

**THE RAJASTHAN ADAPTATION OF CENTRAL LAWS
ORDINANCE, 1950**

(Ordinance No. IV of 1950)

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No. 160, dated January 25, 1950.*]

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THE RAJASTHAN ADAPTATION OF CENTRAL LAWS
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(Ordinance No. IV of 1950)

[Promulgated by His Highness the Rajpramukh on the 24th day of
January, 1950]

An Ordinance to secure uniformity of laws in Rajasthan:

WHEREAS it is expedient to secure uniformity of laws in Rajasthan;

AND WHEREAS for the said purpose, it is necessary to adapt certain Central Laws to Rajasthan;

Now, THEREFORE, in exercise of the power conferred by paragraph (3) of Article X of the Covenant, His Highness the Rajpramukh is pleased to make and promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Rajasthan Adaptation of Central Laws Ordinance, 1950.

(2) It extends to the whole of Rajasthan.

*(3) It shall come into force on a date to be appointed by the Government for the purpose by notification in the Rajasthan Gazette.

2. *Definitions.*—In this Ordinance and in the Central Laws thereby adapted to Rajasthan, unless there is anything repugnant in the subject or context:—

(i) "Central laws" means any of the Acts of the Central Legislature adapted to Rajasthan under section 3 or section 4 of this Ordinance, and

(ii) "Government" means the Government of the United State of Rajasthan.

3. *Application of certain Central Laws.*—The Central Laws mentioned in the Schedule, as amended up to the date appointed by the

* Came into force with effect from 24-1-1950. vide Notification No. 12 (161) L/49 dated 24-1-1950. published in Rajasthan Gazette, No. 160, dated 25-1-1950.

notification issued under sub-section (3) of section 1, shall subject to the other provisions of this Ordinance and subject further to the special adaptations, if any, specified in column 5 thereof apply to the whole of Rajasthan.

4. *Power to alter Schedule.*—(1) The Rajpramukh shall have power, by order notified in the Rajasthan Gazette, to add to, amend or vary the Schedule to this Ordinance.

(2) Any Central Law added to the Schedule, as amended upto the date of the publication of the order under sub-section (1) in the Rajasthan Gazette, shall subject as stated in section 3, apply to the whole of Rajasthan.

(3) Any Central Law omitted from the Schedule, shall cease to apply to Rajasthan from the date of the publication of the order made under sub-section (1).

5. *General adaptations.*—For the purpose of the application of any Central Law to Rajasthan, unless there be anything repugnant in the subject or context,—

- (i) provisions therein relating to the extent and commencement of such law shall be deemed to be omitted;
- (ii) references therein to "attorneys", "presidency", "presidency towns" and "presidency Magistrates" and provisions relating to the same shall be deemed to be omitted;
- (iii) references therein to the provinces of India or to the provinces or to India or to the Dominion of India, shall be deemed to be reference to the United State of Rajasthan;
- (iv) references therein to Provincial Government or any other Government shall be deemed to be references to the Government of the United State of Rajasthan;
- (v) references therein to "His Majesty", "Her Majesty", "King", "Queen", "Crown", "Governor-General" or "Governor" shall be deemed to refer,—
 - (a) if used in relation to the prerogative or inherent powers, to the Rajpramukh of the United State of Rajasthan, and
 - (b) in other cases, to the Government of the United State of Rajasthan;

- (vi) references therein to the Military or police forces shall be deemed to include such forces of Rajasthan;
- (vii) references therein to High Court shall be deemed to be references to the High Court of Judicature for Rajasthan established under the Rajasthan High Court Ordinance, 1949;
- (viii) references therein to the Board of Revenue shall be deemed to be references to the Board of Revenue for Rajasthan established under the Rajasthan Board of Revenue Ordinance, 1949.
- (ix) references therein to other civil, criminal and revenue courts, to public offices, and to Judges, Magistrates, officers or authorities shall be deemed to be references to such courts, offices and Judges, Magistrates, officers or authorities of or in Rajasthan; and
- (x) references therein to "Official Gazette" shall be construed as references to the Rajasthan Gazette.

6. *References to other enactments.*—Wherever, in any Central Law, there is a reference to any other Act or enactment, or to any provision thereof, it shall be deemed to refer to such Act, enactment or provision as adapted to Rajasthan or; if it has not been so adapted to the corresponding law or provision in force in the whole or any part of Rajasthan:

Provided that where neither such Act, enactment or provision shall have been adapted nor any corresponding law or provision shall exist, such reference shall be deemed to be omitted.

7. *Application of Rules.*—Until new rules are framed under any Central Law adapted by or under this Ordinance, the Rules, if any, made under such law by the Central Government shall *mutatis mutandis* apply to the whole of Rajasthan, subject to modifications, if any, notified from time to time in the Rajasthan Gazette.

8. *Publication.*—Nothing contained in any law in force in the whole or any part of Rajasthan shall be deemed to require the publication in the Rajasthan Gazette of any Central Law or of any Rules referred to in section 7 as a condition precedent to the application thereof to Rajasthan unless and except in so far as otherwise specifically provided in this Ordinance.

9. *Rule of construction.*—Notwithstanding the fact that this Ordinance makes no provision or makes insufficient provision in any

respect for the adaptation of any Central Law or the Rules thereunder to Rajasthan, any court, tribunal or authority, when required to administer the provisions thereof in Rajasthan, may construe the same *mutatis mutandis*, with such further adaptations and modifications not affecting the substance, as may be necessary or proper in the circumstance.

10. *Repeal and Saving.*—All laws covered by the Central Laws adapted by or under this Ordinance, in force in the whole or any part of Rajasthan, shall, on the commencement thereof, be repealed :

Provided that anything done or action taken before such commencement under any such law hereby repealed shall, unless specifically superseded or withdrawn, continue and be deemed to have been done or taken, as the case may be, under the corresponding Central Law.

11. *Interpretation.*—The provisions of the General Clauses Act, 1897 of the Central Legislature shall *mutatis mutandis* apply, so far as may be, to this Ordinance and to the Central Laws adapted to Rajasthan thereby or thereunder in the same manner as they apply to a Central Act of the Indian Legislature.

THE SCHEDULE
(See section 3)

S. No. 1	Year 2	No. of Act. 3	Short title 4	Special adaptations 5
1	1839	XXXII	The Interest Act, 1839.	Omit Preamble
@2	1843	V	The Indian Slavery Act, 1843.	
3	1850	XVIII	The Judicial Officers Protection Act, 1850.	
†4	1850	XXI	The Caste Disabilities Removal Act, 1850.	Omit Preamble.
5	1850	XXXVII	The Public Servants (Inquiries) Act, 1850.	
6	1855	XII	The Legal Representatives Suits Act, 1855.	
†7	1855	XIII	The Indian Fatal Accidents Act, 1855.	
8	1856	IX	The Indian Bills of Lading Act, 1856.	
9	1856	XV	The Hindu Widows Remarriage Act, 1856.	Omit Preamble
†10	1860	XXI	The Societies Registration Act, 1860.	
*[10A.	1861	V	The Police Act, 1861.	Omit the second paragraph of section 21]
11	1865	III	The Carriers Act, 1865.	
†12	1869	IV	The Indian Divorce Act, 1869.	(i) In section 2, paragraph 1, omit "and so far only as regards British Subjects within the territories hereinafter mentioned to the Indian States"
				(ii) In section 3, omit clause (2) (b).
				(iii) Omit section 5.
@13	1870	VIII	The Female Infanticide Prevention Act, 1870.	(iv) Omit proviso to section 57.
14	1871	I	The Cattle Trespass Act, 1871.	

@ Repealed by Central Act No. XLVIII of 1952.

† This Central Act which was adapted to the pre-reorganisation State of Rajasthan now stands repealed by virtue of section 6 of the part B States (Laws) Act, 1951 (Central Act No. III of 1951) and replaced by the Central Act as extended thereby to the said State.

‡ Repealed by Rajasthan Act No. 28 of 1958, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 7-7-58.

* Added vide Law Department Notification No. F. 12 (18)-L/50, dated 18-7-50, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 19-7-1950.

THE SCHEDULE (Contd.)

1	2	3	4	5
†15	1872	I	The Indian Evidence Act, 1872.	(i) In section 37, 57, 74, 79, 83 and 91, the expressions "the provinces" or "the provinces of India" shall include the United State of Rajasthan. (ii) In section 57, the expression "Indian laws" shall include the Rajasthan laws.
†16	1872	III	The Special Marriage Act, 1872.	
†17	1872	IX	The Indian Contract Act, 1872.	
†18	1873	X	The Indian Oaths Act, 1873.	
†19	1875	IX	The Indian Majority Act, 1875.	
†20	1877	I	The Specific Relief Act, 1877.	
21	1878	VI	The Indian Treasure Trove Act, 1878.	
†22	1879	XVIII	The Legal Practitioners Act, 1879.	(i) For section 4, substitute the following:— "4. Every person now entered as an advocate, vakil or pleader on the roll of a High Court of any Covenanting State or hereafter entered on the roll of the High Court of Rajasthan shall be entitled to practice in all the courts subordinate to the High Court of Rajasthan and in all revenue offices situate within the jurisdiction of such Court." (ii) Omit section 5.

† This Central Act which was adapted to the pre-reorganisation State of Rajasthan now stands repealed by virtue of section 6 of the part B States (Laws) Act, 1951 (Central Act No. III of 1951) and replaced by the Central Act as extended thereby to the said State.

THE SCHEDULE (Contd.)

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(iii) In section 6,—

- (a) omit clause (b) and
- (b) omit "and Mukhtars" in clause (d).

(iv) Add the following sections:—

"6A. Every Mukhtars entered in the roll of Mukhtars prepared by the High Court before the date on which this Act comes into force shall, subject to the provisions hereinafter contained be entitled to practice in the subordinate courts and revenue offices in which he had been practising before such date.

6 B. The High Court may from time to time make rules consistent with this Act as to the following matters, namely—

- (a) the certificate to be issued to such Mukhtars as have been referred to in section 6 A,
- (b) the fees to be paid by such persons.

THE SCHEDULE (Contd.)

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(c) suspension and dismissal of such Mukhtars.

6 C. The roll of Mukhtars prepared under section 6 A and all rules made under section 6 or section 6-B shall be published in the Rajasthan Gazette. All rules shall upon such publication, have the force of law.

(v) In section 7—

(a) Omit or Mukhtar and

(b) Add the following:—

“Provided further that no renewal of certificate shall be necessary in the case of pladers who have been permanently enrolled as such in the High Court of any covenanting State.

The High Court shall cause a certificate as aforesaid to be issued to any person admitted as Mukhtar, referred to in section 6-A authorising him to practice in the courts and the revenue offices specified therein.”

(vi) Omit section 9.

THE SCHEDULE (Contd.)

1	2	3	4	5
				<p>(vii) Omit proviso to section 10.</p> <p>(viii) Omit section 16.</p> <p>(ix) In section 18, add the following:—</p> <p>“Provided that in the case of Revenue agents permanently enrolled in any covenanting State, no yearly renewal of Sanad will be necessary.”</p> <p>(x) After section 20, add the following:—</p> <p>“ 20A Notwithstanding anything herein contained any person duly admitted as a Revenue agent under any law in force immediately prior to the enforcement of this Act will be deemed to have been admitted as a Revenue agent under this Act”.</p> <p>(xi) Omit the second proviso to section 25.</p> <p>(xii) In section 27, substitute the following for the first para—</p> <p>“The High Court shall from time to time fix and regulate the fees payable by any party in respect of the fees of his adversary's advocate, pleader, Vakil or mukhtar upon all proceedings in subordinate courts.”</p>

THE SCHEDULE (Contd.)

1	2	3	4	5
23	1880	XIII	The Vaccination Act, 1880.	
24	1881	XXVI	The Negotiable Instruments Act, 1881.	(xiii) Omit section 41
25	1882	II	The Indian Trusts Act, 1882.	
26	1882	IV	The Transfer of Property Act, 1882.	In section 58 (f) and 69 (i) (c) substitute "Jaipur" for "Cacutta, Madras and Bombay"
27	1882	V	The Indian Easements Act, 1882.	..
28	1887	VII	The Suits Valuation Act, 1887.	Omit sections 5, 6, 7, 10. and 11 (5).
29	1890	VI	The Charitable Endowments Act, 1890.	
30	1890	VIII	The Guardians and Wards Act, 1890.	Omit sections 4 (7), 5, 14 (3), 15 (2) and (3) and 51.
31	1890	XI	The Prevention of Cruelty to Animals Act, 1890.	..
232	1891	XVIII	The Bankers Books Evidence Act, 1891.	..
233	1893	IV	The Partition Act, 1893.	Omit clause (a) of section 7.
34	1894	IX	The Prisons Act, 1894.	..
35	1895	XV	The Crown Grants Act, 1895.	..
536	1897	III	The Epidemic Diseases Act, 1897	Omit section 2A.
637	1887	IV	The Indian Fisheries Act, 1897.	..
38	1897	VIII	The Reformatory Schools Act, 1897.	..
39	1898	III	The Lepers Act, 1898,	..
40	1898	IV	The Government Buildings Act, 1899.	..
741	1900	III	The Prisoners Act, 1900.	..

1. Repealed by Rajasthan Act No. 17 of 1957, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 6-6-1957.
2. This Central Act which was adapted to the Pre-reorganisation State of Rajasthan now stands repealed by virtue of section 6 of the Part 'B' States (Laws) Act, 1951 (Central Act No. III of 1951) and replaced by the Central Act as extended thereby to the said State.
3. Repealed by Central Act No- III of 1951, to the extent to which Parliament has the power to make laws, that is to say, the Rajasthan Law (Central Act as adapted) stands to the extent to which the subject matter thereof pertains to List II of the Seventh Schedule to the Constitution of India.
4. Repealed by Rajasthan Act No 3 of 1959, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 20-1-1959.
5. Repealed by Rajasthan Act No. 31 of 1957, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 22-11-1957.
6. Repealed by Rajasthan Act No. XVI of 1953, published in the Rajasthan Gazette, Part IV-A, dated 12-8-1953.
7. Repealed by Rajasthan Act No. 39 of 1960, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 17-11-1960.

THE SCHEDULE—(Contd.)

1	2	3	4	5
242	1904	VII	The Ancient Monuments Preservation Act, 1904	
243	1908	XVI	The Indian Registration Act, 1908	(i) In section 17 (3), substitute "1st January, 1950" for "1st January, 1877". (ii) Omit "explanation to section 50"
244	1909	IV	The Whipping Act, 1909.	..
45	1909	VII	The Anand Marriage Act, 1909.	..
246	1912	IV	The Indian Lunacy Act, 1912.	Omit sections 2/1 1/B, 17, 37, 38, 39, 43 to 61, 89-A (2), 89-B.
47	1913	VI	The Mussalman Waqf Validating Act, 1913.	..
48	1913	VII	The Indian Companies Act, 1913.	Omit sections 2A and 251 to 269
49	1916	XV	The Hindu Disposition of Property Act, 1916.	Omit section 5.
50	1917	V	The Destruction of Records Act, 1917.	
51	1918	X	The Usurious Loans Act, 1918.	
52	1920	V	The Provincial Insolvency Act, 1920.	
53	1920	XIV	The Charitable and Religious Trusts Act, 1920.	
154	1920	XXXIII	The Identification of Prisoners Act, 1920	
155	1923	VIII	The Workmen's Compensation Act, 1923.	
156	1923	XIX	The Indian Official Secrets Act, 1923.	
357	1923	XXIII	The Legal Practitioners (Women) Act, 1923.	
158	1923	XLII	The Mussalman Waqf Act, 1923.	
159	1925	IV	The Indian Soldiers (Litigation) Act, 1925.	Omit section 14-A.
160	1925	XIX	The Provident Funds Act, 1925.	
161	1926	XII	The Contempt of Courts Act, 1926.	
162	1926	XVI	The Indian Trade Unions Act, 1926	
63	1926	XXI	The Legal Practitioness (Fees) Act, 1926	
64	1928	XI	The Hindu Inheritance (Removal of Disabilities) Act, 1928.	

1. This Central Act, which was adapted to the pre-reorganisation State of Rajasthan now stands repealed by virtue of section 6 of the Part B, States (Laws) Act, 1951 (Central Act No. III of 1951) and replaced by the Central Act as extended thereby to the said State.
2. Repealed by Central Act No. 44 of 1950.
3. It shall not apply to any waqf to which the Muslim Waqfs Act, 1954 (No. 29 of 1954) applies vide section 69 of the said Central Act, published in Rajasthan Gazette, Part IV A, dated 25-12-1954.
4. Repealed by section 6 and Schedule of the Contempt of Courts Act, 1952 (Act No. XXXII of 1952), with effect from 14-3-1952.

THE SCHEDULE (Contd.)

1	2	3	4	5
155	1929	XIX	The Child Marriage Restraint Act, 1929	..
166	1930	III	The Indian Sale of Goods Act, 1930.	Omit section 65.
67	1930	XXX	The Hindu Gains of Learning Act, 1930.	..
68	1930	XXXII	The Mussalman Waqf Validating Act, 1930.	
169	1932	IX	The Indian Partnership Act, 1932.	(i) In section 58 (3) the expression "any Provincial Government" shall include the Government of the United State of Rajasthan.
				(ii) Add the following sub-section after section 59. namely— 1(5) Where in any of the covenanting States, the provisions of this section or any other similar law did not exist at the commencement of this Act, this section shall come into force after the expiry of one year from the commencement of the Act therein."
				(iii) Omit section 73 and the Second Schedule.
170	1933	II	The Children (Pledging of Labour) Act, 1933.	
171	1934	VIII	The Khaddar (Name Protection) Act, 1934.	
272	1936	IV	The Payment of Wages Act, 1936.	
73	1937	XIX	The Arya Marriage Validation Act, 1937.	
174	1938	XXIV	The Employers Liability Act, 1938.	

1. This Central Act, which was adapted to the pre-reorganisation State of Rajasthan now stands repealed by virtue of section 6 of the Part B States (Laws) Act, 1951 (Central Act No. III of 1951) and replaced by the Central Act as extended there by to the said State.

2. Repealed by Central Act No. LXXVIII of 1955.

THE SCHEDULE (Contd.)

1	2	3	4	5
275	1938.	XXVI	The Employment of Children Act, 1838.	
76	1939.	VIII	The Dissolution of Muslim Marriage Act, 1939.	
77	1939	XXX	The Commercial Documents Evidence Act, 1939.	
178	1940.	X	The Arbitration Act, 1940.	
179	1942.	XVIII	The Weekly Holidays Act, 1942.	
180	1942.	XIX	The Industrial Statistics Act, 1942.	
81	1946.	XIX	The Hindu Married Women's Rights to Separate Residence and Maintenance Act, 1946.	
182	1946.	XX	The Industrial Employment (Standing Orders) Act, 1946.	
383	1946.	XXVIII	The Hindu Marriage Disabilities Removal Act, 1946.	
184	1947.	II	The Prevention of Corruption Act, 1947.	
485	1947.	XIV	The Industrial Disputes Act, 1947.	
186	1948.	XI	The Minimum Wages Act, 1948.	

1. This Central Act, which was adapted to the Pre-reorganisation State of Rajasthan now stands repealed by virtue of section 6 of the Part-B States (Laws) Act, 1951 (Central Act No. III of 1951) and replaced by the Central Act as extended thereby to the said State."
2. Repealed by Central Act, No. 78 of 1956.
3. Repealed by Central Act No. 25 of 1955.
4. Extended to Rajasthan by the Industrial Disputes (Appellate Tribunal) Act, 1950 of Parliament, published in the Gazette of India, Extraordinary, Part II, section I, dated 23-5-1950.