THE ACQUIRED TERRITORIES (MERGER) ACT, 1960

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SECTIONS

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THE ACQUIRED TERRITORIES (MERGER) ACT, 1960

An Act to provide for the merger into the States of Assam, Punjab and West Bengal of certain territories acquired in pursuance of the agreements entered into between the Governments of India and Pakistan and for matters connected therewith.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Acquired Territories (Merger) Act, 1960.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "acquired territories" mean so much of the territories comprised in the Indo-Pakistan agreements and referred to in the First Schedule as are demarcated for the purpose of being acquired by India in pursuance of the said agreements;

(*b*) "appointed day" means such date as the Central Government may, by notification in the Official Gazette, appoint for the merger of the acquired territories under section 3, after causing the territories to be so acquired demarcated for the purpose, and different dates may be appointed for the merger of such territories into different States;

(*c*) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950 (43 of 1950);

(*d*) "Indo-Pakistan agreements" mean the Agreements dated the 10th day of September, 1958, the 23rd day of October, 1959 and the 11th day of January, 1960 entered into between the Governments of India and Pakistan, the relevant extracts of which are set out in the Second Schedule;

(*e*) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the acquired territory;

(*f*) "sitting member", in relation to either House of Parliament or of the Legislature of a State, means a person who, immediately before the appointed day, is a member of that House;

(*g*) "State concerned", in relation to the acquired territories referred to in Part I, Part II and Part III of the First Schedule, means, respectively, the State of Assam, the State of Punjab and the State of West Bengal; and "State Government concerned" shall be construed accordingly;

(*h*) "Union purposes" mean the purposes of Government relatable to any of the matters mentioned in List I of the Seventh Schedule to the Constitution.

3. Merger of acquired territories.—(*1*) As from the app ritories referred to in Part I, Part II

and Part III of the First Schedule shall, respectively be included in, and form part of the States of Assam, Punjab and West Bengal.

(*2*) As from the appointed day, the State Government concerned shall, by order in the Official Gazette, provide for the administration of the acquired territories included in that State by including them or any part of them in such district, sub-division, police station or other administrative unit as may be specified in the order.

1. 17th January, 1961, *vide* notification No. G.S.R. 74, dated 14th January, 1961, *see* Gazette of India, Extraordinary, Part II, sec. 3(*i*).

4. Amendment of the First Schedule to the Constitution.—As from the appointed day, in the First Schedule to the Constitution,—

(*a*) in the paragraph relating to the territories of the State of Assam, after the words "the Assam Tribal Areas", the words, figures and brackets "and the territories referred to in Part I of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted;

(*b*) in the paragraph relating to the territories of the State of Punjab, after the words and figures "the States Reorganisation Act, 1956 (37 of 1956)", the words, figures and brackets "and the territories referred to in Part II of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted;

(*c*) in the paragraph relating to the territories of the State of West Bengal, after the words, brackets and figures "the Bihar and West Bengal (Transfer of Territories) Act, 1956 (40 of 1956)", the words, figures and brackets "and the territories referred to in Part III of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted.

5. Construction of references to existing constituencies.—As from the appointed day,—

(*a*) any reference in the Delimitation of Parliamentary and Assembly Constituencies Order, 1956,—

(*i*) to the State of Assam or Punjab or West Bengal, shall be construed as including that part of the acquired territory which is included in that State;

(*ii*) to any district, sub-division, police station or other administrative unit, shall be construed as including that part of the acquired territory, if any, which is included in that district, sub-division, police station or other administrative unit, by order made under sub-section (*2*) of section 3;

(*b*) any reference in the Delimitation of Council Constituencies (Punjab) Order, 1951—

(*i*) to the State of Punjab, shall be construed as including that part of the acquired territory which is included in that State;

(*ii*) to any district, shall be construed as including that part of the acquired territory, if any, which is included in that district, by order made under sub-section (*2*) of section 3;

(*c*) any reference in the Delimitation of Council Constituencies (West Bengal) Order, 1951—

(*i*) to the State of West Bengal, shall be construed as including that part of the acquired territory which is included in that State;

(*ii*) to any division or district, shall be construed as including the acquired territory, if any, which is included in that division or district, by order made under sub-section (*2*) of section 3.

6. Provisions as to sitting members.—(*1*) Every sitting member of the House of the People representing any parliamentary constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to that House by that constituency as so altered.

(*2*) Every sitting member of the Legislative Assembly of the State of Assam or Punjab or West Bengal representing any assembly constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the said Legislative Assembly by that constituency as so altered.

(*3*) Every sitting member of the Legislative Council of Punjab or West Bengal representing any Council constituency the extent of which has been altered by virtue of the provisions of this Act, shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the said Le stituency as so altered.

7. Property and assets.—(*1*) All property and assets within the acquired territories which immediately before the appointed day, are vested in Pakistan or in the Province of East Pakistan or the Province of West Pakistan shall, as from that day,—

(*a*) where such property and assets are relatable to Union purposes, vest in the Union;

(*b*) in any other case, vest in the State concerned in which the acquired territories are included.

(*2*) A certificate of the Central Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any property or assets are held, immediately before the appointed day, are Union purposes.

8. Appropriation of moneys for expenditure in acquired territories.—(*1*) As from the appointed day, any Act passed by the Legislature of the State of Assam or Punjab or West Bengal before that day for the appropriation of any moneys out of the Consolidated Fund of that State to meet any expenditure in respect of any part of the financial year 1960-61, shall have effect also in relation to the acquired territories included in that State and it shall be lawful for the State Government concerned to spend any amount in respect of those territories out of the amount authorised by such Act to be expenditure for any service in that State.

(*2*) The Governor of the State concerned may, after the appointed day, authorise such expenditure from the Consolidated Fund of that State as he deems necessary for any purpose or service in the acquired territories included in that State for a period of not more than three months beginning with the appointed day pending the sanction of such expenditure by the Legislature of that State.

9. Extension of laws.—All laws in force in the acquired territories immediately before the appointed day shall, as from that day, cease to be in force in those territories and all laws in force generally in the State concerned in which the acquired territories are included shall, as from that day, extend to, or as the case may be, come into force in, those territories:

Provided that anything done or any action taken before the appointed day under any law in force in the acquired territories shall be deemed to have been done or taken, as from the appointed day, under the corresponding law extended to, and in force, in those territories.

10. Power to name authorities for exercising statutory functions.—The State Government concerned, as respects the acquired territories included in that State, may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions, exercisable under any law in force on that day in those territories, as may be mentioned in that notification and such law shall have effect accordingly.

11. Power to remove difficulties.—(*1*) If any difficulty arises in relation to the transition from any corresponding law to any law which by virtue of section 9 shall, as from the appointed day, extend to, or come into force in, the acquired territories, the Central Government may, by order notified in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(*2*) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from any corresponding law) or in connection with the administration of the acquired territories as a part of the State in which they are included, the State Government concerned may, by order in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(*3*) No power under sub-section (*1*) or sub-section (*2*) shall be exercised by the Central Government or, as the case may be, the State Government after the expiry of three years from the appointed day.

(*4*) Any order made under sub-section (*1*) or sub-section (*2*) may be so made as to be retrospective to any date not earlier than the appointed day.

THE FIRST SCHEDULE

[*See* sections 2(*a*), 2(*g*), 3 and 4]

PART I

The acquired territory in relation to item (*7*) of paragraph 2 of the Agreement dated the 10th day of September, 1958.

PART II

lation to item (*ii*) and item (*iii*) of

paragraph 1 of the Agreement dated the 11th day of January, 1960.

PART III

The acquired territory in relation to item (*5*) and item (*10*) of paragraph 2 of the Agreement dated the 10th day of September, 1958 and paragraph 4 of the Agreement dated the 23rd day of October, 1959.

THE SECOND SCHEDULE

[*See* section 2(*d*)]

1. EXTRACTS FROM THE NOTE CONTAINING THE AGREEMENT DATED THE 10TH DAY OF SEPTEMBER, 1958.

* * * * *

2. As a result of the discussions, the following agreements were arrived at:—

* * * * *

(5) 24 *Parganas* — *Khulna*
24 *Parganas* — *Jessore* —Boundary disputes.

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute. (Ichhamati river).

* * * * *

(*7*) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

* * * * *

(*10*) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

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Signed. (M.S.A. BAIG)
Foreign Secretary,
Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan.

NEW DELHI, SEPTEMBER, 10, 1958.

Signed. (M. J. DESAI)
Commonwealth Secretary, Ministry of External Affairs, Government of India.

2. EXTRACTS FROM THE AGREEMENT ENTITLED "AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-EAST PAKISTAN BORDER AREAS", DATED THE 23RD DAY OF OCTOBER, 1959.

* * * * *

4. *West Bengal — East Pakistan Boundary*.

Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahanada, Burung and Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and record of rights.

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(Sd.) (J. G. KHARAS)
Acting Foreign Secretary,
Ministry of Foreign Affairs and Commonwealth Relations

(Sd.) (M. J. DESAI)
Commonwealth Secretary, Ministry of External Affairs, Karachi, New Delhi.

NEW DELHI,
October 23, 1959.

3. EXTRACTS FROM THE AGREEMENT ENTITLED "AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-WEST PAKISTAN BORDER AREAS", DATED THE 11TH DAY OF JANUARY, 1960.

* * * * *

1. *West Pakistan-Punjab border*.— Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not yet been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

* * * * *

(*ii*) *Chak Ladheke* (*Amritsar-Lahore border*).—The Governments of India and Pakistan agree that the delineation of the boundary will be as shown in the map of the Kasur Tehsil by Sir Cyril Radcliffe and Chak Ladheke will in consequence fall within the territorial jurisdiction of the Government of India.

(*iii*) *Ferozepur* (*Lahore-Ferozepur border*).—The Governments of India and Pakistan agree that the West Pakistan-Punjab (India) boundary in this region is along the district boundaries of these districts and not along the actual course of the river Sutlej.

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(Sd.) M. J. DESAI,
Commonwealth Secretary,
Ministry of External Affairs,
Government of India.

(Sd.) J. G. KHARAS,
Joint Secretary,

NEW DELHI;

January 11, 1960.

Ministry of Foreign Affairs
and Commonwealth
Relations,

Government of Pakistan.