THE HIMACHAL PRADESH (EXTENSION OF LAWS) ACT, 1976

ARRANGEMENT OF SECTIONS

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SCHEDULES

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THE HIMACHAL PRADESH (EXTENSION OF LAWS) ACT, 1976 (ACT NO. 29 OF 1976)[1]

(Received the assent of the President on the 17thJuly, 1976 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 29th July, 1976, pp. 1467-1470).

An Act to provide for the extension of certain laws as applicable to, or in force in the areas as comprised in Himachal Pradesh immediately before the 1st November, 1966, to areas as added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.

BE it enacted by the Legislative Assembly of Himachal Pradesh in theTwenty-seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Himachal Pradesh (Extension of Laws) Act, 1976.

(2) It shall come into force at once.

1. For Statement of Objects and Reasons, see the Rajpatra Himachal Pradesh (Extra-ordinary), dated the 6th March, 1976, p. 794. For its Authoritative Hindi Text see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 25th March, 1994, pp. 435-440.

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

(b) "old areas" means the areas as comprised in Himachal Pradesh immediately before the 1st November, 1966;

(c) "schedule" means a schedule appended to this Act;

(d) "State Government" means the Government of Himachal Pradesh;and

(e) "transferred territories" means the territories which were added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966).

3. Extension of certain laws to transferred territories.-All the enactments, as amended from time to time, specified in Schedule-I, which are applicable to, or in force in the old areas and all rules, regulations, notifications, orders and bye-laws made, and all directions or instructions issued thereunder, which are in force immediately before the commencement of this Act, are hereby extended to, and shall be in force in, the transferred territories.

4. Construction of certain references.- In the enactments, or rules, regulations, notifications, orders and bye-laws made, and directions or instructions issued thereunder, as referred to in section 3, any reference-

(1) to the law which is not in force in the transferred territories shall in relation to such territories, be construed as a reference to the corresponding law, if any, in force in such territories; and

(2) to the State of Himachal Pradesh, by whatever form of words, shall be construed as including a reference to the transferred territories.

5. Repeal and savings.- If, immediately before the commencement of this Act, there is in force in the transferred territories any law correspondingto any of the enactments or rules, regulations, notifications, orders and bye-laws made, and directions or instructions issued thereunder, extended to those territories, by section 3 that law including the enactments specified in Schedule-II, shall, on the commencement of this Act, save as otherwise expressly provided in this Act, stand repealed:

Provided that such repeal shall not affect:-

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of

any offence committed against any law so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any suchright, 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 maybe imposed, as if this Act had not been passed:

Provided further that anything done or any action taken under anylaw so repealed shall be deemed to have been done or taken under the corresponding provision of the enactment extended by section 3 to the transferred territories, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the enactmentso extended.

6. Powers of courts and other authorities for purposes of facilitating the application of the enactments specified in Schedule-I or rules, etc.- For the purposes of facilitating the application in the transferred territories of anyenactment specified in Schedule-I or of any rule, regulation, notification,order, bye-law, direction or instruction referred to in section 3, any court orother authority may construe the same with such alterations, not affecting thesubstance, as may be

necessary or proper to adopt it to the matter before thecourt or other authority.

7. Power to make rules, etc. not to be affected.- Nothing contained in this Act shall affect the power of the State Government or of any officer or authority, exercisable under the enactments specified in Schedule-I, toadd, amend, vary or rescind the rules, regulations, notifications, orders and bye-laws made, and directions or instructions issued, as extended by section 3 to the transferred territories.

8. Power to remove difficulties.- If any difficulty arises in giving effect, in the transferred territories, to the provisions of any enactment specified in Schedule-I, the State Government may, by order notified in the Official Gazette, make such provisions or give such directions as appear to be necessary or expedient for the removal of the difficulty.

SCHEDU
LE-I
(See
section 3)

Serial No.	Year	Number of Act	Name of the Act
1	2	3	4
1.	1879	14	The Hackney Carriage Act, 1879.
2.	1956	6	The Code of Civil Procedure (Himachal Pradesh Amendment) Act, 1956.
3.	1956	10	The Himachal Pradesh Ferries Act, 1956.

SCHEDULE-II

(See section 5)

Serial No.	Year	Number of Act	Name of the Act
1	2	3	4
1.	1878	17	The Northern India Ferries Act, 1878.