

Constitution of India

Constitution Order 29 - Adaptation of Laws (Third Amendment) Order, 1951

THE ADAPTATION OF LAWS (THIRD AMENDMENT) ORDER, 1951

C.O. 29, dated the 4th April, 1951

whereas by clause (2) of article 372 of the Constitution of India 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 (Third Amendment) Order, 1951.

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

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

(i) in clause (b), sub-clauses (ia) and (ib) shall be omitted;

(ii) in clause (c) the words "but does not include any existing Madras or Bombay law" shall be omitted ;

(iii) in clause (e), the words "existing' Madras law, existing Bombay law" shall be omitted ;

(iv) clauses (f) and (g) shall be omitted. ,

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

4. In paragraphs 4(1), 4(2), 5, 6(1), 8 and 10, for the words "the existing Central, Madras or Bombay law" the words "existing Central or Provincial law" shall be substituted.

5. In column 1 of the Table below paragraph 4(1) of the Principal Order, for the words "the United Provinces" the words and bracket

"The United Provinces United Provinces" shall be substituted.

6. Part II of the Principal Order shall be omitted; and Parts III and IV shall be renumbered, as Parts II and III respectively; paragraph 18 shall be renumbered as paragraph 11, and the subsequent paragraphs renumbered accordingly:-

7. The First, Third, Seventh and Ninth Schedules to the Principal Order shall be modified as directed in the Schedule A appended to this Order.

8. After the Tenth, Schedule to the Principal Order there shall; be added the Schedules set out in Schedule B appended to this Order.

SCHEDULE A

(See paragraph 7)

I

MODIFICATIONS TO THE FIRST SCHEDULE TO THE PRINCIPAL ORDER

After the direction relating to section 2 of the Bombay Coasting Vessels Act, 1838 (XIX of 1838), insert--

"Sections 4, 5 and 6.

For "Master-Attendant" substitute "Principal Officer, Mercantile Marine Department".

To the direction relating to section 5 of the Indian Registration of Ships Act, 1841 (X of 1841), add--

"and for "subject as aforesaid" substitute "a citizen of India".

After the direction relating to the European Deserter's Act, 1856 (XI of 1856), insert--

"The Bengal Chaukidari Act, 1856,

(XX of 1856)

Section 56.

For "suspend or dismiss" substitute "suspend or subject to the provisions of article 311 of the Constitution, dismiss".

After the direction relating to the State Prisoner's Act, 1858 (III of 1858), insert--

"The Madras District Police Act, 1859. (XXIV of 1859)

Section 10.

For "Subject to such rules" substitute "Subject to the provisions of article 311 of the Constitution and to such rules".

Section 44.

For "as hereinbefore provided" substitute "as provided by law".

In the second paragraph directed to be substituted in section 230 of the Indian Penal Code (XLV of 1860) for "had been so stamped" substitute "has been so stamped".

After the directions relating to the Indian Penal Code (XLV of 1860), insert--

"The Police Act, 1861. (V of 1861)

Section 7.

For "Subject to such rules" substitute "Subject to the provisions of article 311 of the Constitution, and to such rules".

After the direction relating to section 3A of the Pensions Act, 1871 (XXIII of 1871), insert--

"Section 4.

For "British or" substitute "Government or by".

After the directions relating to the Indian Oaths Act, 1873 (X of 1873), insert--

"The N. W. Provinces Village and Road Police Act, 1873.

(XVI of 1873)

Section 10.

For "the Magistrate" substitute "Subject to the provisions of article 311 of the Constitution, the State Government, or the Magistrate".

In the direction relating to section 18 of the Indian Arms Act, 1878 (XI of 1878) for "States" substitute "the States".

To the direction relating to clause (b) of section 20 of the Indian Trusts Act, 1882 (II of 1882), add--

"and 'Governor-General' and 'Province' shall stand unmodified."

After the direction relating to section 18 of the Presidency Small Cause Courts Act, 1882 (XV of 1882), insert--

"Section 19.

In clause (b) omit 'the Crown Representative'.

In the directions relating to the Indian Railways Act, 1890 (IX of 1890), insert--

'Section 33.

Omit "the general controlling authority".

Section 47.

In sub-section (1) for "any Provincial Government or the Government of any Acceding State" substitute "or any State Government". Section 49.--For "any general controlling authority" substitute "the Central Government".

After the directions relating to the Indian Fisheries Act, 1897 (IV of 1897), insert--

"The Reformatory Schools Act, 1897.

(VIII of 1897)

Section 17.

In clause (2) omit "of whom two at least shall be Natives of India".

In the directions relating to the Code of Criminal Procedure, 1898 (V of 1898)--

(i) to the directions relating to section 194, add--

"and in clause, (a) of sub-section (2) "His Majesty's Attorney-General" and "the Crown" shall stand unmodified";

(ii) after the direction relating to sections 198 and 199, insert--

'Sections 211, 216, 218 and 226

For "Clerk of the Crown" substitute "Clerk of the State".

After the direction relating to the Church of Scotland Kirk Sessions Act, 1899 (XXIII of 1899), insert--

"The Central Provinces Court of Wards Act, 1899.

(XXIV of 1899)

After section 40, insert--

'41. Application of the Act to estates of Rulers of Indian States.--The powers and functions conferred on the State Government by or under this Act shall, in relation to the estates of Rulers of Indian States, be the powers and functions of the Central Government.'

After the directions relating to the Prisoners' Act, 1900 (III of 1900), insert--

"The Punjab Alienation of Land Act, 1900.

(XIII of 1900)

This Act shall stand repealed."

Before the direction relating to Section 3 of the Indian Ports Act, 1908 (XV of 1908), insert--

"Section 2.

In clause (i) for "His Majesty" substitute "the Central Government or a State Government".

To the directions relating to the Inland Steam-Vessels Act, 1917-(I of 1917), add--

'Section 72-A.

"Government of a Province in Pakistan" shall; stand unmodified.'

'The Patna University Act, 1917.

(XVI of 1917)

Section 11.

For the "Provinces" substitute "India".

In the directions relating to the Indian Red Cross Society Act, 1920 (XV of 1920)--

(i) after the direction relating to section 1, insert--Section 5.--In clause (d) omit "Provincial and",

(ii) for the direction relating to section 8, substitute--

'Section 8.

In sub-section (1) for "any of the Provinces, States and other parts of India and Pakistan" substitute "any of the States in India or in any part of Pakistan"; in sub-section (2) for "any Province, State or other part of India", at both places, substitute "any part of India"; and in sub-section (4) for "the Provinces, States and other parts of India and Pakistan" substitute "any State in India or any part of Pakistan".

To the direction relating to section 17 of the Indian Income-tax Act, 1922 (XI of 1922), add--

'and in sub-section (7) for "Act of the Central Legislature" substitute "Central Act".'

In the directions relating to the Cotton Cess Act, 1923 (XIV of 1923) substitute "The Indian Cotton Cess Act, 1923" for "The Cotton Cess Act, 1923"; and for the direction relating to section 4, substitute--

'Section 4.

In clause (i) for "Imperial" substitute "Indian"; and for clause (ix) substitute--

"(ix) seven persons nominated respectively by the Governments of the following Part B States, namely, Hyderabad, Madhya Bharat, Mysore, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin"

Section 5

In sub-section (2) for "Imperial" substitute "Indian".

Section 14.

Omit "His Majesty for the purposes of".

After the direction relating to section 3 of the Cantonments Act, 1924 (II of 1924), insert--

"Section 13.

In clause (e) of sub-section (4), for sub-clause (iii), substitute--

'(iii) in cantonments of which the civil population does not exceed five thousand, one military officer,.'

'To the direction relating to section 2 of the Contempt of Courts Act, 1926 (XII of 1926), add--

"and omit sub-section (2)."

For the direction relating to section 4 of the Indian Lac Cess Act, 1930 (XXIV of 1930), substitute--

"Section 4.

In sub-section (5) for "Imperial Entomologist" substitute "Head of the Entomology Division in the Indian Institute of Agricultural Research" and in sub-section (8) for "the Provinces" substitute "India".

In the directions relating to the Drugs Act, 1940 (XXIII of 1940), insert--

"Section 5.

In clause (iv) of sub-section (2), for "Imperial" substitute "Indian".

For the directions relating to the Indian Oilseeds Committee Act, 1946 (IX of 1946), substitute--

"The Indian Central Oilseeds Committee Act, 1946.

(IX of 1946)

Section 3.

For the "Provinces" where the expression occurs for the first time, substitute "the territories to which this Act extends" ; and where the expression occurs for the second and the third times, substitute "the said territories".

Section 4.

In clause (a) for "Imperial" substitute "Indian" ;

In clause (g) for "the other Provinces and the Acceding States" substitute "the rest of India";

In clause (s) for "the Central Legislature" substitute "Parliament"

Section 7.

In sub-section (1) for "Imperial" substitute "Indian".

Section 16.

For "the Central Legislature" substitute "the House of the People" and omit "His Majesty for the purposes of".

To the direction relating to section 6 of the Prevention of Corruption Act, 1947 (II of 1947), add--

"and in clauses (a) and (b) omit "or some higher authority"."

To the directions relating to the National Cadet Corps Act, 1948 (XXXI of 1948), add--

"Section 13.

In clause (I) of sub-section (2) omit "Provincial".

After the direction relating to sections 8, 21 and 36 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), insert--

"Section 17.

In sub-section (3), for "Federal" substitute "Union".

After the direction relating to section 5 of the Factories Act, 1948 (LXIII of 1948), insert--

"Section 78.

In sub-section (2) for "Federal Railway" substitute "Government Railway".

II

MODIFICATIONS TO THE THIRD SCHEDULE TO THE PRINCIPAL ORDER.

After the directions relating to the Ajmer Laws Regulation, insert--

"The Assam, Local Rates Regulation, 1879.

(III of 1879)

Section 2.

For "the permanently settled portion of Sylhet" wherever the words occur, substitute "the permanently settled portion of Cachar" ; and

In clause (4) for "whole of that district except the Jaintia Parganas" , substitute "Karimganj sub-division of that District".

After the directions relating to the Garo Hills Regulation, 1882, insert--

"The Assam Land and Revenue Regulation, 1886. (I of 1886)

Sections 3 and 72.

In clause (c) for "District of Sylhet" , wherever the words occur, substitute "District of Cachar".

The Sylhet Jhum Regulation, 1891.

(III of 1891)

Section 1.

In sub-section (2) for "District of Sylhet" , substitute, "District of Cachar".

III

MODIFICATIONSTO THE SEVENTH SCHEDULE TO THE PRINCIPAL ORDER.

Inthe directions relating to the Madras City Police Act, 1888 (Madras Act III of1888), insert--

Section11.

For"subject to the control of the State Government" substitute "subject tothe provisions of article 311 of the Constitution and to the control of theState Government".'

Section71-K.

Forthe opening paragraph, substitute--

"Ifany person arrested by a Police-officer for an offence punishable under section71-A has, in the opinion of such Police-officer, not attained the age of sixteenyears, he shall be informed, as soon as may be, of the grounds for such arrest, and shall be produced before the nearest Magistrate within a period oftwenty-four hours of such arrest excluding the time necessary for the journeyfrom the place of arrest to the Court of the Magistrate ; and no such personshall be detained in custody beyond the said period without the authority of aMagistrate. On such production, the Magistrate shall without delay direct theperson to be taken before a Juvenile Court established under sub-section (1)of section 36 of the Madras Children Act, 1920. The person shall then be dealtwith under the provisions of that Act as modified by the provisions of thissection."

Afterthe direction relating to section 5 of the Madras Prevention of Begging Act,1945 (Madras Act XIII of 1945), insert--

"Section12.

Insub-section (1) for the opening paragraph substitute--

'if any person arrested by a Police-officer for an offence punish-able undersection 3 has, in the opinion of such Police-officer, not attained the age ofsixteen years, he shall be informed, as soon as may be, of the grounds for sucharrest, and shall be produced before the nearest Magistrate within a period oftwenty-four hours of such arrest excluding the time necessary for the journeyfrom the place of arrest to the Court of the Magistrate ; and no such personshall be detained in custody beyond the said period without the authority of aMagistrate. On such production the Magistrate shall without delay direct theperson to be taken before a Juvenile Court estab-lished under sub-section (1) ofsection 36 of the Madras Children Act, 1920. The person shall then be dealt withunder the provisions of that Act as modified by the provisions of thissection."

IV

MODIFICATIONSTO THE NINTH SCHEDULE TO THE PRINCIPAL ORDER.

Afterthe direction relating to section 43 of the City of Bombay Police Act, 1902(Bombay Act IV of 1902), insert--

"Section87.

Omitsub-section (2)".

SCHEDULEB

(SeeParagraph 8.)

Schedulesto be added after the Tenth Schedule to the Principal Order.

ELEVENTHSCHEDULE TO TWENTY SECOND SCHEDULE

(Incorporated in C. O. 4 at pp. 171-240, Supra.)
