu Religious Trusts Act, 1950 (Bihar Act 1 of 1951).
- (13) The Bihar Private Forests Act, 1947 (Bihar Act 9 of 1948).
- (14) The Bihar and Orissa Municipal Act, 1922 (Bihar and Orissa Act 7 of 1922).
- (15) The Bihar and Orissa Village Administration Act, 1922 (Bihar and Orissa Act 3 of 1922).
- (16) The Bihar and Orissa Local Self-Government Act of 1885 (Bengal Act 3 of 1885).

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(Schedule III.)

Schedule III.

[See section 3(3).]

(1) The West Bengal Panchayat Act, 1956 (West Bengal Act I of 1957).

(2) The Bengal Tenancy Act, 1885 (Act VIII of 1885).

(3) The West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954).

(4) The West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956).

(5) The West Bengal Private Forests Act, 1948 (West Bengal Act XIV of 1948).

(6) The Bengal Rhinoceros Preservation Act, 1932 (Bengal Act VIII of 1932).

(7) The Bengal Municipal Act, 1932 (Bengal Act XV of 1932).

(8) The Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919).

(9) The Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885).

(10) The Bengal (Rural) Primary Education Act, 1930 (Bengal Act VII of 1930).