

Constitution of India

Constitution Order 17 - Adaptation of Laws (Amendment) Order, 1950

C.O. 17

Dated the 5th June, 1950

ADAPTATION OF LAWS (AMENDMENT) ORDER, 1950

Whereas by clause (2) of article 372 of the Constitution of India (hereinafter referred to as "the Constitution") the President is empowered by Order to make such adaptations and modifications of any law in force in the territory of India, whether by way of repeal or amendment, as may be necessary or expedient for the purpose of bringing the provisions of such law into accord with the provisions of the Constitution, and to provide that the law shall, as from such date as may be specified in the Order, have effect subject to the adaptations and modifications so made ;

Now, therefore, in exercise of the powers conferred by the said article and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely :--

1.(1) This Order may be called the Adaptation of Laws (Amendment) Order, 1950.

(2) It shall be deemed to have come into force on the 26th day of January, 1950.

2. In sub-paragraph (1) of paragraph 2 of the ¹ Adaptation of Laws Order, 1950 (hereinafter referred to as "the Principal Order"), --

(a) after sub-clause (i) of clause (b) the following sub-clauses shall be inserted, namely :--

"(ia) an existing Madras law ; (ib) an existing Bombay law ;" ;

(b) at the end of clause (c) the words "but does not include any existing Madras or Bombay law" shall be added ;

(c) in clause (e) after the words "existing Provincial law" the words "existing Madras law, existing Bombay law" shall be inserted ; and

(d) after clause (e) the following clauses shall be inserted, namely :--

(f) "existing Madras law" means any Madras Act as defined in section 3 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), or any Regulation made by the Governor of Madras under the Government of India Act, 1935, which immediately before the appointed day, was a law in force in the Province of Madras or any part thereof ;

(g) "existing Bombay law" means any Bombay Act as defined in section 3 of Bombay General Clauses Act, 1904 (Bombay Act I of 1904), or any Ordinance or Regulation made by the Governor of Bombay under the Government of India Act, 1935, which, immediately before the appointed day, was a law in force in the Province of Bombay or any part thereof.'

3. In the heading of Part I and paragraph 3 of the Principal Order, for the words "existing Central laws" the words "existing Central, Madras and Bombay laws" shall be substituted.

4. In paragraphs 4(1), 4(2), 5, 6(1), 8 and 11) of the Principal Order; for the words "existing Central law" the words "existing Central, Madras or Bombay law" shall be substituted.

5. The proviso to paragraph 28 of the Principal Order shall be omitted.

6. The First, Fourth, Fifth and Sixth Schedules to the Principal Order shall be modified as directed in the First Schedule to this Order.

7. After the Sixth Schedule to the Principal Order, there shall be added the Schedules set out in the Second Schedule to this Order.

THE FIRST SCHEDULE

(See paragraph 6)

I. Modifications to the First Schedule to the Principal Order

After the direction relating to the Opium Act, 1857 (XIII of 1857), insert--

The Madras Compulsory Labour Act, 1858.

(of 1858)

Preamble.--Omit "of the labouring classes".

Section 1.

In the first paragraph for "labourers" substitute "persons" and omit "of the labouring classes".

In the third paragraph for "the labourers as aforesaid" substitute "all able-bodied male persons" and for "the labourers of their villages" substitute "the able-bodied male persons of their villages".

Section2.

Omit "of the labouring classes".

Section4.

For the words "the labourers" where they occur for the first time substitute "such persons" and where they occur for the second time substitute "they".

After the direction relating to the Acting Judges Act, 1867 (XVI of 1867), insert--

"The Punjab Muderous Outrages Act, 1867.

(XXIII of 1867)

Preamble and Section 2.--For 'Queen' substitute 'Government'."

After the direction relating to the Press and Registration of Books Act, 1867 (XXV of 1867), insert--

"The Oudh Estates Act, 1869.

(I of 1869)

Section3.

In the third paragraph 'Province' shall stand unmodified."

In the direction relating to clauses (1) and (2) of section 3 or the Indian Divorce Act, 1869 (IV of 1869), for the words beginning with "(1) 'High Court' means" and ending with "the High Court at Calcutta" substitute--

"(1) 'High Court' means with reference to any area.

(a) in a Part A State, the High Court for that State ;

(b) in Ajmer, the High Court at Allahabad ;

(c) in Bhopal, the High Court at Nagpur ;

(d) in Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab ;

(e) in Coorg, the High Court at Madras ;

(f) in Kutch, the High Court at Bombay; and

(g) in the Andaman and Nicobar Islands, the High Court at Calcutta ;".

For the direction relating to section 78 of the Indian Evidence Act, 1872 (I of 1872), substitute--

"Section 78.--In clause (3) 'Her Majesty' shall stand unmodified.

In clause (6) for 'a British Consul' substitute 'an Indian Consul'."

For the direction relating to the Central Provinces Laws Act 1875 (XX of 1875), substitute--

"Section 2.--For 'Acts of the Central Legislature' substitute 'Central Acts', for 'an Act of the Central Legislature' substitute 'a Central Act' and for 'Act of the Central Legislature' substitute 'Central Act'."

Section4.

For 'Act of the Central Legislature' substitute 'Central, Act'."

Before the direction relating to section 33 of the Northern India Ferries Act, 1878 (XVII of 1878), insert--

"Preamble.--For 'the United Provinces, East Punjab, the Central Provinces, Assam, Delhi and Ajmer-Merwara' substitute 'Uttar Pradesh, Punjab, the Central Provinces, Assam, Delhi and Ajmer'."

Before the direction relating to section 4 of the Fort William Act, 1881 (XIII of 1881), insert--

"Section 3.--For 'The 'The Commander-in-Chief in India' substitute 'The Commander-in-Chief, Indian Army'."

For the direction relating to section 1 of the Madras Forest (Validation) Act, 1882 (XXI of 1882), substitute--

"Section 1.--For 'enactment of the Central Legislature' substitute 'Central Act' passed before the commencement of this Act'."

For the direction relating to the Land Improvement Loans Act, 1883 (XIX of 1883), substitute--

"Section 1.--In sub-section (2) for 'the Provinces', where it occurs for the second time, substitute 'a Part A State or a Part C State'."

Omit the direction relating to sections 34 and 48 of the Punjab District Boards Act, 1883 (XX of 1883).

For the directions relating to the Marriages Validation Act, 1892 (II of 1892), substitute--

"Throughout the Act for 'Native Christian' substitute 'Indian Christian', for 'a Native Christian' substitute 'an Indian Christian' and for 'Native Christians' substitute 'Indian Christians'."

"Preamble.--For 'the Provinces' substitute 'India'."

In the direction relating to the substitution of section 3 of the General Clauses Act, 1897 (X of 1897),--

(1) for clause (8) substitute--

"(8) 'Central Government' shall,--

(a) in relation to anything done before the commencement of the Constitution, mean the Governor-General or the Governor-General in Council, as the case may be; and shall include, (i) in relation to functions entrusted under subsection (1) of section 124 of the Government of India Act, 1935, to the Government of a Province, the Provincial Government acting within the scope of the authority given to it under that sub-section; and (ii) in relation to the administration of a Chief Commissioner's Province, the Chief Commissioner acting within the scope of the authority given to him under sub-section (3) of section 94 of the said Act; and

(b) in relation to anything done or to be done after the commencement of the Constitution, mean the President; and shall include, (i) in relation to functions entrusted under clause (1) of article 258 of the Constitution to the Government of a State, the State Government acting within the scope of the authority given to it under that clause; and (ii) in relation to the administration of a Part C State, the Chief Commissioner or the Lieutenant-Governor or the Government of a neighbouring State or other authority acting within the scope of the authority given to him or it under article 239 or article 243 of the Constitution, as the case may be;"; and

(2) in clause (29) for "order or bye-law" substitute "order, bye-law or other instrument".

In the direction relating to sub-section (1) of section 57 of the Indian Stamp Act, 1899 (II of 1899), for the words beginning with "(a) if it arises in a Part A State" and ending with "the High Court at Calcutta" substitute--

"(a) if it arises in a Part A State, to the High Court for that State;

(b) if it arises in Ajmer, to the High Court at Allahabad;

(c) if it arises in Bhopal, to the High Court at Nagpur;

(d) if it arises in Bilaspur, Delhi and Himachal Pradesh, to the High Court of Punjab;

(e) if it arises in Coorg, to the High Court at Madras;

(f) if it arises in Kutch, to the High Court at Bombay; and

(g) if it arises in the Andaman and Nicobar Islands, to the High Court at Calcutta."

For the directions relating to sections 43 and 44 of the Code of Civil Procedure, 1908 (Act V of 1908), substitute--

"For sections 43 and 44 substitute--

43. Any decree passed,--

Execution of decrees passed by B States, in places to which this Part in foreign territory

(a) by a Civil Court in a Part B State, or

(b) by a Civil Court in any area within a Part A State or Part C State to which the provisions relating to execution do not extend, or does not extend or

(c) by a Court established or continued by the authority of the Central Government outside India, may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in manner herein provided within the jurisdiction of any Court in the States.

Execution of decrees passed by Revenue Courts in Part B States.

44. The Government of a Part A State or Part C State may, by notification in the Official Gazette, declare that the decrees for any Revenue Courts in any Part B State or any class of such decrees may be executed in the Part A State or Part C State, as the case may be, as if they had been passed by Courts of that State."

In the direction relating to sections 2 and 91 of the Indian Lunacy Act, 1912 (IV of 1912), for the heading "Sections 2 and 91" substitute "Section 2".

After the direction relating to section 3 of the Indian Lunacy Act, 1912 (IV of 1912), insert--

"Section 91--For 'which is or may hereafter be constituted by His Majesty by Letters Patent or by order of the Governor-General' substitute 'for a Part A State'."

To the direction relating to section 144 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), add--

"and 'His Majesty' shall stand unmodified."

After the direction relating to the Long title and Preamble of the Indian Bar Councils Act, 1926 (XXXVIII of 1926), insert--

"Section 1.--In sub-section (2) for 'clause (24)' substitute 'clause-(25)'."

In the direction relating to clause (h) of sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931), for "in clause (h)" substitute "in clause (h) and Explanation 4".

In the direction relating to section 2 of the Indian Medical Council Act, 1933 (XXVII of 1933), for "In clause (f)" substitute "In clauses (e) and (f)".

Omit the directions relating to the Press (Special Powers) Act, 1947 (XXXIX of 1947).

After the direction relating to the Minimum Wages Act, 1948 of 1948), insert--

"The Rehabilitation Finance Administration Act, 1948.

(XII of 1948.)

Section 18.

In sub-section (2) for 'the Central Legislature' substitute 'Parliament'."

After the direction relating to section 4 of the Damodar Valley Corporation Act, 1948 (XIV of 1948), insert--

"Section 44.--In sub-section (3) for 'the Central' substitute 'Parliament'.

Section 45.

In sub-section (5) for 'the Central' substitute 'Parliament'."

After the direction relating to section 2 of the Industrial Finance Corporation Act, 1948 (XV of 1948), insert--

"Section 35.--In sub-section (3) for 'the Central Legislature' substitute 'Parliament'."

After the direction relating to section 1 of the Chartered Accountants Act, 1949 (XXXVIII of 1949), insert--

"Section 21.--In the Explanation for 'Federal Court' substitute 'Supreme Court'."

II. Modifications to the Fourth Schedule to the Principal Order.

For the heading "Madras Regulations" substitute "Regulations of the Madras Code".

For the direction relating to the Madras Revenue Recovery (Military Proprietors) Regulation, 1817 (Madras Regulation VIII of 1817), substitute--

"Long title.--For 'a native officer or soldier' substitute 'an officer or soldier'."

Section 9.

In clause First', for 'a Native officer' substitute 'an officer' and for 'principal Native officer' substitute 'principal officer'.

In clause Third omit 'Native'."

III. Modifications to the fifth schedule to the principal order.

For the heading "Bombay Regulations" substitute "Regulations of the Bombay Code".

After the direction relating to the Preamble to Bombay Regulation XXV of 1827, insert--

"Section I.--Omit 'British'."

IV. Modifications To The Sixth Schedule To The Principal Order.

For the heading "Bengal Regulations" substitute "Regulations of the Bengal Code".

For the direction relating to the Appendix to the Bengal State Prisoners Regulation, 1818 (Bengal Regulation III of 1818), substitute--

"Appendix.--For 'external affairs or relations with Acceding States' and 'external affairs and relations with Acceding States' substitute 'or foreign affairs' and for 'Governor General' wherever it occurs substitute 'Central Government'."

THE SECOND SCHEDULE

(See paragraph 7)

² Schedule to be added after the Sixth Schedule to the Principal Order.

1. C. O. 4, supra.

2. Schedules Seven to Ten have been incorporated in C. O. 4 at pp. 134-171 Supra.
