

ACT No. XIII OF 1912.¹

[18th September, 1912.]

An Act to provide for the application of the law in force in the Province of Delhi and for the extension of other enactments thereto.

WHEREAS by ²Proclamation published in Notification No. 911, dated the seventeenth day of September, 1912, the Governor General in Council, with the sanction and approbation of the Secretary of State for India, has been pleased to take under his immediate authority and management the territory mentioned in Schedule A, which was formerly included within the Province of the Punjab, and to provide for the administration thereof by a Chief Commissioner as a separate Province to be known as the Province of Delhi ;

And whereas it is expedient to provide for the application of the law in force in the said territory, and for the extension of other enactments thereto ; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Delhi Laws Act, 1912 ; and
- (2) It shall come into force on the first day of October, 1912.

Saving of territorial application of enactments.

2. The Proclamation referred to in the preamble shall not be deemed to have effected any change in the territorial application of any enactment notwithstanding that such enactment may be expressed to apply or extend to the territories for the time being under any particular administration.

Construction of certain enactments in force in the territories mentioned in Schedule A.

3. All enactments made by any authority in British India and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under such enactments which immediately before the commencement of this Act were in force in, or prescribed for, any of the territory mentioned in Schedule A, shall in their application to that territory be construed as if references therein to the authorities, or gazette mentioned in column I of Schedule B were references to the authorities, or gazette respectively mentioned or referred to opposite thereto in column 2 of that Schedule :

¹ The Bill which became Act XIII of 1912 was introduced and passed at the same meeting of the Council ; no Statement of Objects and Reasons was therefore published. For Proceedings in Council relating to the Bill, see Gazette of India, 1912, Pt. VI, p. 695.

² See Gazette of India, 1912, Extraordinary, p. 17.

Provided that the Governor General in Council may, by notification¹ in the Gazette of India, direct that any power or duty conferred or imposed on the Local Government under any such enactment shall be exercised or performed by the Governor General in Council or by such other authority as he may specify in this behalf, and not by the Chief Commissioner of Delhi.

4. For the purpose of facilitating the application to the territory mentioned in Schedule A or any part thereof of any enactment passed before the commencement of this Act or of any notification, order, scheme, rule, form or by-law issued, made or prescribed under any such enactment—

Powers of Courts and Local Government for purposes of facilitating application of enactments.

(1) any Court may, subject to the other provisions of this Act, construe the enactment, notification, order, scheme, rule, form or by-law with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court, and

(2) the Local Government may, subject to the other provisions of this Act by notification² in the Gazette of India, direct by what Officer any power or duty shall be exercised or discharged, and any such notification shall have effect as if enacted in this Act.

5. (1) A notification³ issued under section 4, sub-section (2), may direct that any powers or duties vested in separate Officers may be consolidated and vested in, and discharged by, a single Officer.

Vesting of powers of separate Officers in single Officer.

(2) Where by such a notification appellate powers are consolidated and vested in a single Officer, the period of limitation for the consolidated appeal shall be the longest period provided in the case of an appeal to any of the Officers whose powers are so consolidated.

6. Nothing in this Act shall affect any proceeding which at the commencement thereof is pending in respect of any of the territory mentioned in Schedule A, and every such proceeding shall be continued as if this Act had not been passed :

Pending proceedings.

Provided that all proceedings which at the commencement of this Act are pending before the Commissioner of the Division or any other

¹ For notification declaring by whom certain powers and duties under certain Acts shall be exercised see General Statutory Rules and Orders, Vol. IV, pp. 377-378.

² For such notification as to appellate powers of the Commissioner and Financial Commissioner under the Punjab Tenancy Act, 1887, and Punjab Land Revenue Act, 1887, see Gazette of India, 1912, Pt. I, p. 1104, and as Registrar of Co-operative Societies, see *ibid*, p. 1105.

³ For notification issued under this section, see Gazette of India, 1912, Pt. I, p. 1104.

authority within the territory mentioned in Schedule A shall be transferred to, and disposed of by, such authorities in the Province of Delhi as the Local Government may, by notification¹ in the Gazette of India, direct.

Power to extend enactments in force in other parts of British India with modifications and restrictions.

7. The Governor General in Council may, by ²notification in the Gazette of India, extend with such restrictions and notifications as he thinks fit to ³[the Province of Delhi] or any part thereof, any enactment which is in force in any part of British India at the date of such notification.

SCHEDULE A.

(See section 3.)

THE PROVINCE OF DELHI.⁴

That portion of the District of Delhi comprising the Tahsil of Delhi and the police station of Mahrauli.

SCHEDULE B.

(See section 3.)

1	2
Reference.	Construction.
1. The Local Government	} The Chief Commissioner of Delhi.
2. The Lieutenant-Governor of the Punjab	
3. The Chief Controlling Revenue Authority	
4. The Chief Revenue Authority	} The Chief Commissioner of Delhi.
6. The Chief Customs Authority	
6. The Financial Commissioner	
7. The Commissioner of Revenue	
8. The Commissioner of the Division	
9. The Commissioner	
10. The Chief Secretary to Government	
11. A Secretary to Government or to the Local Government.	

¹ For such a notification, see Gazette of India, 1912, Pt. I, p. 1104.

² For such notifications see General Statutory Rules and Orders, Vol. IV, pp. 379-387.

³ These words were substituted for the words "the territory mentioned in Schedule A" by s. 7 of the Delhi Laws Act, 1915 (7 of 1915).

⁴ 65 villages were subsequently included in the Province of Delhi by proclamation published in Notification No. 984-C., dated 22nd February 1915, see Gazette of India, 1915, Pt. I, p. 336.

SCHEDULE B—contd.

1	2
Reference.	Construction.
12. All officers and official bodies not mentioned in the foregoing clauses except the Treasurer of Charitable Endowments whose authority extended immediately before the commencement of this Act over the territory mentioned in Schedule A.	Such officials or official bodies respectively as the local Government may, by notification ¹ in the Gazette of India, direct.
13. The local Official Gazette of the Punjab.	The Gazette of India.

ACT No. I OF 1913.²

[27th February, 1913.]

An Act to amend the Indian Extradition Act, 1903.

XV of 1903. WHEREAS it is expedient to amend the Indian Extradition Act, 1903; It is hereby enacted as follows:—

1. This Act may be called the Indian Extradition (Amendment) Act, 1913. Short title.

XV of 1903. 2. (1) In sub-section (1) of section 7 of the Indian Extradition Act, 1903, after the words "such person is believed to be," the words "or if such person is believed to be in any Presidency-town to the Chief Presidency Magistrate of such town" shall be inserted. Amendment of section 7, Act XV, 1903.

(2) In sub-section (2) of the same section after the words "accused person when arrested shall" the words "be produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, who shall record any statement made by him; such accused person shall then" shall be inserted.

(3) In sub-section (3) of the same section after the words "District Magistrate," the words "or Chief Presidency Magistrate" shall be inserted.

¹ For such a notification, see Gazette of India, 1912, Pt. I, p. 1100.

² For Statement of Objects and Reasons, see Gazette of India, 1912, Pt. V, p. 170; for Report of Select Committee, see *ibid.*, 1913, Pt. V, p. 1; and for Proceedings in Council, see *ibid.*, 1912, Pt. VI, pp. 647 & 692 and *ibid.*, 1913, Pt. VI, pp. 13, 28 and 49.

Addition of
new section
after section
8, Act XV,
1908.

3. After section 8 of the said Act the following section shall be inserted, namely :—

“ 8A. Notwithstanding anything contained in section 7, sub-section (2) or in section 8, when an accused person arrested in accordance with the provisions of section 7 is produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, and the statement (if any) of such accused person has been recorded, such Magistrate may, if he thinks fit, before proceeding further report the case to the Local Government and, pending the receipt of orders on such report, may detain such accused person in custody or release him on his executing a bond with sufficient sureties for his attendance when required.”
