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ACT, 1954

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THE HIMACHAL PRADESH AND BILASPUR (NEW STATE) ACT, 1954

ACT NO. 32 OF 1954

[28th May, 1954.]

An Act to provide for the formation of the new State of Himachal Pradesh by uniting the existing States of Himachal Pradesh and Bilaspur, and for matters connected therewith.

Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh and Bilaspur (New State) Act, 1954.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

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

(a) “article” means an article of the Constitution;

²* * * * *

(c) “existing States” mean the States specified as Bilaspur and Himachal Pradesh in Part C of the First Schedule to the Constitution immediately before the commencement of this Act, and “existing State” means either of the existing States;

(d) “law” includes any enactment, ordinance, regulation, order, rule, scheme, notification, bye-law or other instrument having the force of law in the whole or in any part of either of the existing States;

(e) “Order” means an order published in the Official Gazette;

(f) “Parliamentary constituency” has the same meaning as in the Representation of the People Act, 1950 (43 of 1950);

(g) “sitting member” in relation to either House of Parliament or in relation to the Legislature of the existing State of Himachal Pradesh, means a person who immediately before the commencement of this Act is a member of that House or that Legislature, as the case may be.

PART II

FORMATION OF THE NEW STATE OF HIMACHAL PRADESH

3. Formation of the new State of Himachal Pradesh.—As from the commencement of this Act there shall be formed by uniting the existing States a new Part C State to be known as the State of Himachal Pradesh (hereafter in this Act referred to as the “new State”).—

4. Amendment of the First Schedule to the Constitution.—In the First Schedule to the Constitution, in Part C—

(a) under the heading “Names of States”—

(i) entry “3. Bilaspur” shall be omitted; and

1. 1st July, 1954, see Gazette of India, 1954, Extraordinary, Part II, s. 3.

2. Clause (b) omitted by the A.O. (No. 3), 1956.

(ii) entries 4 to 10 shall be renumbered as entries 3 to 9 respectively;

(b) under the heading “Territories of States”, after the first paragraph the following paragraph shall be inserted, namely:—

“The territory of the State of Himachal Pradesh shall comprise the territories which immediately before the commencement of the Himachal Pradesh and Bilaspur (New State) Act, 1954 were comprised in the States of Bilaspur and Himachal Pradesh.”

PART III

REPRESENTATION IN THE LEGISLATURES

Council of States

5. Representation in the Council of States.—(1) There shall be allotted one seat to the new State in the Council of States.

(2) The sitting member of the Council of States representing the group of States comprising the existing States shall on and from the commencement of this Act represent the new State in the Council but the term of such sitting member shall remain unaltered, that is to say, shall expire on the 2nd of April, 1958.

6. Amendment of the Fourth Schedule to the Constitution.—In the Fourth Schedule to the Constitution, in the Table of Seats relating to the representatives of States specified in Part C of the First Schedule—

- (i) for entries 4 and 5, the entry “4. Himachal Pradesh.....I” shall be substituted; and
- (ii) entries 6 to 10 shall be renumbered as entries 5 to 9 respectively.

7. Amendment of section 27A, Act 43 of 1950.—In section 27A of the Representation of the People Act, 1950 (43 of 1950)—

- (i) in sub-section (5), for the word “Delhi” the words “Delhi, Himachal Pradesh” shall be substituted; and
- (ii) sub-section (6) shall be omitted.

House of the people

8. Representation in the House of the People.—Until other provision is made by law, there shall be allotted 4 seats to the new State in the House of the People.

9. Amendment of the First Schedule, Act 43 of 1950.—In the First Schedule to the Representation of the People Act, 1950 (43 of 1950), in the part relating to Para C States,—

- (i) entry 3 shall be omitted;
- (ii) entries 4 to 12 shall be renumbered as entries 3 to 11 respectively; and
- (iii) for the figure “3” in column 2 against Himachal Pradesh the figure “4” shall be substituted.

10. Parliamentary constituencies of the new State and their delimitation.—(1) The new State shall, until other provision is made by law, consist of the following three Parliamentary constituencies namely:—

- (i) the constituency of Bilaspur comprising the existing State of Bilaspur; and

(ii) the two constituencies into which the existing State of Himachal Pradesh has been divided.

(2) The Delimitation of Parliamentary Constituencies (Part C States) Order, 1951, shall, until other provision is made by law, have effect subject to the amendments made in the First Schedule.

11. Sitting members.—(1) The sitting member of the House of the People representing the existing State of Bilaspur shall on and from the commencement of this Act represent the Bilaspur constituency of the new State and shall be deemed to have been elected to the House of the People by that constituency.

(2) Every sitting member of the House of the People representing a constituency of the existing State of Himachal Pradesh shall, on and from the commencement of this Act, represent the constituency of the same name in the new State and shall be deemed to have been elected to the House of the People by that constituency.

Legislative Assembly of the New State

12—16. *Rep. by the Adaptation of Laws (No.3) Order, 1956.*

Miscellaneous

17. Amendment of section 13, Act 43 of 1950.—In section 13 of the Representation of the People Act, 1950 (43 of 1950), in clause (b) of sub-section (1), the word “Bilaspur” shall be omitted.

18. [*Amendment of section 2, Act 49 of 1951.*] *Rep. by the Adaptation of Laws (No. 3) Order, 1956.*

19. Amendment of the Constitution (Scheduled Castes) (Part C States) Order, 1951.—The Constitution (Scheduled Castes) (Part C States) Order 1951, shall be amended as shown in the Second Schedule.

20. Amendment of section 9, Act 81 of 1952.—In section 9 of the Delimitation Commission Act, 1952 (81 of 1952), in sub-section (3), for the words “and the orders made under any of the said Acts” the words, brackets and figures “the Himachal Pradesh and Bilaspur (New State) Act, 1954 and the orders made under any of the said Acts” shall be substituted.

21. Construction of Act 43 of 1950.—Any reference to Himachal Pradesh in the Representation of the People Act, 1950 (43 of 1950), ¹* * *, as amended by this Act shall be construed as a reference to the new State.

22. Electoral rolls of constituencies.—(1) The electoral rolls of the constituencies of the existing States shall, on and from the commencement of this Act, be deemed to be the electoral rolls of the constituencies of the same name in the new State and shall continue in force until such rolls are revised, or fresh rolls are prepared, in accordance with law.

2* * * * *

23. Power of Delimitation Commission to revise its orders.—For the purpose of determination of the number of seats to be allotted to the new State in the House of the People in accordance with the provisions of sub-section (1), and distribution of those seats as well as the seats allotted to the Legislative Assembly of the new State to territorial constituencies and delimitation thereof in accordance with the provisions of sub-section (2) of section 8 of the Delimitation Commission Act, 1952 (81 of 1952), it shall be lawful for the Delimitation Commission, notwithstanding anything

1. The words, letters and figures “and the Government of Part C States Act, 1951” omitted by the A. O. (No.3), 1956.

2. Omitted by the A. O. (No. 3), 1956.

contained in that Act, to Amend, vary or rescind any of its final orders published under section 9 of that Act in so far as any such order relates to any or both of the existing States.

24. [*Rules of procedure of the Legislative Assembly of the new State.*]Rep. by the Adaptation of laws (No. 3) Order, 1956.

PART IV

COURTS

25. Court of the Judicial Commissioner for the new State.—As from the commencement of this Act,—

(a) the Courts of the Judicial Commissioner for the existing States (hereafter in this Part referred to as “the existing Courts”) shall be amalgamated and shall constitute the Court of the Judicial Commissioner for the new State (hereafter in this Part referred to as “the new Court”);

(b) the Judicial Commissioner and the Additional Judicial Commissioner, if any, for the existing State of Himachal Pradesh shall be respectively the Judicial Commissioner and the Additional Judicial Commissioner for the new State;

(c) every person who immediately before the commencement of this Act, is an officer or servant of either of the existing Courts shall be an officer or servant, as the case may be, of the new Court deemed to have been appointed on the same terms and conditions of service (or on terms and conditions as similar thereto as the changes effected by this Act permit) as were applicable to him immediately before such commencement:

Provided that nothing in this clause shall be deemed to prevent the new Court from altering the designation or the duties of any office or post;

(d) the new Court shall have all such original, appellate and other jurisdiction as under any law is exercisable immediately before the commencement of this Act by either of the existing Courts in respect of any area forming part of the new State;

(e) the new Court shall have the same powers to admit, suspend and remove advocates, vakils and pleaders and to make rules with respect to advocates, vakils and pleaders in the whole of the new State as are immediately before the commencement of this Act, exercisable by either of the existing Courts:

Provided that subject to any rules made by the new Court in exercise of the powers conferred by this clause, any person who immediately before the commencement of this Act is an advocate, vakil or pleader entitled to practise in either of the existing Courts shall be recognised as an advocate, vakil or pleader entitled to practise in the new Court;

(f) subject to the provisions of this Part, the law in force immediately before the commencement of this Act with respect to the practice and procedure in the Court of the Judicial Commissioner for the existing State of Himachal Pradesh shall, until varied or altered by a competent authority, apply in relation to the new Court with such modifications as may be made by that Court;

(g) the Judicial Commissioners’ Courts (Declaration as High Courts) Act, 1950 (15 of 1950) shall apply to the new Court as if the new Court were in existence at the commencement of that Act; and any other law in force immediately before the commencement of this Act relating to appeals to the Supreme Court from the Court of the Judicial Commissioner for the existing State of Himachal Pradesh shall, with necessary modifications, apply in relation to the new Court;

(h) all proceedings which immediately before the commencement of this Act are pending in either of the existing Courts shall by virtue of this Act stand transferred to the new Court and shall be continued as if they had been proceedings instituted in that Court;

(i) any order made by either of the existing Courts in any such proceedings as aforesaid shall for all purposes have effect, not only as an order of that Court, but also as an order made by the new Court;

(j) references in any law to either of the existing Courts by whatever name, shall, unless the context otherwise requires, be construed as references to the new Court.

26. Subordinate Courts.—All Courts which immediately before the commencement of this Act were exercising lawful powers, authority and jurisdiction under the superintendence and control of either of the existing Courts in any area forming part of the new State shall, until further provision is made by a competent legislature or authority, continue to exercise their respective powers, authority and jurisdiction in that area under the superintendence and control of the new Court.

PART V

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

27. Existing authorities and officers to continue to function in the new State.—Save as otherwise provided in this Act, all authorities and all officers, judicial, executive and ministerial, who immediately before the commencement of this Act were exercising lawful functions in any area forming part of the new State, shall, until further provision is made by a competent authority, continue to exercise their respective functions as far as may be, in the same manner and to the same extent as they were doing before such commencement.

28. Existing laws to continue.—Save as otherwise provided in this Act, all the law in force immediately before the commencement of this Act in any area forming part of the new State shall continue to be in force until repealed or amended by a competent legislature or authority.

29. Power to construe laws.—For the purpose of facilitating the application in relation to the new State of any law made before the commencement of this Act, any Court, tribunal or authority may, subject to any express provision of this Act, construe the law with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court, tribunal or authority, as the case may be.

30. Existing taxes to continue.—All taxes, duties, cesses and fees which immediately before the commencement of this Act were being lawfully levied in either of the existing States or any part thereof, shall continue to be levied in the same manner and to the same extent and to be applied for the same purposes until other provision is made by a competent legislature or authority.

31. Saving of the powers of the Central Government in relation to the Bhakra-Nangal Project.—Nothing in this Act shall be deemed to derogate from the powers of the Central Government to make such arrangements or to take such action in relation to the Bhakra-Nangal Project as may, having due regard to the purposes of the Project, be necessary to ensure its proper administration and effective implementation.

32. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the President may make such orders not inconsistent with the said provisions, as appears to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such power shall be exercised by the President after the expiry of one year from the commencement of this Act.

THE FIRST SCHEDULE

(See section 10)

MODIFICATIONS IN THE DELIMITATION OF PARLIAMENTARY CONSTITUENCIES

(PART C STATES) ORDER, 1951

1. In paragraph 2, omit the words “Bilaspur and”.
2. In Table IV, after the entry relating to Chamba-Sirmur constituency, insert the following entry, namely:—

“Bilaspur	Bilaspur	1	”
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THE SECOND SCHEDULE

(See section 19)

Amendment of the Constitution (Scheduled Castes) (Part C States) Order, 1951

1. In paragraph 2, for “Parts I to X” substitute “Parts I to IX”.
2. For paragraph 4, substitute the following, namely:—

“4, Any reference in the Schedule to this Order,—

(a) to the State of Himachal Pradesh or to a district or other territorial division thereof shall be construed as a reference to the State of Himachal Pradesh as formed by the Himachal Pradesh and Bilaspur (New State) Act, 1954, or to a district or other territorial division of that State as so formed; and

(b) to any other State or to a district or other territorial division thereof shall be construed as a reference to that State or to that district or other territorial division as constituted on the 26th day of January, 1950.”

3. In the Schedule,—

(a) omit Part III relating to Bilaspur;

(b) renumber “Parts IV to X” as “Parts III to IX” respectively;

(c) in Part V as so renumbered relating to Himachal Pradesh, insert the following, namely:—

- “31. Julahe
- 32. Dumne (Bhanjre)
- 33. Chuhre
- 34. Hese (Turi)
- 35. Chhimbe (Dhobi)
- 36. Sarehde
- 37. Daule.”