The Chandernagore (Assimilation of Laws) Act, 1955

Act 4 of 1955

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THE CHANDERNAGORE (ASSIMILATION OF LAWS) ACT, 1955.

An Act to provide for the assimilation of certain laws in force in Chandernagore to the laws in force in the rest of West Bengal.

Whereas it is expedient to provide for the assimilation of certain laws in force in Chandernagore to the laws in force in the rest of West Bengal;

It is hereby enacted in the Sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:

1. (1) This Act may be called the Chandernagore (Assimilation of Laws) Act, 1955.

(2) It shall come into force immediately on the Chandernagore (Assimilation of Laws) Ordinance, 1954, ceasing to operate.

2. In this Act,—

(a) "appointed day" means the 2nd day of October, 1954;
(b) "Chandernagore" means the whole of the territory which immediately before the 9th day of June, 1952, was comprised in the Free town of Chandernagore;
(c) "law" means so much of any Act, Ordinance, Regulation, order, rule, scheme, notification, bye-law or any other instrument having the force of law as relates to matters enumerated in List II in the Seventh Schedule to the Constitution of India.

3. All laws which immediately before the appointed day extend to, or are in force in, the State of West Bengal generally shall, as from that day, extend to, or, as the case may be, come into force in, Chandernagore.

4. (1) Any law in force in Chandernagore immediately before the appointed day (hereafter in this Act referred to as "corresponding law") which corresponds to any law referred to in section 3, whether such corresponding law is in force in Chandernagore by virtue of the Chandernagore (Application of Laws) Order, 1950 or by virtue of any...

¹For Statement of Objects and Reasons, see the Calcutta Gazette, Extraordinary, dated the 14th February, 1955, Part IVA, page 181; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly held on the 22nd February, 1955; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of the West Bengal Legislative Council held on the 4th March, 1955.

(Sections 5, 6.)

Notwithstanding anything contained in sections 3 and 4, the Bengal Municipal Act, 1932, shall not extend to Chandernagore, and any law in force in Chandernagore immediately before the appointed day which corresponds to that Act, shall, until such law is repealed, continue to apply to, and be in force in Chandernagore, and any reference to the Bengal Municipal Act, 1932 in any of the laws extended to Chandernagore under section 3 shall be deemed to be a reference to the corresponding law continued in force by this section.

5. Notwithstanding anything contained in sections 3 and 4, the Bengal Municipal Act, 1932, shall not extend to Chandernagore, and any law in force in Chandernagore immediately before the appointed day which corresponds to that Act, shall, until such law is repealed, continue to apply to, and be in force in Chandernagore, and any reference to the Bengal Municipal Act, 1932 in any of the laws extended to Chandernagore under section 3 shall be deemed to be a reference to the corresponding law continued in force by this section.

6. (1) If any difficulty arises in relation to the transition from any corresponding law to any law which, by virtue of section 3, shall, as from the appointed day, extend to, or come into force in, Chandernagore, the State 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.
(Sections 7, 8.)

(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 Chandernagore as a part of West Bengal, the State Government 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 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 made so as to be retrospective to any date not earlier than the appointed day.

7. Upon the Chandernagore (Assimilation of Laws) Ordinance, 1954, ceasing to operate, anything whatsoever done or any action whatsoever taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on the 2nd day of October, 1954.

8. Notwithstanding anything to the contrary, in any judgment or decision of any court, tribunal or authority, the following Acts, that is to say,—

the West Bengal Land Development and Planning Act, 1948,

the West Bengal Non-Agricultural Tenancy Act, 1949, and

the West Bengal Estates Acquisition Act, 1953

shall extend to and be deemed always to have extended to Chandernagore with effect from the appointed day.

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1 For order regarding the recovery of monies accrued in respect of excise licences in Chandernagore as arrears of revenue, see notification No. 787 Ex., dated 23.8.55, published in the Calcutta Gazette of 1955, Part I, page 3433.

2 Section 8 was inserted by s. 2 of the Chandernagore (Assimilation of Laws) (Amendment) Act, 1959 (West Ben. Act V of 1959).