THE HIMACHAL PRADESH EXTENSION OF LAWS AND REPEALING ACT 1981

ARRANGEMENT OF SECTIONS

Sections**:**

1. Short title and commencement.

2. Definitions.

3. Extension of certain laws to transferred territories.

4. Construction of certain references.

5. Repeal and savings.

6. Powers of courts and other authorities for the purposes of facilitating the application of the enactment specified in Schedule- I or rules, etc.

7. Power to make rules, etc. not be affected.

8. Power to remove difficulties.

SCHEDULES

SCHEDULE-I.

SCHEDULE-II.

THE HIMACHAL PRADESH EXTENSION OF LAWS AND REPEALING ACT 1981

(ACT NO. 10 OF 1981)[1]

(Received the assent of the Governor, Himachal Pradesh, on the 11th May, 1981 and was published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 13th May, 1981 pp. 351-358). **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 and the repeal of certain enactments in their application to the State of Himachal Pradesh.**

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty- second 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 and Repealing Act, 1981.

(2) It shall come into force at once.

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 24th March, 1981, pp. 142 and 147.

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

(a) "Official Gazette" means the Rajpatra, Himachal Pradesh;

(b) "old areas" means the areas as comprised in Himachal

(c) Pradesh immediately before the 1st November, 1966;

(d) "Schedule" means a Schedule appended to this Act;

"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.

3. Extension of certain laws to transferred territories.- The enactment, as amended from time to time, specified in Schedule-I, which is applicable to, or is 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 enactment, or rules, regulations, notifications, orders and bye- laws made, and directions, or instructions issued, thereunder, as referred to in section 3, and 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 corresponding to the enactment or any of the 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 proceedings 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:

Provided further that anything done or any action taken under any law so repealed shall be deemed to have been done of taken under the corresponding provisions 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 enactment so extended.

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

7. Power to make rules, etc. not be affected.- Nothing contained in this Act shall affect the power of the State Government or of any officer or authority exercisable under the enactment specified in Schedule-I, to add, 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 the 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 it to be necessary or expedient for the removal of the difficulty.

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SCHEDULE- I

(See section 3)

Serial No.	Year	Number of Act	Name of the Act
1.	2.	3.	4.
1	1953	7	The Himachal Pradesh Compulsory Primary Education Act, 1953

SCHEDULE- II

(See section 6)

Serial No	Year.	Number of Act.	Name of the Act
1.	2.	3.	4.
1	1825	11	The Bengal Alluvion and Diluvion Regulation, 1825, as in force in the transferred territories.
2.	1920	1.	The Punjab Limitation (Custom) Act, 1920 as in force in the transferred territories.
3.	1920	1	The Punjab Limitation (Custom) Act, 1920, as applied to the erstwhile princely State of Bilaspur.
4.	1931	2	The Punjab Municipal (Executive Officers) Act, 1931, as in force in the transferred territories
5.	1938	9	The Punjab Debtor's Protection (Amendment) Act, 1938, as in force in the transferred territories.
6.	1941	5	The Punjab Jagirs Act, 1941, as in force in the transferred territories
7.	1941	14	The East Punjab Electricity (Emergency Powers) Act, 1941, as in force in the transferred territories.
8.	1948	11	The East Punjab Molasses (Control) Act, 1948, as in force in the transferred territories.
9.	1948	11	The East Punjab Molasses (Control) Act, 1948, as extended to the old areas by the Government of India, Ministry of Home Affairs notification No. F- 4- 7/61-Jud-II dated the 16th June, 1962.
10.	1949	30	The East Punjab Drugs Control Act, 1948, as in force in the transferred territories.
11.	2008 BK	1	The Pepsu Court of Wards Act, 2008 BK, as in force in the areas which previously comprised in the erstwhile princely State of PEPSU, and as now stands added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.
12.	1956	38	The Punjab Special Powers (Press) Act, 1956, as in force in the transferred territories.
13.	1957	18	The Punjab Court of Wards (Validation of Exercise of Powers) Act, 1957, as in force in the transferred territories.
14.	1960	39	The Punjab Primary Education Act, 1960 as in force in the transferred territories.

15.	1963	38	The Punjab State Faculty of Ayurvedic and Unani System of Medicines Act, 1963, as in force in the transferred territories.