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**RE-PROMULGATION OF ORDINANCES :
A FRAUD ON THE CONSTITUTION OF INDIA**

Re-promulgation of Ordinances: A Fraud on the Constitution of India

D. C. Wadhwa

Gokhale Institute of Politics and Economics,
Pune 411 004

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Foreword

THIS BOOK is the result of an accidental incursion. Dr. Wadhwa has been working in the Institute for many years now on agrarian legislation in India. A couple of years ago, while examining the tenancy legislations in the State of Bihar, he came across successive ordinances on the subject containing identical provisions. This struck him as peculiar, being contrary to one's general understanding of the constitutional provision in this regard. Interest aroused, he began examining the question further; and the deeper he delved the more astounding the phenomenon appeared. The present book is the result of sustained and tireless work by him in collecting and marshalling the complete evidence. The matter is of considerable importance for the functioning of democracy in India, and therefore the Institute decided to publish it.

The book draws pointed attention to a serious violation of the provisions of the Constitution of India in the State of Bihar during the last one and a half decades, namely, re-promulgation of ordinances by the Governor of the State.

The Constitution of the Republic of India empowers the Governor of a state to promulgate ordinances during the period when the legislature of the state is not in session, and such ordinances have the status of laws enacted by the legislature. However, the Constitution limits the life of such ordinance: an ordinance will cease to be law if the legislature of the state disapproves it by a resolution, or replaces it by passing a law on the subject, or, if neither step is taken by the legislature when it meets for the first time after the ordinance is promulgated, the ordinance shall automatically lapse at the end of six weeks from the date from which the legislature's session begins. Since the Constitution provides that the interval between two sessions of a legislature shall not be more than six months,

the maximum life of an ordinance cannot be more than seven and a half months. Some members of the Constituent Assembly had expressed themselves strongly against a state being governed by an Ordinance, promulgated by the executive, and not by the legislature, for as long as seven and half months. The Chairman of the Drafting Committee, Dr. B. R. Ambedkar, tried to assuage their apprehension by saying that while technically they were right, in actuality this was unlikely to happen, since, in the welfare state that India was becoming, the legislatures will have to meet more frequently than once in six months, and therefore an ordinance will remain on the Statute Book for much less than the stipulated maximum period. The Constitution does not provide for the extension of the life of an ordinance; and it is clear from Dr. Ambedkar's remark that it was contrary to the thinking of the constitution makers. The book cogently argues that what cannot be done directly, cannot also be done indirectly. The book demonstrates with evidence that this is exactly what is being done in the State of Bihar since 1967. The procedure followed is simple: The legislature is prorogued before completion of six weeks of its session, so that an ordinance promulgated before the session began shall not lapse when the legislature is in session. Immediately after the legislature is prorogued and a day or two before the ordinance is due to lapse, the Governor promulgates another ordinance by which the earlier ordinance is repealed and exactly the same provisions of the repealed ordinance are incorporated in the new ordinance. In all matters in which the prior consent of the President of India is necessary for promulgation of Ordinance, it is expeditiously obtained. And this goes on and on, sometimes for as long as 13 years! Anyone with common sense can see that this is nothing but re-promulgation, or extension of the life of the old ordinance; indeed, as the book points out, the official correspondence leading to this new ordinance refers to it as re-promulgation. The book presents detailed and comprehensive evidence and data, painfully collected, and puts forward cogent arguments, with supportive case laws, about the utter unconstitutionality of such re-promulgations. It is a serious commentary on the state of affairs that the Governors of Bihar, the President of India, and all political parties that have come to power in the state since 1967 (and all political parties in the state have shared power sometime or other during this period) have been responsible for this serious undermining of the Constitution.

But the problem is not only constitutional. There is another very disturbing aspect of this development: the failure of the legislature in Bihar to discharge its responsibility of legislation, and thereby the failure of democracy in the State. As mentioned above, Dr. Ambedkar had expected that in Republican India legislatures will meet more often than once in six months to legislate on increasing matters in a welfare state. As Bihar's experience shows, Dr. Ambedkar's expectation has been belied. The total duration for

which the Bihar legislature has been sitting has not been increasing over the years, but declining. More seriously, however, the Bihar legislature does not appear to have taken objection to its legitimate function and responsibility being taken over by the executive. The book shows that during the period from 1971, when the high flood of ordinances started, to 1981, the Bihar legislature enacted, on an average, 15 Acts a year, while the average number of ordinances per year promulgated by the Governor during the same period was 178; and, the total number of new Acts enacted by the legislature during this period was 163, while the total number of new ordinances promulgated and in force (without counting the times an ordinance was re-promulgated) was 287. The legislature, in effect, appears to have connived at the executive's unconstitutional appropriation of its legislative rights and responsibility. The failure of the legislature is an alarming development for the democratic polity of India.

It is high time the enlightened public opinion in the country, the legislators — active as well as dormant, and the highest judicial authority of the land took serious note of these developments. It is not right to say, as the Patna High Court has said sometime in the past, that if the legislature does not question this incursion into its legitimate field by the executive, the courts cannot do so. Surely, the courts cannot make the horse drink, but they can take the horse to the water. The court can and should tell the executive what it can do, and what is the proper task of the legislature. It is then upto the legislature to discharge its constitutional responsibility in the manner it thinks best. This is the contention of the book. It is urgent to set the course right without further delay. For, with apologies to the late Gopal Krishna Gokhale, one may express the apprehension that "what Bihar is today, India will be tomorrow".

Gokhale Institute of
Politics and Economics,
Pune 411 004.
August 1, 1983.

Nilakantha Rath
Director

Preface

About the Study

A POWER not usually found in the constitutions of democratic countries is to be found in the Constitution of India — a power to promulgate Ordinances having the force of law for a temporary duration. The power is given to the head of the executive, both at the Union level and in the States. The Constituent Assembly of India vested this power in an authority whom it considered least likely to abuse it. There were, however, fears expressed even in the Constituent Assembly that the power might be misused. Those fears have come true. Not only has the power been misused, its abuse in the State of Bihar has been altogether of a novel kind which was not within the contemplation of the founding fathers of the Constitution of India. This is evident from the debates in the Constituent Assembly of India on this point. According to the provisions of Article 213 of the Constitution of India, empowering the Governors of the States to promulgate Ordinances during the recess of the State Legislatures, an Ordinance promulgated by the Governor of a State can remain in force for a maximum period of seven-and-a-half months or so. But all the Governments of different political parties in the State of Bihar, since 1967, have been manipulating these provisions in such a manner that the same Ordinances continue to be in force there for a number of years — in some cases they continued to be in force as long as about fourteen years till the end of 1981. This manipulation is achieved by means of what is known there as re-promulgation of Ordinances. There has arisen a practice, in this State, of successively repeating the terms of an Ordinance when its normal term under the provisions of this Article is about to end. The re-promulgation of Ordinances has been resorted to, as a matter of routine.

to such an extent and on such a vast scale and covering such a variety of subjects in this State that it has become an inveterate habit, resulting in the supplanting of the ordinary legislative process there.

A number of commentaries have been written on the Constitution of India; but none of them contains a discussion on the question of the legality or otherwise of re-promulgation of Ordinances. An attempt has been made in this work to study the constitutionality of re-promulgation of Ordinances from all conceivable angles. In other words, this study addresses itself to the question whether an extraordinary legislative power can be converted into an ordinary one so as to supplant the normal legislative process.

In the first chapter are given introductory remarks explaining the scope of the study, the nature of the problem and significance of the questions involved. The constitutional provisions regarding the maximum life of an Ordinance have been given in the second chapter. The dimension of the problem of re-promulgation of Ordinances in the State of Bihar and the *modus operandi* of the Government of this State in re-promulgation of Ordinances are given in the third chapter. In the fourth chapter is given a judgement of the Dacca High Court regarding the non-extensibility of the life of an Ordinance, and in the fifth chapter are given the judgements of the Patna High Court regarding the re-promulgation of Ordinances. The position of the Supreme Court of India regarding the promulgation of Ordinances is given in the sixth chapter. In the seventh chapter are given the provisions regarding the promulgation of the Central Ordinances. In the eighth chapter is given the doctrine of colourable legislation. In the last chapter is given the suggestion regarding the amendment of the Constitution of India.

About the Data

The Bihar Code, which is supposed to contain the official, authentic and amended texts of the laws in force in the State of Bihar, was last published in 1953-1955. The fourth and the last volume of that Code included in it the laws made up to 1953. Like all such Codes, the Bihar Code also contains only such laws as were in force at the time of the publication of that Code. Secondly, the Ordinances, being temporary measures, were not included in that Code, as, indeed, they are not included in the Central or any State Code. From 1954 to 1966, annual collections of Acts and Ordinances entitled the "Bihar Acts and Ordinances" were published. From 1967, the year from which the State Government started re-promulgating Ordinances, that practice was discontinued. This made accessibility to such Acts and Ordinances of all those who want to keep themselves posted with up-to-date information about the legislation in the State very difficult. Even the State Government does not have with itself, at present, a single

complete and up-to-date set of all the Acts and Ordinances made in the State from 1967 onwards.

For this reason it became absolutely necessary to go through the *Bihar Gazette* to ascertain the laws (Acts as well as Ordinances) made and collect the information about the promulgation of the Ordinances. Thus, the only source of data for the present work, as regards the State of Bihar, has been the *Bihar Gazette*.

But the task of going through the *Bihar Gazette* was Herculean for two reasons. In the first place, no indexes are prepared to the *Bihar Gazette*. In the absence of indexes, one had to go through all the pages of the relevant Gazette. This amounted to reading thousands of pages for each year, for collecting the required information. But the most difficult and real problem was that of locating the *Bihar Gazette*. Here again, the State Government does not have with it even one complete set of the *Bihar Gazette*. Even the institutions like the Bihar State Legislature Library, the Law Department Library, Government of Bihar, the Bihar State Central Library (the Sinha Library), the Bihar State Archives, the Patna High Court Library, the Patna University Library, the Khuda Bux Library, and the Record Room or the Library of the Director of Printing and Stationery, Government of Bihar, do not have with them even one complete set of the *Bihar Gazette*. So, one had to run from place to place to locate the *Bihar Gazette*. Sometimes when efforts to locate some of the Gazettes at the above-mentioned places failed, one had to knock at the doors of the Bihar Chamber of Commerce Library and the Malhotra Brothers (law-books publishers) for locating the same.

The reason for this sorry state of affairs in the State of Bihar is that the *Bihar Gazette*, including the extraordinary Gazette in which are published all the Ordinances, is being published very much behind schedule; it is published several months, and some times even a year or more, behind its due date. For example, the *Bihar Gazette*, Extraordinary, Numbers 999 and 1004 dated October 11, 1980, Number 746 dated July 23, 1981, Number 1130 dated October 28, 1981, Number 1142 dated November 6, 1981, Number 1229 dated December 14, 1981, and Number 191 dated February 8, 1982, were received by the subscribers along with the ordinary Gazettes of March and April, 1982. As the subscribers do not know the dates on which they are going to get all the Gazettes of a particular year, they (including the above-mentioned libraries) get their volumes of the Gazettes of a particular year bound after the calendar year is over. All the Gazettes received thereafter are mostly lost. That is why not even a single library in Patna has with it a complete set of the Bihar Ordinances or the *Bihar Gazette*. Anyway, with considerable difficulty and much effort, all the Gazette copies of all the Bihar Acts and Ordinances, without exception, were located at different places and examined for the purposes of this study.

Similarly, Gazette copies of all the Central Acts and Ordinances were examined to collect the required data about the Central Acts and Ordinances for this work.

About the "Backdatedness" of the Gazette

The "backdated" publication of the *Bihar Gazette* containing the Ordinances not only creates difficulty in obtaining the copies of the Ordinances, it also subjects the people of the State to laws several months before they actually come to know about the existence of those laws, and are able to see their provisions. While sending copies of the Ordinances to the Government Press for publication in the *Bihar Gazette*, the Law Department writes a separate letter, for each of those Ordinances, to the said press and mentions in that letter the date which the *Bihar Gazette*, extraordinary (in which that particular Ordinance is to be published), should bear. Soon after the receipt of that letter, the Government Press enters that Ordinance in a register and allots it a particular number of the extraordinary Gazette and the date it has to bear. At the time of printing the Ordinance, care is taken to see that the Gazette in which that Ordinance is printed carries the number and the date mentioned in that register. Thus, though the Gazette is actually printed and sent to the subscribers at a particular date, it bears a different date which is obviously a date earlier than the date of its actual printing and despatch to the subscribers. In this way, an Ordinance promulgated by the Governor of the State of Bihar actually comes to the knowledge of the people of the State after several months of its existence have passed. As an Ordinance is supposed to have been promulgated with effect from the date of its publication in the Gazette, the people of the State of Bihar are being subjected to the Ordinances several months before they actually see the Ordinances they are subjected to. The result of this situation is that the Government of Bihar not only does not elicit public opinion by publishing the legislative measures in the shape of Bills and inviting objections before their passage, it also confronts the people of the State with *fait accompli* through Ordinances and that too several months after they have already come under their nets.

About the Undertaking of this Study

My research interest in the State of Bihar dates back to 1969. As it is believed that among the major obstacles to agricultural development in a country is its defective agrarian structure, I have been studying since then, besides working on agrarian legislation in India (1793-1966), the working of *zamindaris* in the Dhanbad district of the State of Bihar from their inception in 1793 to their abolition in 1952-1956. In 1978, the Ministry of Agriculture, Government of India, entrusted the Land Reforms Centre at the Institute, where I was working at that time, with the task of studying the status of tenants in the State of Bihar. That work involved

looking into the laws on the subject, the actual practice followed in this regard and the factors responsible for non-implementation of legal provisions. It was during my work on the first part of that work that I came to know about the practice of re-promulgation of Ordinances in the State of Bihar. After completing that work, namely, the status of tenants in Bihar (1793-1978), I decided in 1979 to initiate a wider study on the agrarian structure in the State of Bihar since the introduction of the Permanent Settlement there in 1793 to-date and bring out the various lacunae, built into the laws, responsible for the backwardness of agriculture in this State. To begin with, an attempt was made in a paper (the first of the proposed six) to review the legislation regarding the transferability of raiyati holdings in Bihar from 1793 to 1950. It was during my work on the second of the above-mentioned six papers, namely, the transferability of raiyati holdings in Chota Nagpur, that I came to know about the dimension of the shocking phenomenon of re-promulgation of Ordinances in this State. Sections 46 and 47 of the Chota Nagpur Tenancy Act, 1908, dealing with the transferability of raiyati holdings in Chota Nagpur, were amended in 1971 by the Chota Nagpur Tenancy (Amendment) Ordinance, 1971. As that Ordinance was re-promulgated again and again fifteen times before it was replaced in 1976 by an Act of the State Legislature, it aroused a doubt in my mind about the validity of re-promulgation of Ordinances and induced me to go through the provisions of Article 213 of the Constitution of India, which empowers the Governors of the States to promulgate Ordinances during the recess of the State Legislatures. After going through these provisions I was convinced that the re-promulgation of Ordinances is unconstitutional. As I considered the subject serious enough to bring it to the knowledge of all concerned, I kept aside my work on the transferability of raiyati holdings in Chota Nagpur and took up the present study which took me more than a year and a half to complete. Thus, my undertaking of this study was purely a matter of chance. Otherwise, this is neither my normal field of research nor that of the Gokhale Institute of Politics and Economics to which I belong.

A Journey Beyond the Frontiers

In this work, an attempt has been made to study the subject in all its aspects in an academic spirit. The aim has been to arrive at conclusions vitally important to the democratic functioning of the Government as envisaged in the Constitution of India. The value of the study may be found in the nature of its approach and the arguments based upon the voluminous statistical material, Constituent Assembly debates and the case-law given. The thesis on colourable legislation given in the eighth chapter may be well known (though often forgotten) to the members of the legal profession; still I have given it in this work for the information of the non-legal readers.

The constitutional institutions and concepts of a country can be studied from two points of view. One can study them purely in the legal setting; this is a task to be left to the student of constitutional law. Or, one can study their actual working spreading the canvas wide and painting on it each event that instances the working of the institutions of the Constitution or the exercise of a constitutional function. This is a task for which the political scientist is eminently suited. I am neither a constitutional lawyer nor a political scientist. I was trained in a discipline which is concerned with the resources of the nation and not with the Constitution governing its institutions. But chance brought me into contact with the latter. The innate curiosity which is planted in man's mind then sought to find suitable expression. I travelled into regions beyond the borders of my discipline. It is well known that the crossing of the physical frontiers of a country is always an event full of excitement. Equally exciting is the crossing of the intellectual frontiers of one's own discipline. The journey has been thrilling for me. Whether it has been fruitful, it is for the readers to judge. It may be that some of my observations in this work are mistaken. But if the study leads to a debate in the country in general and at the Bar and at the Bench in particular, my purpose will be served.

Acknowledgements

My concern for what is happening in the State of Bihar in the matter of re-promulgation of the Ordinances and my dissent from the line of argument advanced by the Patna High Court in this matter are so strong that I could hardly restrain myself from commenting on these without some safety-valve. Professor V. M. Dandekar, who read the first draft of this work, pointed out the undue warmth in the presentation of the material at some places. I am thankful to him for this. My special thanks in this regard are due to Mr. P. M. Bakshi, Member, Law Commission of India. He went through the first and the final typescript of this work very carefully and gave me many valuable concrete suggestions which provided a sobering influence on agitated mind. Apart from this, I benefited greatly from his keen and analytical observations on some issues, which have enhanced the value of the arguments presented in this study. I am thankful to Professor N. Rath for his steady encouragement and consistent moral support to me for doing this work. In fact, right from the beginning when I mentioned to him about this problem and my desire to undertake this study, he has been as much eager to see this work done as I have been. I am also thankful to him for going through the first and the final drafts of this work very minutely and offering me his useful comments. Dr. Dieter Conrod went through the first draft of this work and gave me some useful suggestions for which I am thankful to him as well. I could not persuade myself to absorb in full the thinking of all these distinguished scholars.

So, I alone am responsible for the deficiencies, if any, in the arguments advanced by me in this study. Similarly, I alone am to be blamed for the excitement, if any, left in the presentation of the material. All that I have to say in defence of that is that I am very much in earnest.

I am thankful to the librarians and the members of the staff of all the libraries in Patna, mentioned above, and the Secretary, Bihâr Chamber of Commerce, and the Malhotra Brothers for providing all the necessary facilities to me for going through the *Bihar Gazettes* in their libraries. I am also thankful to the Principals of the Fergusson College and I.L.S. Law College, Pune, and the Secretaries of the Bombay High Court Law Library, Calcutta High Court Law Library and the Poona District Law Library for allowing me access to their libraries and the Chief Justice of the Calcutta High Court for permitting me to use the Judges' Library there, and the librarians of all these libraries for giving me facilities for the use of law reports in their libraries, which enabled me to write the eighth chapter on the doctrine of colourable legislation.

Lastly, I am thankful to Miss K. Barve and Mr. G. K. Deshpande for their assistance in the tabulation of the data; Messrs. S. S. Ambardekar, S. K. Athale and V. N. Inamdar and Mrs. M. Marathe for typing the material; Professor V. N. Rao for his help in preparing the index; and my wife, Shakuntala, and son, Punit, for their grudging (but very timely) help in comparing the typescript and proofs several times.

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July 31, 1983

D. C. Wadhwa

Contents

Foreword	vii-ix
Preface	xi-xvii
Abbreviations of Law Reports Used	xxiii-xxvi
List of Cases Cited	xxvii-xxix
Chapters	
1. Introduction	1
2. Life of an Ordinance	2- 7
Constitutional Provisions	2
Constituent Assembly Debate	4
3. Re-promulgation of Ordinances	8-21
Executive Empowered in Good Faith	8
Flagrant Misuse of Power	9
Examples of Re-promulgation	10
<i>Modus Operandi</i> of Re-promulgation	15
Legality of Re-promulgation	17
Council of Ministers and Re-promulgation	18
Council of Ministers and Promulgation	19
4. A Persuasive Precedent	22-25
Expiration under the Government of India Act, 1935	22
Facts of the Case	23
Resuscitation of an Expiring Ordinance	24

5.	A Case of Faulty Reasoning	26-40
	Initial Inhibitions	27
	Subsequent View	27
	Re-assembly of the Legislature and Re-promulgation	30
	Legislature and Re-promulgation	31
	Failure of the Bihar Legislature	34
	Electorate and Re-promulgation	37
	Courts and Re-promulgation	38
	Conclusion	40
6.	Final and Conclusive Verdict Awaited	41-48
	Supreme Court and Ordinances	41
	Observations Analysed	43
	Etymological and Dictionary Meaning	47
	Ordinances During Middle Ages	47
	British Colonies and Ordinances	48
	Final and Conclusive Verdict Awaited	48
7.	Duration of the Central Ordinances	49-65
	Governers' Ordinances	49
	Government of India Act, 1935	49
	Constitution of India	50
	Sparing Use of the Power in Bihar	51
	Beginning of Pernicious Practice of Re-promulgation in Bihar	51
	Governor-General's Ordinances	52
	Indian Councils Act, 1861	52
	Government of India Act	53
	Government of India Act, 1935	54
	Government of India Act, 1935, as Adapted by the India (Provisional Constitution) Order, 1947	56
	From 1861 to 1950	57
	First World War	57
	Second World War	58
	President's Ordinances	59
	Constitution of India	59
	Constituent Assembly Debate	60
	Duration of All the Central Ordinances	62
	Non-extensibility of Life of an Ordinance	63

CONTENTS

xxi

8. Fraud in the Realm of Constitutional Law	66-79
Rule of Interpretation	66
Judicial Pronouncements Against Evasion	69
What Cannot be Done Directly Cannot be Done Indirectly	77
Object of the Bihar Ordinances	78
Fraud on the Constitution of India	78
Will the Supreme Court Brush Away the Cobweb Varnish ?	79
9. Amendment of the Constitution	80-82
Vulnerable Safeguard	80
Recent Observation of the Supreme Court	81
Occasion to Check the Abuse	82
Duty of the Parliament	82

Tables

Explanation of the abbreviations used in columns 3, 5 and 6 of Tables 7-13	83
1. Number of the Ordinances promulgated by the Governor of Bihar from 1950 to 1981 and the number of the Acts made by the Legislature of that State during that period under the provisions of the Constitution of India	84
2. Number of the Ordinances promulgated by the Governor of Bihar on different dates from 1946 to 1949 under the provisions of section 88 of the Government of India Act, 1935 (26 Geo. 5, c. 2)	85
3. Number of the Ordinances promulgated by the Governor of Bihar on different dates from 1950 to 1981 under the provisions of Article 213 of the Constitution of India	86-90
4. Average number of the Ordinances promulgated per month by different Governments of different political parties in Bihar from 1967 to 1981	91-92
5. Duration of the different sessions of the Bihar Legislature from 1946 to 1949 under the provisions of section 62 of the Government of India Act, 1935 (26 Geo. 5, c. 2)	93
6. Duration of the different sessions of the Bihar Legislature from 1950 to 1981 under the provisions of Article 174 of the Constitution of India	94-98

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|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 7. | Lives of the Ordinances promulgated by the Governor of Bihar from 1946 to 1949 under the provisions of section 88 of the Government of India Act, 1935 (26 Geo. 5, c. 2) | 99-101 |
| 8. | Lives of the Ordinances promulgated by the Governor of Bihar from 1950 to 1981 under the provisions of Article 213 of the Constitution of India | 102-173 |
| 9. | Lives of the Ordinances promulgated by the Governor-General of India from 1861 to 1915 under the provisions of section 23 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67) | 174-176 |
| 10. | Lives of the Ordinances promulgated by the Governor-General of India from 1916 to 1935 under the provisions of section 72 of the Government of India Act (5 & 6 Geo. 5, c. 61 as amended by 6 & 7 Geo. 5, c. 37 and 9 & 10 Geo. 5, c. 101) | 177-185 |
| 11. | Lives of the Ordinances promulgated by the Governor-General of India from 1939 to August 14, 1947, under the provisions of section 72 as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2) | 186-213 |
| 12. | Lives of the Ordinances promulgated by the Governor-General of India from August 15, 1947, to January 25, 1950, under the provisions of section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as Adapted by the India (Provisional Constitution) Order, 1947 | 214-223 |
| 13. | Lives of the Ordinances promulgated by the President of India from January 26, 1950, to December 31, 1981, under the provisions of Article 123 of the Constitution of India | 224-254 |
| Index | | 255-259 |

Abbreviations of Law Reports Used

- A.C.** : The Law Reports, House of Lords, Judicial Committee of the Privy Council and Peerage Cases (known as Law Reports, Appeal Cases, House of Lords and Privy Council), since 1890.
- A.I.R.** : All India Reporter, since 1914.
- Add.** : Reports of cases argued and determined in the Ecclesiastical Courts by J. Addams (known as Addams' Ecclesiastical Reports), 3 Volumes, 1822-1826.
- Amb.** : Reports of cases argued and determined in the High Court of Chancery by Charles Ambler (known as Ambler's Reports, Chancery), 1 Volume in 2 Parts, 1716-1783, Second Edition by John Elijah Blunt, 1 Volume, 1828.
- App. Cas.** : Appeal cases before the House of Lords, reported by Charles Clark, John Fraser Macqueens and Herbert Cowell (known as Law Reports, Appeal Cases, House of Lords), 15 Volumes, 1875-1890.
- B. & Ald.** : Reports of cases argued and determined in the Court of King's Bench by Richard Vaughan Barnewall and Edward Hall Alderson (known as Barnewall & Alderson's Reports, King's Bench), 5 Volumes, 1817-1822.
- B. & C.** : Reports of cases argued and determined in the Court of King's Bench by Richard Vaughan Barnewall and Cresswell Cresswell (known as Barnewall and Cresswell's Reports, King's Bench), 10 Volumes, 1822-1830.
- B.L.J.R.** : Bihar Law Journal Reports.
- Bac. Abr.** : Bacon's Abridgement of the Law— A New Abridgement of the Law by Mathew Bacon, 8 Volumes, 7th Edition, 8 Volumes, 1832 [volumes 1, 5, 6, 7 and 8 and the addenda to the other volumes by Charles Edward Dodd and volumes 2, 3 and 4 (except the addenda) by Sir Henry Gwillim].

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| 7. Lives of the Ordinances promulgated by the Governor of Bihar from 1946 to 1949 under the provisions of section 88 of the Government of India Act, 1935 (26 Geo. 5, c. 2) | 99-101 |
| 8. Lives of the Ordinances promulgated by the Governor of Bihar from 1950 to 1981 under the provisions of Article 213 of the Constitution of India | 102-173 |
| 9. Lives of the Ordinances promulgated by the Governor-General of India from 1861 to 1915 under the provisions of section 23 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67) | 174-176 |
| 10. Lives of the Ordinances promulgated by the Governor-General of India from 1916 to 1935 under the provisions of section 72 of the Government of India Act (5 & 6 Geo. 5, c. 61 as amended by 6 & 7 Geo. 5, c. 37 and 9 & 10 Geo. 5, c. 101) | 177-185 |
| 11. Lives of the Ordinances promulgated by the Governor-General of India from 1939 to August 14, 1947, under the provisions of section 72 as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2) | 186-213 |
| 12. Lives of the Ordinances promulgated by the Governor-General of India from August 15, 1947, to January 25, 1950, under the provisions of section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as Adapted by the India (Provisional Constitution) Order, 1947 | 214-223 |
| 13. Lives of the Ordinances promulgated by the President of India from January 26, 1950, to December 31, 1981, under the provisions of Article 123 of the Constitution of India | 224-254 |
| Index | 255-259 |

Abbreviations of Law Reports Used

- A.C.** : The Law Reports, House of Lords, Judicial Committee of the Privy Council and Peerage Cases (known as Law Reports, Appeal Cases, House of Lords and Privy Council), since 1890.
- A.I.R.** : All India Reporter, since 1914.
- Add.** : Reports of cases argued and determined in the Ecclesiastical Courts by J. Addams (known as Addams' Ecclesiastical Reports), 3 Volumes, 1822-1826.
- Amb.** : Reports of cases argued and determined in the High Court of Chancery by Charles Ambler (known as Ambler's Reports, Chancery), 1 Volume in 2 Parts, 1716-1783, Second Edition by John Elijah Blunt, 1 Volume, 1828.
- App. Cas.** : Appeal cases before the House of Lords, reported by Charles Clark, John Fraser Macqueens and Herbert Cowell (known as Law Reports, Appeal Cases, House of Lords), 15 Volumes, 1875-1890.
- B. & Ald.** : Reports of cases argued and determined in the Court of King's Bench by Richard Vaughan Barnewall and Edward Hall Alderson (known as Barnewall & Alderson's Reports, King's Bench), 5 Volumes, 1817-1822.
- B. & C.** : Reports of cases argued and determined in the Court of King's Bench by Richard Vaughan Barnewall and Cresswell Cresswell (known as Barnewall and Cresswell's Reports, King's Bench), 10 Volumes, 1822-1830.
- B.L.J.R.** : Bihar Law Journal Reports.
- Bac. Abr.** : Bacon's Abridgement of the Law— A New Abridgement of the Law by Mathew Bacon, 8 Volumes, 7th Edition, 8 Volumes, 1832 [volumes 1, 5, 6, 7 and 8 and the addenda to the other volumes by Charles Edward Dodd and volumes 2, 3 and 4 (except the addenda) by Sir Henry Gwillim].

- Bing. : Reports of cases argued and determined in the Court of Common Pleas and other courts by Peregrine Bingham (known as Bingham's Reports, Common Pleas), 10 Volumes, 1822-1834.
- Camp. : Reports of cases determined at Nisi Prius in the Court of King's Bench, and on the Home Circuit by John Campbell (known as Campbell's Reports, Nisi Prius), 4 Volumes, 1807-1816.
- Ch. : The Law Reports, cases determined in the Chancery Division and in Lunacy, and on appeal therefrom in the Court of Appeal (known as Law Reports, Chancery Division), since 1890.
- Ch. D. : The Law Reports, Chancery Division, edited by George Wirgman Hemming (known as Law Reports, Chancery Division), 45 Volumes, 1875-1890.
- Cl. & Fin. : Reports of cases heard and decided in the House of Lords on Appeals and Writs of Error and Claims of Peerage, by C. Clark and W. Finnelly (known as Clark and Finnelly's Reports, House of Lords), 12 Volumes, 1831-1846.
- Co. Litt. : The First Part of the Institutes of the Laws of England; or, A Commentary upon Littleton by Edwardo Coke, Milite, revised and corrected by Francis Hargrave and Charles Butler (known as Coke on Littleton), Nineteenth Edition by Charles Butler, 2 Volumes, 1832.
- Co. Rep. : The Reports of Sir Edward Coke (known as Coke's Reports), 13 Parts, 1572-1616 — A New Edition by John Henry Thomas and John Farquhar Fraser, 6 Volumes, 1826.
- Com. Dig. : A Digest of the Laws of England by Sir John Comyns (known as Comyns' Digest), 5th Edition by Anthony Hammond, 8 Volumes, 1822.
- Cowp. : Reports of cases adjudged in the Court of King's Bench by Henry Cowper (known as Cowper's Reports, King's Bench), 2 Volumes, 1774-1778, Second Edition, 1800.
- De. G. M. & G. : Reports of cases heard and determined by the Lord Chancellor and the Court of Appeal in Chancery by J. P. De Gex, S. Macnaghten and A. Gordon (known as De Gex, Macnaghten and Gordon's Reports, Chancery), 8 Volumes, 1851-1857.
- Dig. : Digest of Justinian, 533 A.D.
- Dow. : Reports of cases upon Appeals and Writs of Error in the House of Lords by P. Dow (known as Dow's Reports, House of Lords), 6 Volumes, 1812-1818.
- E.R. (Eng. Rep.) : English Reports, 178 Volumes, 1220-1850.
- East : Reports of cases argued and determined in the Court of King's Bench by Edward Hyde East (known as East's Reports, King's Bench), 16 Volumes, 1800-1812.

- Exch.** : The Reports of cases argued and determined in the Courts of Exchequer & Exchequer Chamber by W. N. Welsby, E. T. Hurlstone and J. Gordon (known as the Exchequer Reports, Welsby, Hurlstone and Gordon), 11 Volumes, 1847-1856.
- H. & C.** : The Exchequer Reports: Reports of cases argued and determined in the Courts of Exchequer & Exchequer Chamber by Edwin Tyrrell Hurlstone and Francis Joseph Coltman (known as Hurlstone and Coltman's Reports, Exchequer), 4 Volumes, 1862-1866.
- H.L.Cas.** : The House of Lords Cases, on Appeals and Writs of Error and Claims of Peerage, by Charles Clark (known as Clark's Reports, House of Lords), 11 Volumes, 1847-1866.
- Jur. N.S.** : The Jurist. New Series, Reports of cases decided in the Court of Equity and Common Law and in the Divorce, Probate, Admiralty and Ecclesiastical Courts, edited by R. E. Turner and H. B. Ince (known as Jurist Reports, New Series), 12 Volumes, 1855-1867.
- K.B.** : The Law Reports, King's Bench Division and on appeal therefrom in the Court of Appeal (known as Law Reports, King's Bench Division), 1900-1952.
- L.J.M.C.** : The Law Journal Reports, cases decided by the Judicial Committee and the Lords of Her Majesty's Privy Council, reported by Edward Bullock (known as Law Journal, Magistrates' Cases), 1831-1896.
- L.R.Ir.** : The Law Reports (Ireland) containing reports of cases argued and determined in the Court of Appeal, the High Court of Justice and the Court of Bankruptcy in Ireland edited by William Green [known as Law Reports (Ireland), Chancery and Common Law], 32 Volumes, 1877-1893.
- Law.Ed.** : Cases argued and decided in the Supreme Court of the United States, Lawyers' Edition.
- L ed 2d** : United States Supreme Court Reports, Lawyers' Edition, Second Series (Annotated).
- M. & W.** : Reports of cases argued and determined in the Courts of Exchequer & Exchequer Chamber by R. Meeson & W. N. Welsby (known as Meeson & Welsby's Reports, Exchequer), 16 Volumes, 1836-1847.
- Man. & Ry. K.B.** : Reports of cases argued and determined in the Court of King's Bench by James Manning and Archer Ryland (known as Manning and Ryland's Reports, King's Bench), 5 Volumes, 1827-1830.
- Moo.** : Reports of cases argued and determined in the Courts of Common Pleas and Exchequer Chamber by John Bayle Moore (known as Moore's Reports, Common Pleas and Exchequer), 12 Volumes, 1817-1827.

- My. & K.** : Reports of cases argued and determined in the High Court of Chancery by James W^M Mylne and Benjamin Keen (known as Mylne and Keen's Reports, Chancery), 3 Volumes, 1832-1835.
- Pat.L.J.R.** : Patna Law Journal Reports.
- Plowd.** : The Commentaries; or Reports of Edmund Plowden (known as Plowden's Reports), 2 Volumes, 1550-1580, 1816.
- Q.B.** : The Law Reports, Queen's Bench Division and on appeal therefrom in the Court of Appeal (known as Law Reports, Queen's Bench Division), 1891-1901; and since 1952.
- Q.B.D.** : The Law Reports—cases determined in the Queen's Bench Division and on appeal therefrom in the Court of Appeal, 25 Volumes, 1875-1890.
- R.R.** : Revised Reports edited by Sir Frederick Pollock Bart (known as Revised Reports), 152 Volumes, 1785-1866, 1896.
- S.C.C.** : Supreme Court Cases.
- Tax L.R.** : Taxation Law Reports.
- Term.(Ter.) Rep.** : Term Reports in the Court of King's Bench by Charles Durnford and Edward Hyde East (known as Term Reports—Durnford and East), 8 Volumes, 1785-1800.
- Ves.** : Reports of cases argued and determined in the High Court of Chancery by Francis Vesey, Junior (known as Vesey Jun's Reports, Chancery), 19 Volumes, 1789-1817, Second Edition, 1827.
- Wils.** : Reports of cases argued and adjudged in the King's Court at Westminster by George Wilson (known as G. Wilson's Reports, King's Bench and Common Pleas), 3 Volumes, 1742-1774, Third Edition, 1799.
- Y. & J.** : Reports of cases argued and determined in the Courts of Exchequer and Exchequer Chamber, at Law, in Equity, and in Error by Edward Younge and John Jervis (known as Younge and Jervis' Reports, Exchequer), 3 Volumes, 1826-1830.

List of Cases Cited

- A. K. Jain and others v. Union of India and others, -13
A.K. Roy v. Union of India and others, 20, 31, 42, 46, 81
Armstrong v. Armstrong and Warner; Armstrong v. Armstrong and Lewis; Warner v. Armstrong; and Lewis v. Armstrong, 70
Attorney-General v. Davies, 72
Attorney-General v. Tyndall, 72
Attorney-General for Alberta v. Attorney-General for Canada and others, 74, 76
Attorney-General for Ontario v. Reciprocal Insurers and others, 73, 74
Attorney-General for the Dominion of Canada v. Attorney-General for the Province of Alberta and others, 76
Attree v. Hawe, 72
Barnard v. Young, 70
Bedo v. Sanderson, 70
Bengal Immunity Co. Ltd. v. State of Bihar and others, 66
Bhagat Singh and others v. Emperor, 42
Biggar v. Eastwood, 72
Boldero and another v. Jackson, 70
Caledonian Railway Company v. North British Railway Company, 39
Chakardharpur Biri and Tobacco Merchants' Association and others v. The State of Bihar and others, 27, 28
Chapman v. Brown, 72
Charles Russell v. The Queen, 73
Collins v. Blantern, 79
Cope v. Rowlands, 68
Cross v. Watts, 72
Cunningham and Attorney-General for British Columbia v. Tomey Homma and Attorney-General for the Dominion of Canada, 75
Davis v. Hardacre, 70
Doe v. Carter, 71
Doe v. Gooch, 70
Doed Titford v. Chambers, 70
Edward Mills Co. Ltd., Beawar and others v. State of Ajmer and another, 35
Edwards v. Hall, 68
Enderbey v. Gilpin, 70
Faithful Croft v. Benjamin Lumley, 71
Floyer v. Edwards, 70
Fox v. The Bishop of Chaster, 67
Giblett v. Hobson, 72
Gilpin v. Enderbey, 70

- Govindram Gordhandas Seksaria and another v. State of Gondal by His Highness the Maharaja of Gondal and others, 73
 Great West Saddlery Company Limited v. The King, 74
- Hallet Kilbourn v. John G. Thompson et al, 37
 Hansraj Moolji v. The State of Bombay, 59
 Harishankar Bagla and another v. The State of Madhya Pradesh, 35
 Harris and another v. Boston, 70
 Henry A. Symthe v. Henry C. Fiske, 39
 Henry Willion v. Henry Berkley, 38
 Hickey v. Hayter, 64
 Holme v. Guy, 65
- In re Abdul Kadir, 59
 In re Article 143, Constitution of India, and Delhi Laws Act, 1912, 35
 In re Dick, Lopes v. Hume-Dick, 64, 67
 In re Mayfair Property Company, Bartlett v. Mayfair Property Company, 67
 In re The Insurance Act of Canada, 76
 In re Watson, Ex-parte Official Receiver in Bankruptcy, 67
- James Day v. Mercer Hampson Simpson, 72
 James Jeffries and others v. John Biddle Alexander and others and the Accountant-General, 68, 72
 Jestons v. Brooke, 70
 Johnes v. Johnes, 66
- K. C. Gajapati Narayan Deo and others v. State of Orissa, 77
 Kedarnath v. State of Bihar, 65
- Law v. Hodson, 68
- Madell v. Thomas and Company, 67
 Manmohan Das v. United Provinces and others, 73
 Mather v. Scott, 72
 Mathura Prasad Singh and others v. The State of Bihar, 27, 28, 29, 31
- Melliss and another v. The Shirley and Freemantle Local Board of Health, 68
 Milton E. Springer v. Government of the Philippine Islands; and Gregorio Agencillo v. Government of the Philippine Islands, 37
 Morris and Jeffs v. Blackman, 68
 Moti Chand and others v. Ikram-Ullah Khan and others, 76
 M/s. S. K. G. Sugar P. Ltd. v. State of Bihar and others, 42
- People v. Utica Ins. Co., 39
 Powell v. The Kempton Park Race-course Company Limited, 65
 Pratt v. Cook, Son and Company (St. Pauls Ltd.), 64
 Pritchard v. Arbouin, 72
- R. v. Vasey, 39
 R. K. Garg v. Union of India and others, 31, 44
 Rai Sahib Ram Jawaya Kapur and others v. The State of Punjab, 36
 Ramdayal Sahu v. Hari Shankar Lal Sahu, 10
 Ratan Roy v. State of Bihar and others, 27
 River Wear Commissioners v. William Adamson and others, 65, 67
 Rosamund Brett v. John Brett, 38
 Rustom Cavasjee Cooper v. Union of India, 20, 34, 41, 52
- Salkeld Clerk v. Johnson, 66
 Samsher Singh v. State of Punjab and another, 20
 Sharpe and another v. Thomas, 71
 Sir Felix Booth, Bart, and other Directors of London Joint Stock Bank, and George Pollard, the Manager of the Bank v. The Governor and Company of the Bank of England, 68
 Sir Thomas Stradling v. Rowland Morgan, 39
 Smith and others v. Mawhood, 68
 Solarte and others v. Melville and another, 67
- Tamizuddin Ahmad v. Province of East Bengal, 22
 Tate v. Wellings, 70

LIST OF CASES CITED

xxix

- Taylor v. The Crowland Gas and Coke Company, 68
- Territory of Hawaii v. Osaki Mankichi, 39
- The Attorney-General v. Heydon (known as the Heydon's Case), 66, 69
- The Attorney-General for Quebec v. The Queen Insurance Company, 74
- The Bank of India Ltd. and others v. Jamsetji A. H. Chinoy and Messrs. Chinoy and Co., 73
- The Citizens Insurance Company of Canada v. William Parsons; The Queen Insurance Company v. William Parsons, 73
- The Dean and Chapter of St. Peter, York v. Middleborough and others, 66
- The Eastman Photographic Materials Company Limited v. The Comptroller-General of Patents, Designs and Trademarks, 65, 67
- The Rev. Thomas Philpott v. The President and Governors of St. George's Hospital and others, 68
- The State of Bihar v. Sir Kameshwar Singh, 31, 39
- Thomas Eyston v. Richard Studd, 39
- Thomson v. Lord Clanmorries, 64
- Turtle v. Hartwell, 66
- Union Colliery Company of British Columbia Limited and others v. Bryden, 75
- Union of India v. R. C. Jall and another, 59
- United States of America v. Curtiss-Wright Export Corporation, 63
- Vasanlal Maganbhai Sanjanwala, and the Pratap Spinning, Weaving and Manufacturing Co. Ltd., v. The State of Bombay, 35
- Walter W. Flora v. United States, 65
- Warner v. Smith (known as the Magdalen College Case), 66
- White and another, Executor of White v. Ann Wright, 70
- Widmore v. Woodroffe, 71
- Wolferstan v. The Bishop of Lincoln and Whitehead, 64
- Yorkshire Railway Wagon Company v. Maclure, 67

Contra legem facit, qui id facit quod lex prohibet, in fraudem uero, qui saluis uerbis legis sententiam eius circumuenit :

One who does what a Statute forbids transgresses the Statute; one who contravenes the intention of a Statute, without disobeying its actual words, commits a fraud on it.

Julius Paulus (on the *lex cincia*), 204 B.C.
Dig. 1, 3, 29.

1

Introduction

THE POWER of the Governor of a State to promulgate Ordinances under the provisions of Article 213 of the Constitution of India, during the recess of the State Legislature, has not received the academic attention that it deserves. In academic literature, writings on the subject are very few and do not spell out all the aspects of this power. Since this is a power to be exercised only for the public benefit and since the Governor is expected to act merely as a substitute for the State Legislature, and only in circumstances that require or necessitate immediate action, the implications of the scope and ambit of such a power in the context of the proper functioning of democratic Government are obvious. One very important aspect of the exercise of this power, namely, the question regarding how far an Ordinance once promulgated can be repeated again and again by promulgating another Ordinance having exactly the same substance as the earlier one, on or before the date of expiry of the earlier Ordinance, to prolong, in effect, the life of the expiring Ordinance, appears to require careful consideration from this point of view. While judicial decisions on the subject are scanty (these will be referred to in due course), legislative material on this subject, at least in one State, namely, Bihar, is abundant. This abundant material, its essential legal and constitutional aspects and its importance to the working of democracy in the country are the principal issues that have been discussed in this study.

Life of an Ordinance

Constitutional Provisions

CLAUSE (1) of Article 213 of the Constitution of India says that if at any time, except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses of the Legislature are in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require. Upon this clause is engrafted a proviso which says that the Governor shall not, without instructions¹ from the President, promulgate any such Ordinance if (a) a Bill containing the same provisions would under the Constitution have required the previous sanction of the President for the introduction thereof into the Legislature; or (b) he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; or (c) an Act of the Legislature of the State containing the same provisions would under this Constitution have been invalid unless, having been reserved for the consideration of the President, it had received his assent.

Clause (2) of this Article provides that an Ordinance promulgated under this Article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor, but every such Ordinance (a) shall be laid before the Legislative Assembly of the State, or

¹ As the President does not take any initiative in the matter of promulgation of Ordinances by the Governors of the States but gives only his approval or disapproval for promulgation of the same when approached by the Governors, will it not be better to replace the word 'instructions' by the word 'approval' or 'permission' by making an amendment in the Constitution ?

where there is a Legislative Council in the State, before both the Houses, and shall cease to operate at the expiration of six weeks from the re-assembly of the Legislature, or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Legislative Council; and (b) may be withdrawn at any time by the Governor. There is an Explanation at the end of this clause which provides that where the Houses of the Legislature of a State having a Legislative Council are summoned to re-assemble on different dates, the period of six weeks shall be reckoned from the latter of those dates for the purposes of this clause.

Clause (3) of this Article says that if and so far as an Ordinance under this Article makes any provision which would not be valid if enacted in an Act of the Legislature of the State assented to by the Governor, it shall be void, provided that, for the purposes of the provisions of this Constitution relating to the effect of an Act of the Legislature of a State which is repugnant to an Act of Parliament or an existing law with respect to a matter enumerated in the Concurrent List, an Ordinance promulgated under this Article in pursuance of instructions from the President shall be deemed to be an Act of the Legislature of the State which has been reserved for the consideration of the President and assented to by him.

Thus, an Ordinance promulgated by the Governor of a State, under the provisions of Article 213 of the Constitution of India, can remain in force as long as the Legislature of that State does not meet. Even when the Legislature meets, it does not expire immediately and can remain in force for six weeks from the date of re-assembly of the Legislature unless before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, in which case it will cease to be in force upon the passing of the resolution or on the resolution being agreed to by the Legislative Council as the case may be.

Article 174(1) of the Constitution of India, dealing with the sessions of the State Legislatures, provides that the House or Houses of the Legislature of a State shall be summoned to meet twice at least in every year, and six months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.

Thus, the maximum life of an Ordinance promulgated by the Governor of a State is for seven-and-a-half months or so unless it is replaced by an Act or disapproved by the resolution of the Legislature before that period. In case the interval between the last sitting of the Legislature and the date appointed for its first sitting in the next session is less than six months, the life of the Ordinance expires at the end of six weeks from the re-assembly of the Legislature, if not replaced by an Act of the Legislature or disapproved by its resolution by then. Article 213 does not, expressly

or impliedly, empower the Governor of a State to take any action which may have the effect of extending, directly or indirectly, the life of an Ordinance, promulgated by him earlier, beyond the maximum life contemplated by the Constitution as spelt out above. The life of an Ordinance, as mentioned above, can be shortened but it cannot be prolonged.

Constituent Assembly Debate

The Ordinance-making power of the Governor of a State as provided in Article 187 of the Draft Constitution of India,² which became Article 213 of the Constitution of India, was taken up for discussion by the Constituent Assembly of India on June 14, 1949.³ Pandit Hriday Nath Kunzru moved the following amendment to that Article :

"That in sub-clause (a) of clause (2) of Article 187, for the words 'six weeks from the re-assembly of the Legislature' the words 'two weeks from the promulgation of any Ordinance' be substituted."⁴

He also moved another amendment which was consequential to the amendment that he had already moved. The second amendment moved by him was :

"That the Explanation to clause (2) of Article 187 be deleted."⁵

Thus Pandit Kunzru wanted that an Ordinance promulgated by the Governor of a State in exercise of the above-mentioned power should not remain in force for more than fourteen days and must be placed before the Legislature of the State within that period. As Article 153 of the Draft Constitution of India (which became Article 174 of the Constitution of India), dealing with the sessions of the State Legislatures, provided that the House or Houses of the Legislature of a State shall be summoned to meet twice at least in every year, and six months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session, Pandit Kunzru argued that as there might be an interval of more than five months between two sessions of the Legislature, an Ordinance promulgated by the Governor of a State might remain in force for as long as five months or any period less than six months and six weeks more. As the Explanation to clause (2) of that Article provided that when there were two Houses of the Legislature of a State and they re-assembled on different dates, the period of six weeks was to be reckoned from the latter of those dates for the purposes of that clause,

² Constituent Assembly of India. Drafting Committee : *Draft Constitution of India*, New Delhi, 1948.

³ Constituent Assembly of India : *Constituent Assembly Debates* : Official Report, Volume VIII (1949), 16-5-1949 to 16-6-1949, New Delhi, 1967, pp. 869-872.

⁴ *ibid.*, p. 869.

⁵ *ibid.*

Pandit Kunzru further argued that if one House of a bicameral Legislature of a State met a month later than the other House, an Ordinance promulgated by the Governor of that State would remain in force for some period less than six months plus the period of one month during which the second House did not meet plus six weeks, unless before the expiry of six weeks a resolution disapproving of that Ordinance was passed by the Legislative Assembly and was agreed to by the Legislative Council. That an Ordinance which is an Executive act should remain in force for so long a period was wholly unacceptable to him. He was of the opinion that if an emergency arises necessitating the promulgation of an Ordinance, requiring the Executive to act without securing the permission of the Legislature, it is necessary that the Legislature should be summoned without unnecessary delay. According to him even in the biggest State of the country two weeks would be an ample period that might be allowed to elapse before the Legislature was called upon to meet to consider the Ordinance. He said that since the members of the Legislature of a State would live in a compact area, an area which would be much smaller than that from which the members of Parliament would be drawn, it should be comparatively speaking much easier for them to meet for an urgent session, if necessary. He further said that whatever the nature of the emergency might be, it would not justify the continuance of an Ordinance even for a day longer than was necessary to summon the Legislature and place the whole matter before it. The existence of a crisis, according to him, did not justify the Executive in proceeding in such a way that an Ordinance promulgated by it might remain in force for as long as possible under the provisions of that Article. He was of the opinion that the point of view of the Executive should be not to delay the meeting of the Legislature so that the Ordinance might remain in force as long as was possible legally, but to summon the Legislature and submit the matter to the scrutiny of the representatives of the people as early as possible. According to him it was only if it (the Executive) acted in that manner that its action would be in consonance with the spirit of the Constitution and the powers of the Legislature in regard to all matters needing legislative sanction. His objection to a procedure of the kind laid down in that Article was that it unnecessarily prolonged the life of an Ordinance. Thus pleading with the Constituent Assembly to reduce considerably the period during which an Ordinance promulgated by the Governor of a State might remain in force, he said that the amendments moved by him were thoroughly reasonable and would give the Executive the power to act in an emergency and would also enable the representatives of the people to see that the Ordinance did not remain in force unnecessarily.⁶

⁶ *ibid.*, pp. 869-870.

The only other amendment proposed to that Article was by Professor Shibban Lal Saksena. He moved :⁷

"(i) That in clause (1) of Article 187, for the words 'for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require' the words 'that immediate action be taken, he shall report the matter to the President who may then promulgate such Ordinances as the circumstances appear to him to require' be substituted, and the proviso to the clause be deleted.

(ii) That in clause (2) of Article 187, for the words 'assented to by the Governor' the words 'which has been reserved for the consideration of the President and assented to by him' be substituted.

(iii) That in sub-clause (b) of clause (2) of Article 187 for the word 'Governor' the word 'President' be substituted.

(iv) That in clause (3) of Article 187, after the words 'assented to by the Governor' the words 'or by the President' be inserted and the proviso to the clause be deleted."

Speaking on the amendment moved by him, Professor Saksena said that he did not wish that the Constitution of India should be disfigured by any power of making Ordinances by the President or by anybody else. But as the Constituent Assembly had already accepted that the President shall have the power of making Ordinances on certain occasions, he wanted that if Ordinance-making power was at all to be provided for, then that power should be confined only to the President and should not be conferred on each and every Governor. In his opinion, in case of an emergency, instead of the Governor himself promulgating an Ordinance, he must report the matter to the President who might then promulgate such Ordinances as might appear to him to be necessary. He thought that that would keep the Centre informed of the situation in the States and would ensure that the Ordinances that were promulgated were promulgated after careful consideration. According to him, an Ordinance in effect meant the taking away of the entire power of the Legislature and therefore should not be freely resorted to. He accused the Constituent Assembly of India of thinking, while framing the constitution for free India, in terms of the period of slavery through which the country had passed. He ended his speech with a note of hope that very soon the times would change and people would resent any Governor promulgating any Ordinance and would insist that everything should be done by the Legislature, by the people's representatives.⁸

When the President of the Constituent Assembly declared Article 187 and the amendments moved by Pandit Kunzru and Professor Saksena open for discussion, the proceedings of the Constituent Assembly say that "No member rose"⁹ to speak. Then both the amendments were put to vote and

⁷ *ibid.*, pp. 870-871.

⁸ *ibid.*, pp. 871-872.

⁹ *ibid.*, p. 872.

negated.¹⁰ In this way Article 187 of the Draft Constitution was adopted¹¹ without any discussion and the question of the maximum life of an Ordinance to be promulgated by the Governor of a State was left undefined, which could extend to a period of seven-and-a-half months or so at the most.

It may be mentioned here that the Constituent Assembly had discussed¹² in detail about three weeks earlier, on May 23, 1949, the question of the maximum length of time during which an Ordinance to be promulgated by the President of India, whose power to promulgate an Ordinance is analogous to that of the Governor of a State, can remain in operation. As Article 102 of the Draft Constitution of India, empowering the President of India to promulgate Ordinances, also had not specifically stipulated the life of a Presidential Ordinance, it was argued that the maximum period during which such an Ordinance might remain in force could be seven-and-a-half months or so. As that was considered too long a period, it was suggested by some members of the Constituent Assembly that the Ordinance-making power of the President should be qualified by a maximum period, shorter than seven-and-a-half months, being laid down for its life. As none of the amendments for limiting the life of an Ordinance to a definite period, varying from four weeks to six months, proposed in those amendments, was accepted by the Constituent Assembly, it might have been thought prudent not to dilate on that subject any further during the discussion on the power of the Governor of a State to promulgate Ordinances and that seems to be the reason for non-participation in the debate by any other member of the Constituent Assembly when Article 187 of the Draft Constitution, empowering the Governor of a State to promulgate Ordinances, and the amendments moved to that Article by Pandit Kunzru and Professor Saksena were declared open for discussion. Anyway, it is clear that according to the constitutional provisions an Ordinance promulgated by the Governor of a State can remain in force for a maximum period of seven-and-a-half months or so.

¹⁰ *ibid.*

¹¹ *ibid.*

¹² See "Duration of the Central Ordinances", pp. 60-62, in this volume.

Re-promulgation of Ordinances

Executive Empowered in Good Faith

A PERUSAL of documents relating to the framing of the Constitution of India shows that the power of the Governor of a State to promulgate Ordinances was first provided in clause 21¹ of the 'Memorandum on the Principles of a Model Provincial Constitution' dated May 30, 1947, prepared by the Constitutional Adviser. This provision regarding the promulgation of Ordinances as contained in the Constitutional Adviser's memorandum was accepted by the Provincial Constitution Committee and incorporated by it in its report submitted to the President of the Constituent Assembly on June 27, 1947, and presented to the Constituent Assembly on July 15, 1947, by the Chairman of the Committee. The report of the Provincial Constitution Committee also set out the recommendations of the Committee in the form of a 'Memorandum on the Principles of a Model Provincial Constitution'. Clause 21 of the Constitutional Adviser's memorandum became clause 23² of the Provincial Constitution Committee's memorandum. This clause was adopted by the Constituent Assembly of India on July 21, 1947, without any discussion,³ and became Article 187 of the Draft Constitution of India.

As the Ordinance-making powers of the Governor-General of India and the Governors of the Provinces had been the subject of much criticism in

¹ B. Shiva Rao (edited), *The Framing of India's Constitution*, Select Documents, Volume II, New Delhi, 1967, p. 638.

² *ibid.*, p. 662.

³ Constituent Assembly of India: *Constituent Assembly Debates: Official Report*, Volume IV (1947), 14-7-1947 to 31-7-1947, New Delhi, 1967, pp. 702-703.

the past, the Constitutional Adviser had appended an explanatory note to the above-mentioned clause of his memorandum. In that note he pointed out the change in the character of the Provincial Executive which, under the new Constitution, was being entrusted with the responsibility for the promulgation of the Ordinances and emphasized that the Governor who would 'act on the advice of ministers responsible to the Legislature was *not at all* (emphasis added) likely to abuse any Ordinance-making power with which he might be invested. It does not seem to have been imagined at that time that the elected Government of a State itself, which was supposed to be fair and square in its dealings, might commit a breach of trust and indulge in abusing this extraordinary Ordinance-making power of its Governor.

Flagrant Misuse of Power

Table 1, which gives the number of the Ordinances promulgated by the Governor of Bihar from 1950 to 1981 and the number of the Acts made by the Legislature of that State during that period under the provisions of the Constitution of India, reveals the flagrant misuse of the constitutional provisions that has been taking place in that State since 1967, particularly since 1971. The Bihar Legislature during the last eleven years (1971-1981) enacted 8 Acts in 1971, 5 Acts in 1972, 13 Acts in 1973, 16 Acts in 1974, 28 Acts in 1975, 30 Acts in 1976, 26 Acts in 1977, 13 Acts in 1978, 10 Acts in 1979, 4 Acts in 1980 and 10 Acts in 1981 while the Governor of that State during the same period promulgated, by sailing very close to the wind, 113 Ordinances in 1971, 175 Ordinances in 1972,⁴ 127 Ordinances in 1973, 184⁵ Ordinances in 1974, 215 Ordinances in 1975, 220 Ordinances in 1976, 270 Ordinances in 1977, 114 Ordinances in 1978, 171 Ordinances in 1979, 166 Ordinances in 1980⁶ and 203 Ordinances in

⁴ The Bihar Municipal (Fourth Amendment) Ordinance, 1972, Bihar Ordinance 175 of 1972, though shown in different official records to have been promulgated on different dates (December 12, 1972, and December 31, 1972), was in fact not promulgated at all.

⁵ In the book entitled *List of Bihar & Orissa Acts, Bihar Acts, Regulations and Ordinances for the Years 1954 to March, 1976*, published by the Government of Bihar, Law (Legislative) Department, Patna, 1976, the number of Ordinances promulgated by the Governor of Bihar in 1974 is wrongly shown as 185. The Bihar Secondary Education Board Third Ordinance, Ordinance No. 154 of 1974, included in the list of the Ordinances promulgated in 1974 and shown in that book was in fact never promulgated.

⁶ According to the official records of the State Government, the Birsa Agricultural University Ordinance, 1980, Bihar Ordinance 166 of 1980, was promulgated on November 29, 1980. A copy of that Ordinance was laid before the Bihar Legislature also on December 10, 1980. But in fact that Ordinance was never promulgated though it is being treated, since then, as having been promulgated.

1981 under the power conferred upon him by Article 213 of the Constitution of India. Table 3, which gives the number of the Ordinances promulgated by the Governor of Bihar on different dates from 1950 to 1981 under the provisions of Article 213 of the Constitution of India, shows that it is not uncommon for the Governor of that State to promulgate more than fifty Ordinances a day; he has promulgated as many as fifty-six Ordinances on a single day, for example on January 18, 1976.

The members of the Constituent Assembly were agitated at the possibility of an Ordinance remaining in force for seven-and-a-half months or so.⁷ In Bihar, not one, two or three but hundreds of Ordinances, including those requiring previous sanction of the President of India before their promulgation, continue to be in force today for those many years and even more through manipulation known as re-promulgation⁸ in the lexicon of the Government of that State. In this chapter are given several specific instances and the *modus operandi* of re-promulgation of the Ordinances that will be found to substantiate the above statement.

Examples of Re-promulgation

Certain provisions of the Chota Nagpur Tenancy Act, 1908,⁹ were declared *ultra vires* by the Patna High Court on July 7, 1966.¹⁰ In the light of that decision the Chota Nagpur Tenancy Act was amended on January 25, 1969, by the Chota Nagpur Tenancy (Amendment) Act, 1969, President's Act 4 of 1969,¹¹ enacted by the President under the powers conferred upon him by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1968,¹² when the State of Bihar was under the President's rule from June 29, 1968,¹³ to February 25, 1969.¹⁴ Under the constitutional provisions contained in clause (2) of Article 357 of the Constitution of India, the law engrafted in the President's Act 4 of 1969 was to cease to have effect from February 26, 1970, that is, on the expiration of a period of one year after the Proclamation made under the

⁷ See "Life of an Ordinance", p. 5 and "Duration of the Central Ordinances", pp. 60-62, in this volume.

⁸ See "Re-promulgation of Ordinances" (the *modus operandi* of re-promulgation of the Ordinances), p. 15, in this volume.

⁹ Bengal Act 6 of 1908.

¹⁰ *Ramdayal Sahu v. Hari Shankar Lal Sahu* (1966), 1967 B.L.J.R. 78.

¹¹ *Vide Bihar Gazette*, Extraordinary, No. 45, dated January 25, 1969.

¹² Central Act 39 of 1968.

¹³ *Vide* Proclamation issued as the Government of India, Ministry of Home Affairs, Notification No. G.S.R. 1228, dated June 29, 1968, published in *The Gazette of India*, Extraordinary, No. 131, dated June 29, 1968, Part II, Section 3, Sub-section (i), pp. 361-362.

¹⁴ *Vide* Proclamation issued as the Government of India, Ministry of Home Affairs, Notification No. G.S.R. 502, dated February 26, 1969, published in *The Gazette of India*, Extraordinary, No. 34, dated February 26, 1969, Part II, Section 3, Sub-section (i), p. 79.

provisions of Article 356 of the Constitution, declaring President's rule in the State, had been revoked. Therefore that Act was, in addition to three other President's Acts, re-enacted by the President on February 11, 1969, by another President's Act, namely, the Bihar Re-enacting Act, 1970, President's Act 4 of 1970.¹⁵ This Act was enacted by the President under the powers conferred upon him by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969,¹⁶ during another spell of the President's rule in the State from July 4, 1969,¹⁷ to February 15, 1970.¹⁸

As the President's Act 4 of 1970 was not re-enacted by the State Legislature and as that Act also was to cease to have force from February 16, 1971, in accordance with the above-mentioned constitutional provisions, the Governor of Bihar promulgated on February 5, 1971, the Chota Nagpur Tenancy (Amendment) Ordinance, 1971, Bihar Ordinance 15 of 1971, incorporating in it all the provisions contained in the President's Act 4 of 1969. After the promulgation of Ordinance 15 of 1971 on February 5, 1971, the Bihar Legislature met from March 16, 1971, to April 2, 1971, as can be seen from Table 6 which gives the duration of the different sessions of the Bihar Legislature from 1950 to 1981. As that Ordinance was not converted into an Act of the State Legislature during that session, it became liable to expire on April 27, 1971. But on April 24, 1971, another Ordinance, No. 32 of 1971, on the same subject and with exactly the same contents was promulgated by the Governor of Bihar, by which Ordinance 15 of 1971 was also repealed. After the promulgation of Ordinance 32 of 1971 on April 24, 1971, the Legislative Assembly of the State re-assembled from June 1, 1971, to July 10, 1971, while the Legislative Council met from June 8, 1971, to July 13, 1971. As Ordinance 32 of 1971 was not replaced by an Act of the State Legislature during that session, it became due for expiry on July 20, 1971. But before the date of expiry of that Ordinance, another exactly identical Ordinance, No. 67 of 1971, was promulgated by the Governor on July 17, 1971, by which Ordinance 32 of 1971 was also repealed.

Though between February 5, 1971, when that Ordinance was first promulgated, and April 22, 1976, when that Ordinance assumed the shape of

¹⁵ *Vide Bihar Gazette*, Extraordinary, No. 50, dated February 11, 1970.

¹⁶ Central Act 32 of 1969.

¹⁷ *Vide* Proclamation issued as the Government of India, Ministry of Home Affairs, Notification No. G.S.R. 1600, dated July 4, 1969, published in *The Gazette of India*, Extraordinary, No. 113, dated July 4, 1969, Part II, Section 3, Sub-section (i), pp. 461-462.

¹⁸ *Vide* Proclamation issued as the Government of India, Ministry of Home Affairs, Notification No. G.S.R. 236, dated February 16, 1970, published in *The Gazette of India*, Extraordinary, No. 24, dated February 16, 1970, Part II, Section 3, Sub-section (i), p. 93.

an Act of the State Legislature¹⁹ (Bihar Act 11 of 1976),²⁰ the State Legislature met fourteen times²¹ — the Legislative Assembly for a total number of 408 days (actual number of sittings 251) and the Legislative Council for 394 days (actual number of sittings 235) — no steps were taken to get that Ordinance replaced by an Act of the State Legislature during that period and the Ordinance was re-promulgated by the Governor of the State fifteen times, in the above-mentioned manner, as given below, keeping it alive for a total period of five years, two months and fifteen days in the form of an Ordinance.

Number of the Ordinance	Date of Re-promulgation	Number of the Ordinance	Date of Re-promulgation
32	24- 4-1971	92	28- 4-1974
67	17- 7-1971	130	23- 7-1974
24	25- 4-1972	14	15- 1-1975
90	3- 7-1972	77	25- 3-1975
157	24- 9-1972	98	18- 6-1975
22	7- 4-1973	150	6- 9-1975
102	26- 8-1973	12	18- 1-1976
48	17- 1-1974		

This is just one example. In this way, the Governor of Bihar has re-promulgated from 1967, the year from which he started re-promulgating Ordinances, till the end of 1981, the terminus of the period of this study, 256 Ordinances, at different times, for different number of times and for varying periods, as can be seen from Table 8 which gives the lives of the Ordinances promulgated by the Governor of Bihar from 1950 to 1981 under

¹⁹ *Vide* Government of Bihar Notification No. Lg-4-012/74-Leg-670, dated April 22, 1976, published in the *Bihar Gazette*, Extraordinary, No. 664, dated April 22, 1976.

²⁰ The Chota Nagpur Tenancy (Amendment) Act, 1975.

²¹ Though there were eighteen sessions of the State Legislature held during that period, the legislative business was transacted only during fourteen sessions. One midnight session was held on August 14/15, 1972, to celebrate the Silver Jubilee of the Indian Independence. During another two-day session from May 9, 1975, to May 10, 1975, both the Houses met on May 9, 1975, for obituary reference and on May 10, 1975, for ratification of the 38th Constitutional Amendment Bill. Similarly, during another two-day session from July 28, 1975, to July 29, 1975, both the Houses met on July 28, 1975, for obituary reference and on July 29, 1975, for discussing the 20-point programme announced by the Prime Minister of India. Lastly, both the Houses met on August 9, 1975, for one day, to discuss the drought situation in the State. No legislative business was transacted during those sessions.

the provisions of Article 213 of the Constitution of India. The following table gives the distribution of those 256 Ordinances by their life-groups.

Life-group (years)	Number of Ordinances	Life-group (years)	Number of Ordinances
Upto 1	59	7 - 8	8
1 - 2	51	8 - 9	4
2 - 3	45	9 - 10	4
3 - 4	21	10 - 11	6
4 - 5	21	11 - 12	4
5 - 6	21	12 - 13	-
6 - 7	11	13 - 14	1

In the re-promulgation of the Chota Nagpur Tenancy (Amendment) Ordinance, 1971, referred to above, it was not necessary for the Governor of Bihar to obtain the prior permission of the President of India to do so. But the re-promulgation of Ordinances by the Governor of Bihar is not confined only to those Ordinances the subject matter of which falls exclusively within his power to enact. He has been re-promulgating Ordinances even where the prior approval of the President of India is necessary for such re-promulgation.

The Bihar Sugar Factories Control Act, 1937,²² was initially of a temporary nature. In 1955, the operation of that Act was made permanent by the Bihar Sugar Factories Control (Amendment) Act, 1955.²³ As the amending Bill, by which that Act was made permanent, as passed by the Bihar Legislature, was not reserved for the assent of the President of India, the provisions of that Act relating to production, supply and distribution of sugarcane were declared, in 1966, by the Patna High Court, as inoperative.²⁴

To obviate the difficulties arising from the above-mentioned judgement of the Patna High Court, the Governor of Bihar promulgated on January 13, 1968, with the prior approval of the President of India, the Bihar Sugarcane (Regulation of Supply and Purchase) Ordinance, 1968.²⁵ As that Ordinance could not be replaced by an Act of the State Legislature, it was re-promulgated again and again thirty-eight times, till December 31, 1981, each time with the prior permission of the President of India,

²² Bihar Act 7 of 1937.

²³ Bihar Act 7 of 1955.

²⁴ *A. K. Jain and others v. Union of India and others* (1966), 1968 Pat. L.J.R. 179, at p. 197.

²⁵ No. 3 of 1968.

RE-PROMULGATION OF ORDINANCES

thereby keeping it alive, in the form of an Ordinance, for a period of thirteen years, eleven months and nineteen days till then, as shown below.

Number of the Ordinance	Date of Re-promulgation	Number of the Ordinance	Date of Re-promulgation
6	28- 2-1968	48	18- 1-1976
13	24- 4-1968	118	22- 4-1976
4	3- 5-1969	195	16- 8-1976
6	20- 7-1969	49	9- 1-1977
8*	31- 8-1969	93	29- 4-1977
20	15- 2-1971	150	21- 7-1977
49	27- 4-1971	197	1- 9-1977
69	19- 7-1971	262	26-12-1977
61	2- 5-1972	20	24- 4-1978
110	5- 7-1972	104	24- 8-1978
165	24- 9-1972	33	5- 2-1979
47	9- 4-1973	76	28- 4-1979
113	26- 8-1973	127	18- 8-1979
15	17- 1-1974	47	5- 3-1980
84	28- 4-1974	78	21- 4-1980
115	23- 7-1974	127	11- 8-1980
36	15- 1-1975	35	19- 1-1981
91	25- 3-1975	125	23- 4-1981
135	19- 6-1975	184	12- 8-1981
183	7- 9-1975		

* President's Act.

It can be seen from Table 8 that out of 256 Ordinances re-promulgated by the Governor of Bihar between 1967 and 1981, 69 Ordinances were re-promulgated by him with the prior permission of the President of India. The following table shows the distribution of those 69 Ordinances according to their life-groups.

Life-group (years)	Number of Ordinances	Life-group (years)	Number of Ordinances
Upto 1	21	7 - 8	2
1 - 2	13	8 - 9	-
2 - 3	15	9 - 10	1
3 - 4	6	10 - 11	2
4 - 5	4	11 - 12	-
5 - 6	2	12 - 13	-
6 - 7	2	13 - 14	1

Modus Operandi of Re-promulgation

The *modus operandi* of re-promulgation of the Ordinances by the Governor of Bihar lies in short compass. Immediately at the conclusion of each session of the State Legislature, a circular letter is sent by the Parliamentary Affairs Department of the State Government to all the Commissioners and Secretaries, Special Secretaries, Additional Secretaries and Heads of Departments of the State regarding the re-promulgation of Ordinances. In that circular letter all the above-mentioned officers are first informed about the date on which the State Legislature has been "got prorogued". It then points out that under the provisions of Article 213 (2) (a) of the Constitution all the Ordinances cease to be in force after six weeks of the re-assembly of the Legislature of the State. It next mentions the dates of re-assembly of both the Houses of the State Legislature for that particular session and the date from which all the Ordinances shall cease to operate if not re-promulgated before that date. After conveying all this information to them, the circular letter asks them to get in touch with the Law Department of the State and take immediate action for getting all the concerned Ordinances re-promulgated, so that all those Ordinances are definitely re-promulgated before the dates of their expiry. Finally, the same circular letter tells them that the approval of the Council of Ministers is not necessary for re-promulgation of the Ordinances in such cases where no amendment is proposed to be made in the previous Ordinance. A copy of that circular letter is sent to the Secretary, Law Department, and the Deputy Secretary, Law (Legislative) Department, for information and necessary action. It may be pointed out here that though the word 're-promulgation' does not appear in the re-promulgated Ordinances, the use of that word five times in the circular letter is certainly not a slip of the pen. Not only is the word 're-promulgation' used five times, but the subject matter itself of the circular letter is also mentioned in it as "re-promulgation of Ordinances."²⁶

Immediately on the receipt of that circular letter, all the Departments submit their files of the Ordinances to be re-promulgated to the Law Department. The Law Department then prepares two lists of the Ordinances to be re-promulgated. The first list contains the names of the Ordinances which are to be re-promulgated with the approval of the Governor only. The second list contains the names of the Ordinances to be re-promulgated after receiving the permission of the President of India. Both these lists, together with the relevant files with an endorsement that the provisions of these Ordinances are proper in the eyes of law, are sent by the Law Department to the Governor's Secretariat.

²⁶ This substantiates the comments made on p. 10 about the 're-promulgation of the Ordinances in the lexicon of the State Government'.

The copies of the Ordinances to be re-promulgated with the approval of the Governor, as shown in the first list, are submitted to the Governor for his approval and signature. The Governor approves and signs them soon after they are submitted to him. The Ordinances duly signed by him are then sent back to the Law Department for re-promulgation by getting them published in the State Gazette.

As regards the re-promulgation of the Ordinances listed in the second list, where the prior approval of the President of India for their re-promulgation is necessary, a separate letter for each of those Ordinances is sent by the Governor's Secretariat to the Ministry of Home Affairs, Government of India, for seeking the approval of the President of India, for re-promulgating that Ordinance, under the provisions of the proviso to clause (1) of Article 213 of the Constitution of India.

Every such letter informs the Ministry of Home Affairs about the date on which that Ordinance was last promulgated, then about the dates on which the last session of the State Legislature was held after the last promulgation of the Ordinance and says that the Ordinance could not be converted into an Act of the State Legislature during that session. The reason for not enacting the Ordinance into an Act, given in each letter, is almost the same, namely, that the State Legislature was busy with the discussion of the Governor's address, budget and passing the Appropriation Bill or that the State Legislature was pre-occupied with passing the Supplementary Budget, though sometimes the only reason given is want of time. Next, after mentioning the date on which that Ordinance shall cease to operate, the letter informs the Ministry of Home Affairs the State Government's decision to promulgate another Ordinance on the subject containing exactly the same provisions as in the existing Ordinance before the date of its expiry. Some letters say that the contents of the proposed Ordinance are exactly the same as those of the existing one. Lastly, the letter requests the Ministry of Home Affairs to obtain the instructions of the President for the promulgation of that Ordinance and communicate the same to the Government at an early date and in any case not later than the date of expiry of that Ordinance.

Though most such letters, sent by the Governor's Secretariat to the Ministry of Home Affairs, attempt, by not using the word 're-promulgation', to keep their own counsel, yet some of them let the cat out of the bag when they say that that was re-promulgated from time to time to save the life of the said Ordinance or that the life of the Ordinance had been extended from time to time or that the State Government had, therefore, decided to re-promulgate the Ordinance or the Ordinance which was due to expire on a particular date was re-promulgated on such and such a date and that it was necessary that the Ordinance should be promulgated again before its date of expiry in order to keep the administrative machinery working.

The sanction of the President of India to the re-promulgation of those Ordinances is conveyed (i) either through the Resident Commissioner, Government of Bihar, New Delhi, who, through a teleprinter message, informs the Governor's Secretariat, with a copy of that message to the Chief Secretary and the Law Secretary, Government of Bihar, of the approval of the President to the promulgation of the Ordinances or (ii) directly by the Home Ministry to the Governor's Secretariat either by a teleprinter message or by a police wireless message saying that the President approves the promulgation of the particular Ordinances. A formal letter of approval follows.

The formal letter, marked as "most immediate" and sent, by registered post, separately for each of the Ordinances to be re-promulgated, conveys the instructions of the President as contained in the enclosed Order which says that in pursuance of proviso to clause (1) of Article 213 of the Constitution, the President approves the promulgation by the Governor of Bihar of the particular Ordinance. That Order is issued by order and in the name of the President and is signed by the Director of the Ministry of Home Affairs, Government of India.

Immediately on the receipt of the teleprinter message or the police wireless message, as the case may be, the Governor signs all those Ordinances mentioned in that message and sends them to the Law Department for promulgating them.

Particular care is taken, at the time of re-promulgating an Ordinance, to provide for the repeal of the existing Ordinance. In this way though earlier Ordinances are repealed, their provisions, even without being shifted about, re-appear in the new Ordinances which, therefore, are nothing but mere reproduction of the old Ordinances.

Legality of Re-promulgation

It is clear that the object of the Governor in repealing an existing Ordinance and re-promulgating the same, with exactly the same contents, is to disguise his collateral unlawful object of indirectly extending the life of the repealed Ordinance. Not only is it highly improper to break the constitutional provisions by a course of contrivance in this way, the re-promulgation is, even *ex-facie*, unconstitutional because the whole scheme of re-promulgation is, in effect, such as proves, beyond an iota of doubt, that it is framed for an illegal purpose, namely, to extend the life of an expiring Ordinance. Taking the bare facts into consideration, it would be difficult to figure a case which leaves less room for doubt about want of *bona fide*. No one can abstract oneself from one's common feelings and shut one's eyes to the plainest indications of common sense as to hesitate for a single moment about the manner in which one should regard such promulgation of an Ordinance. To call it promulgation at all is incorrect; indeed, it is an abuse of the term. It is manipulation through re-promulgation.

Council of Ministers and Re-promulgation

It may also be pointed out here that the assumption²⁷ that once the Council of Ministers has recommended the promulgation of an Ordinance containing certain provisions, that constitutes a *carte blanche* for repeating those provisions in successive Ordinances on the same subject and with the same contents, without fresh recommendation of the Council of Ministers, is unconstitutional. This seems to be, in effect, an assertion of a power to utilize the advice once given by the Council of Ministers for all successive repetitions of the exercise of the relevant power. It is forgotten that what the Constitution contemplates is that each and every act of the Governor, of such a nature, must be based on the aid and advice of the Council of Ministers. To put it in different words, the Governor is expected to act on the strength of such advice in every situation contemplated by the Constitution. When the matter is viewed in such light, it follows that the promulgation of an Ordinance in the month of January of a particular year and the promulgation of another Ordinance on the same subject and in the same terms in, say, the month of May of the same year, are two different constitutional acts, each requiring the support of the Council of Ministers. To borrow the analogy of a car which is propelled by operating the ignition key, if the car once started stops or is made to stop, a fresh ignition is required to start it again. The fact that the same route is taken or the same journey continues is immaterial. The process of ignition, once exhausted, cannot do service after the stoppage of the car. So is it in the case of Ordinances. The maximum duration laid down by the Constitution having been exhausted, if it is proposed to promulgate another Ordinance on the same subject, a fresh propelling element or a fresh constitutional support is needed and such propelling element or constitutional support must be sought only from fresh advice of the Council of Ministers. The advice given earlier exhausted itself on the promulgation of Ordinance on a particular occasion. As a general rule, one advice does service for only one Ordinance, and not for successive repetitions of that Ordinance on an indefinite number of successive occasions. On any other view, the situation would arise that it is the Governor acting on his own who will decide about the repetition (and about the successive repetitions) of the same Ordinance and the Council of Ministers will be completely out of the picture. This seems to be directly contrary to the letter and also to the spirit of the Constitution.

²⁷ See "Re-promulgation of Ordinances" (the circular letter from the Parliamentary Affairs Department of the Government of Bihar to all the Commissioners and Secretaries, Special Secretaries, Additional Secretaries and Heads of Departments of the State), p. 15, in this volume.

In this context, two important expressions used in Article 213 must receive weight. These are :

- (i) the expression "circumstances", and
- (ii) the expression "immediate action".

"Circumstances" indicate a situation existing at a given moment. No doubt, circumstances arising at a given moment may continue to exist, but the expression does imply that judgement regarding action to be taken on the basis of certain circumstances must be exercised with reference to *each moment of time* when the judgement is to be exercised.

This approach is fortified by the words "immediate action". If what is envisaged is that kind of action which is rendered "immediate" by the "circumstances", it follows that the judgement as to the need for action must be exercised afresh every time recourse is had to the Ordinance-making power. In fact, one can even assert without much fear of contradiction that even an Ordinance promulgated and undergoing its normal duration (as permitted by the Constitution) is expected to receive, every moment, the perpetual attention of the Council of Ministers even while the Ordinance is in operation. It can ask the Governor to revoke or modify the Ordinance even before the expiry of its normal duration, if the "circumstances" that rendered its promulgation necessary at a *particular moment* have totally disappeared or materially changed.

Immediacy, denoted by the concept of circumstances requiring immediate action, cannot ordinarily extend over a long period of time, particularly when, in between the two moments of time, there has intervened a regular session of the Legislature. A situation ceases to be "immediate" and assumes semi-permanence in this particular context if it is, in routine, taken as spreading over a large number of years.

It is in this sense that a moment-to-moment examination of the need to retain the Ordinance on the statute-book must be undertaken, if the scheme of the Constitution is to be faithfully adhered to. If this is the true position as regards even an Ordinance already promulgated for the first time, much more should the same be the position where one is concerned with the situation where an Ordinance has expired and the question is whether there has to be a fresh Ordinance in the same terms. To put the matter differently, if the continuation of certain action is itself intended to be kept under review, much more should it be so where the question is one of taking a fresh action on the same lines, when the earlier action has, in point of duration, already come to an end.

Council of Ministers and Promulgation

Though the circular letter under consideration says that the approval of the Council of Ministers is not necessary for re-promulgation of Ordinances in such cases where no amendment is proposed to be made in the

previous Ordinance, the Governor of Bihar has been promulgating even new Ordinances without the advice of the Council of Ministers. For example, he promulgated the Bihar Contingency Fund (Second Amendment) Ordinance, 1981,²⁸ on March 31, 1981, for which the approval of the Council of Ministers had not been obtained before its promulgation. The Chief Minister had approved that Ordinance. It may be pointed out here that both the Houses of the Bihar Legislature were in session upto March 30, 1981. Similarly, the Bihar Co-operative Societies (Amendment) Amending Ordinance, 1981,²⁹ promulgated by the Governor of Bihar on April 15, 1981, also had not received the approval of the Council of Ministers before its promulgation. In that case also the Ordinance was approved by the Chief Minister.

The position regarding the advice of the Council of Ministers in the promulgation of an Ordinance by the President of India under the provisions of Article 123 of the Constitution of India was made clear by the Supreme Court of India in 1970³⁰ when it stated that "under the Constitution, the President being the constitutional head, normally acts in all matters including the promulgation of an Ordinance on the advice of his Council of Ministers. . . . The Ordinance is promulgated in the name of the President and in a constitutional sense on his satisfaction: it is in truth promulgated on the advice of his Council of Ministers and on their satisfaction." As Article 213 of the Constitution of India contains the same provisions, as provided in Article 123, *mutatis mutandis*, for the Governors of the States, it is obvious that the promulgation of an Ordinance by the Governor of a State also has to be made on the advice of his Council of Ministers and on their satisfaction. In 1974³¹ and 1981,³² it was again laid down by the Supreme Court of India that where the Constitution requires the satisfaction of the President or the Governor for the exercise of any power or function by the President or the Governor, as the case may be, the satisfaction required by the Constitution is not the personal satisfaction of the President or the Governor but is the satisfaction of the President or of the Governor in the constitutional sense under the Cabinet system of government. It is the satisfaction of the Council of Ministers on whose aid and advice the President or the Governor generally exercises all his powers and functions.

²⁸ No. 64 of 1981.

²⁹ No. 67 of 1981.

³⁰ *Rustom Cawasjee Cooper v. Union of India* (1970), A.I.R. 1970 Supreme Court 564, at pp. 586-587.

³¹ *Samsher Singh v. State of Punjab and another* (1974), A.I.R. 1974 Supreme Court 2192, at p. 2198.

³² *A. K. Roy v. Union of India and others* (1981), (1982) 1 S.C.C. 271, at p. 297.

Article 74 (1) of the Constitution of India clearly lays down that "there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions." A similar provision is made for the States. Article 163 (1) of the Constitution says that "there shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions" Thus it is clear that the Chief Minister of a State alone does not constitute the Council of Ministers and therefore the promulgation of an Ordinance by the Governor of a State on the advice of the Chief Minister alone is unconstitutional.

A Persuasive Precedent

Expiration under the Government of India Act, 1935

AS SEEN in the second chapter, sub-clause (a) of clause (2) of Article 213 of the Constitution of India says that every Ordinance promulgated by the Governor of a State under the provisions of this Article, during the recess of Legislature, shall be placed before the Legislature when it re-assembles. The same sub-clause further says that if the Legislature disapproves that Ordinance by a resolution, after it is laid before it, the Ordinance shall cease to operate. Finally, that sub-clause says that in case the Legislature does not disapprove that Ordinance, it shall automatically cease to be operative at the expiry of six weeks from the re-assembly of the Legislature. The provisions of Article 213 of the Constitution of India are exactly identical to the provisions contained in section 88 of the Government of India Act, 1935,¹ and sub-clause (a) of clause (2) of Article 213 of the Constitution of India corresponds to clause (a) of sub-section (2) of section 88 of the Government of India Act, 1935.

In a case decided by the Dacca High Court in 1949 under the provisions of section 88 of the Government of India Act, 1935, it was held² that the Governor of a Province cannot continue an Ordinance by another Ordinance so as to evade the provisions of clause (a) of sub-section (2) of that section. An Ordinance, according to the Dacca High Court, must expire at the latest with the expiry of six weeks from the date of

¹ 26 Geo. 5, c.2.

² *Tamizuddin Ahmad v. Province of East Bengal* (1949), A.I.R. 1949 Dacca 33, at p. 40.

re-assembly of the Legislature as provided in clause (a) of sub-section (2) of section 88 unless it was enacted into an Act of the Legislature.

Facts of the Case

The facts of that case were as under : A student of the Dacca University was arrested at Dinajpur on March 13, 1949, for alleged subversive activities under the provisions of section 18 of the Bengal Special Powers Ordinance, 1946,³ as enacted and continued in operation by the East Bengal Ordinances Temporary Enactment and Re-enactment Act, 1948.⁴ On March 15, 1949, the Government of East Bengal issued an order under the provisions of sub-sections (1), (2) and (4) of section 2 of the East Bengal Preventive Detention Ordinance, 1949,⁵ that that student shall be detained until further orders. On May 16, 1949, at the instance of the father of the detenu, a rule was issued on the Chief Secretary to the Government of East Bengal and on the Superintendent of the Dinajpur jail to show cause why the detenu, alleged to be illegally and improperly detained in the Dinajpur jail, should not be set at liberty.

The Ordinance under which the detenu was detained was published in the *Dacca Gazette*, Extraordinary, dated March 10, 1949. The East Bengal Legislative Assembly was summoned to meet on March 11, 1949, which it did. The above-mentioned Ordinance, namely, the East Bengal Preventive Detention Ordinance, 1949, was laid before the said Assembly on March 12, 1949. On the same day, that is, March 12, 1949, a Bill, entitled 'The East Bengal Ordinances Temporary Enactment and Re-enactment' Bill, 1949, which was intended to continue in operation for a period of six months, with effect from March 16, 1949, the provisions of certain Ordinances including the above-mentioned East Bengal Preventive Detention Ordinance, 1949, was introduced in the East Bengal Legislative Assembly. That Bill was passed by that Assembly on March 15, 1949. On April 19, 1949, the Governor of East Bengal reserved that Bill for the consideration of the Governor-General of Pakistan.

As the time had begun to run against the Government in the matter of detentions made under the provisions of the East Bengal Preventive Detention Ordinance, 1949, which was due to expire on April 22, 1949, and as it was not known to the provincial authorities in East Bengal whether the assent of the Governor-General of Pakistan to that Bill would be received in time for action to be taken under its provisions, recourse was had to another Ordinance, namely, the East Bengal Preventive Detention (Continuance) Ordinance, 1949,⁶ promulgated by the Governor of East Bengal as a temporary expedient to bridge a possible gap between the expiry of the East Bengal Preventive Detention Ordinance, 1949, and the

³ Bengal Ordinance 6 of 1946.

⁴ East Bengal Act 12 of 1948.

⁵ East Bengal Ordinance 6 of 1949.

⁶ East Bengal Ordinance 7 of 1949.

coming into force of the East Bengal Ordinances Temporary Enactment and Re-enactment Act, 1949. That Ordinance was published in the *Dacca Gazette*, Extraordinary, dated April 21, 1949.

It was stated in the preamble to that Ordinance, namely, the East Bengal Preventive Detention (Continuance) Ordinance, 1949, that whereas the East Bengal Preventive Detention Ordinance, 1949, would cease to have effect from April 22, 1949, and whereas the provincial Legislature was not in session and the Governor was satisfied that it was urgently necessary in the public interest to continue in operation the said Ordinance and that immediate action should be taken for the purpose, the Governor was pleased to make and promulgate that Ordinance.

Section 2 of that Ordinance provided that the East Bengal Preventive Detention Ordinance, 1949, shall continue in operation and shall have the same force and effect as an Act of the provincial Legislature until the publication of the assent of the Governor-General of Pakistan to the East Bengal Ordinances Temporary Enactment and Re-enactment Bill, 1949, in the official gazette. The Governor-General of Pakistan had assented to that Bill on April 21, 1949.

Resuscitation of an Expiring Ordinance

The new Ordinance, namely, the East Bengal Preventive Detention (Continuance) Ordinance, 1949, came under heavy attack at the hands of the petitioner's counsel, Mr. H. S. Suhrawardy (who later became the Prime Minister of Pakistan). He contended that that Ordinance was *ultra vires*. His argument was that the preamble and section 2 of that Ordinance both stated that that Ordinance was designed to continue the East Bengal Preventive Detention Ordinance, 1949, in operation, and that the Governor had no power under clause (a) of sub-section (2) of section 88 of the Government of India Act, 1935, to continue an expiring Ordinance in operation. He stressed that clause (a) of sub-section (2) of section 88 of the Government of India Act, 1935, was concerned with the death of an Ordinance, not its life. According to him, if an Ordinance was duly laid before the Legislature on its re-assembly and the Assembly did not take any action by way of resolution in disapproval of that Ordinance, then that Ordinance had a life of six weeks only from the date of re-assembly and then must die. And the Governor under clause (a) of sub-section (2) of section 88 of the Government of India Act, 1935, had no power to resuscitate an expiring Ordinance.

On the other hand, the Advocate-General of East Bengal, pointing out the supremacy of the Legislature in its own field — it could repeal an Act or alter it; it could revive a dying enactment — argued that as the powers of the Governor of a Province under the provisions of section 88 of the Government of India Act, 1935, were co-extensive with those of the Legislature of the Province and as an Ordinance promulgated by him had the

same force and effect as an Act of the provincial Legislature assented to by the Governor of the Province, he (the Governor) could, at a time when the Legislature was not in session, if circumstances justifying the promulgation of an Ordinance existed, promulgate an Ordinance to keep alive a dying Ordinance.

As the argument of the Advocate-General did not hold water, it did not pass muster and the Dacca High Court accepted the contention of Mr. Suhrawardy that the impugned Ordinance must expire on April 22, 1949, and the Governor had no power to continue the life of that Ordinance by another Ordinance specifically designed for that purpose. It (the Dacca High Court) held that under the scheme of the Government of India Act, 1935, the Ordinance promulgated by the Governor must die as provided in clause (a) of sub-section (2) of section 88. That Court was of the opinion that if continuance of one Ordinance by another Ordinance was permitted, the Government by Ordinances might be continued indefinitely. The Dacca High Court pointed out that in Mr. Suhrawardy's support was the undisputed fact that the Legislature could not extend the life of an Ordinance. That is why it legislated to continue in operation the provisions of an Ordinance, as was done by the East Bengal Ordinances Temporary Enactment and Re-enactment Act, 1949. Thus the Dacca High Court agreed with the contention of Mr. Suhrawardy that as the Legislature could not extend the life of the impugned Ordinance, so the Governor had no power to do so. Consequently the Dacca High Court declared the East Bengal Preventive Detention (Continuance) Ordinance, 1949, extending the life of the East Bengal Preventive Detention Ordinance, 1949, as *ultra vires*.

A Case of Faulty Reasoning

WHAT WAS DECLARED by the Dacca High Court as illegal is being done by the Governor of Bihar day in and day out since 1967, and the fear of the Dacca High Court that the Government by Ordinances could be continued indefinitely if the mischief was not nipped in the bud has come true in the case of Bihar. Of course the Governor of Bihar has been doing that with a difference. He does not frame the Ordinance, by which he extends the life of an earlier Ordinance, in language which would at once reveal his intention of contravening the Constitution of India and thus render the Ordinance void. He does not promulgate an Ordinance directly providing for the continuance of an earlier Ordinance promulgated by him. Yet he does precisely this, only in an indirect manner. He promulgates an Ordinance, say A, on a certain date. When that Ordinance approaches its expiry date, he promulgates another Ordinance, say B, on the same subject and with exactly the same contents, by which he also repeals Ordinance A. When Ordinance B approaches its expiry date, he promulgates another exactly identical Ordinance, say C, by which he also repeals Ordinance B. In this manner, he goes on replacing one Ordinance by an exactly identical Ordinance year after year for years together till the last Ordinance promulgated by him on the subject is replaced by an Act of the State Legislature or is allowed to expire. This is exactly what has been and is being done by him in the case of hundreds of Ordinances: this is exactly what was done by him in the case of the Chota Nagpur Tenancy (Amendment) Ordinance, 1971, Bihar Ordinance 15 of 1971, and the Bihar Sugarcane (Regulation of Supply and Purchase) Ordinance, 1968, Bihar Ordinance 3 of 1968, the two examples given in the third chapter.

If an Ordinance for continuing the life of an earlier Ordinance is illegal, which has been indisputably held by the Dacca High Court, *a fortiori* must be the re-promulgation, as a device of doing that, illegal. But unfortunately the Patna High Court does not seem to be aware of the above-mentioned judgement of the Dacca High Court nor has that decision apparently been brought to its notice at any time.

Initial Inhibitions

In 1950, the Chief Justice of the Patna High Court, while pronouncing on the validity of the Bihar Preventive Detention Ordinance, 1950,¹ promulgated by the Governor of Bihar on February 15, 1950, under the provisions of Article 213 of the Constitution of India, which happened to be the first interpretation by the Patna High Court of Article 213 of the Constitution of India, remarked, in reply to a contention that the Governor can always frame another Ordinance at the end of six weeks after the re-assembly of the Legislature after its promulgation, that difficulties might arise with regard to successive Ordinances.²

Subsequent View

But in the subsequent decisions of 1972³ and 1975⁴ the view seems to have been substantially modified, marking, if one may say so with respect, a retreat from the earlier position and held that no inference of fraudulent exercise of power by the Governor can be made merely because of promulgation by him of successive Ordinances.

On November 19, 1971, the Governor of Bihar promulgated the Bihar Sales Tax (Fourth Amendment) Ordinance, 1971.⁵ After the promulgation of that Ordinance, the Legislative Council of the State met on December 30, 1971, and the Legislative Assembly re-assembled on March 20, 1972. As that Ordinance was not converted into an Act of the State Legislature, it became due for expiry on May 1, 1972. But before its expiry date another Ordinance, namely, the Bihar Sales Tax (Amendment) Ordinance, 1972,⁶ was promulgated by the Governor of Bihar on April 25, 1972,⁷ containing

¹ No. 2 of 1950.

² *Ratan Roy v. State of Bihar and others* (1950), A.I.R. 1950 Patna 332, at p. 339.

³ *Chakardharpur Biri and Tobacco Merchants' Association and others v. The State of Bihar and others* (1972), 1973 Tax L.R. 2132, at p. 2139.

⁴ *Mathura Prasad Singh and others v. The State of Bihar* (1975), A.I.R. 1975 Patna 295.

⁵ No. 107 of 1971.

⁶ No. 28 of 1972.

⁷ It is submitted with great respect that the Patna High Court seems to be confused about the meaning of the term 'promulgation' when it says that "Ordinance No. 28 of 1972 was promulgated by the Governor on the 22nd of April 1972 and was published in the Bihar Gazette dated the 25th April 1972" or

exactly the same provisions as contained in the Bihar Sales Tax (Fourth Amendment) Ordinance, 1971. The new Ordinance at the same time repealed the earlier Ordinance. After the promulgation of the Bihar Sales Tax (Amendment) Ordinance, 1972, the Legislative Assembly of the State re-assembled on May 17, 1972, and the Legislative Council on May 24, 1972. As that Ordinance was not enacted into an Act by the State Legislature during that session, that Ordinance also became due for expiry on July 5, 1972. In order to prolong further the life of that Ordinance, it was re-promulgated by the Governor of Bihar as the Bihar Sales Tax (Second Amendment) Ordinance, 1972,⁸ on July 3, 1972. The contents of the new Ordinance were exactly the same as those of the earlier one which was repealed by the new one.

In 1972, in a writ petition in the Patna High Court challenging the *vires* of those Ordinances, the counsel appearing for the petitioners contended, besides raising other contentions, that the successive promulgation of an Ordinance was nothing but a fraud on the constitutional power of the Governor to promulgate an Ordinance. The Patna High Court, however, rejected that contention. According to the Patna High Court, merely because the two Houses of the Bihar Legislature sat for some time during the period between the promulgation of Ordinance 107 of 1971 [the Bihar Sales Tax (Fourth Amendment) Ordinance, 1971] and the promulgation of Ordinance 28 of 1972 [the Bihar Sales Tax (Amendment) Ordinance, 1972] and the period between the promulgation of Ordinance 28 of 1972 [the Bihar Sales Tax (Amendment) Ordinance, 1972] and Ordinance 77 of 1972 [the Bihar Sales Tax (Second Amendment) Ordinance, 1972], no inference of fraudulent exercise of power by the Governor can be made.⁹

In the case decided by the Patna High Court in 1975,¹⁰ 28 writ applications were filed in 1974 challenging the *vires* of the Bihar Co-operative

"Ordinance No. 77 of 1972 was promulgated by the Governor on the 30th of June 1972 and it was published in the Bihar Gazette dated the 3rd of July 1972"—see *Chakardharpur Biri and Tobacco Merchants' Association and others v. The State of Bihar and others* (1972), 1973 Tax L.R. 2132, at p. 2134. In fact, an Ordinance is supposed to have been promulgated on a date on which it is published in the *Bihar Gazette*. Thus, the date of promulgation of an Ordinance and the date of its publication in the Gazette is the same thing. The Patna High Court appears to be confusing the date of promulgation of an Ordinance with the date on which an Ordinance is signed by the Governor. The date of signing by the Governor and the date of promulgation are not the same thing. The date which the Patna High Court considers, and wrongly, as the date of promulgation of an Ordinance is, in fact, the date on which the Governor puts his signature on that Ordinance.

⁸ No. 77 of 1972.

⁹ *Chakardharpur Biri and Tobacco Merchants' Association and others v. The State of Bihar and others* (1972), 1973 Tax L.R. 2132, at p. 2139.

¹⁰ *Mathura Prasad Singh and others v. The State of Bihar* (1975), A.I.R. 1975 Patna 295.

Societies (Sixth Amendment) Ordinance, 1974,¹¹ which was promulgated by the Governor of Bihar on September 12, 1974. After the promulgation of that Ordinance, the Legislative Assembly of the State met from December 4, 1974, to January 4, 1975, and the Legislative Council from December 4, 1974, to January 7, 1975. As that Ordinance was not converted into an Act of the State Legislature during that session of the State Legislature, it became due for expiry on January 15, 1975.¹²

As it was apprehended that that Ordinance, namely, the Bihar Co-operative Societies (Sixth Amendment) Ordinance, 1974, would be re-promulgated, a petition for amending the earlier writ applications was filed, when those applications came to be heard, for permission to challenge the validity of the new Ordinance. As in the meantime that Ordinance was re-promulgated in the shape of the Bihar Co-operative Societies (Second Amendment) Ordinance, 1975,¹³ the amendment for challenging the above-mentioned Bihar Co-operative Societies (Second Amendment) Ordinance, 1975, was allowed by the Patna High Court.

The counsel for the petitioners submitted in support of his submission to quash the said Ordinance, in addition to several other points, that it was not permissible for the Government of Bihar to go on ruling the State by successive Ordinances. The Patna High Court, however, rejected that submission. It may be useful to reproduce here the pronouncement of the Patna High Court in that case in this matter.

"... An Ordinance has to be promulgated to bring forth an emergent legislation, when the Legislature is not in session. The Governor or the Government could not by-pass the Legislature and go on governing the State by successive Ordinances instead of seizing the earliest opportunity to bring Bills on the lines of the Ordinance and getting the same passed by the Legislature. There cannot be any doubt with regard to the intention of the founding fathers of the Constitution that rule by successive Ordinances was not contemplated under the Constitution. The provision in Article 174 of the Constitution, that more than six months shall not intervene between the last sitting in one session and the date appointed for the first sitting of the next session of the Legislature, obviously wanted to place the control of Legislature over the Ordinance-making power of the Governor. But the Constitution having

¹¹ No. 173 of 1974. In *Mathura Prasad Singh and others v. The State of Bihar* (1975), supra at p. 297, the title of this Ordinance is wrongly given as 'the Bihar Co-operative Societies (First Amendment) Ordinance, 1974'.

¹² In *Mathura Prasad Singh and others v. The State of Bihar* (1975), supra at pp. 297 and 298, it is stated that the Bihar Ordinance 173 of 1974 had lapsed. As that Ordinance, that is, Ordinance No. 173 of 1974, was repealed on the date on which it was due to expire, that is, January 15, 1975, by Ordinance No. 35 of 1975, one wonders if one can say that Ordinance 173 of 1974 had lapsed.

¹³ No. 35 of 1975.

vested the Governor with power to promulgate Ordinance when Legislature is not in session and such an Ordinance is given the same force and effect as an Act of Legislature within the limits as provided by Article 213, it is not for the Court to declare such an Ordinance *ultra vires* on this score. It is for the Legislature of the State to disapprove of it, if the State is sought to be ruled by successive Ordinances, as and when it meets, or for the electorate to disapprove of the conduct of its accredited representatives for having ruled the State by means of Ordinances and reject them at the next poll. The Court's power in this regard is not co-extensive with that of the Legislature so long the Ordinance does not ... the limits of the State's law making power. ..."

Re-assembly of the Legislature and Re-promulgation

These judgements of the Patna High Court, delivered in 1972 and 1975, are, it is submitted with great respect, based on misconception of law. If taken to their logical conclusion, they may lead to unintended results. As regards the proposition of the Patna High Court that no inference of fraudulent exercise of power by the Governor of Bihar can be made merely because the two Houses of the Bihar Legislature sat for some time during the period between the promulgation of an Ordinance by the Governor and its re-promulgation by him, it is an entire misconception of law. As seen earlier, an Ordinance promulgated by the Governor of a State, under the provisions of Article 213 (1) of the Constitution of India, remains in force as long as the Legislature of that State does not meet. The moment the Legislature of the State meets, the life of the Ordinance is fixed. It can remain in force, according to the provisions of Article 213 (2) (a) of the Constitution of India, only for six weeks from the re-assembly of the Legislature. So, the meeting of the Legislature is the only factor which decides the question of life or death of an Ordinance. It is inextricably interwoven with it. If it were not so, the question of re-promulgation of that Ordinance would not have arisen at all. The original Ordinance would have continued to remain in force. As there are no two opinions that an Ordinance promulgated by the Governor of a State, under the provisions of Article 213 (1) of the Constitution of India, must expire after six weeks of the re-assembly of the State Legislature, its successive repeal and re-promulgation by the Governor by another exactly identical Ordinance after the conclusion of each session of the State Legislature is meant to indirectly extend the life of the earlier Ordinance and is against the provisions of Article 213 (2) (a) of the Constitution of India and hence a fraud on the Constitution. It was observed by a judge of the Supreme Court of India while delivering his judgement in 1952, in a case from Bihar, that "the failure to comply with the constitutional condition for the exercise of legislative power may be overt or it may be covert. When it is overt, we say the law is obviously bad for non-compliance with the

requirements of the Constitution, that is to say, the law is 'ultra vires'. When, however, the non-compliance is covert, we say that it is a fraud on the Constitution, the fraud complained of being that the Legislature pretends to act within its power while in fact it is not so doing."¹⁴

Legislature and Re-promulgation

The proposition laid down by the Patna High Court in 1975¹⁵ is that the Constitution having vested the Governor with the power to promulgate an Ordinance when the Legislature is not in session and such an Ordinance being given the same force and effect as an Act of the Legislature, it is not for the court to declare such an Ordinance *ultra vires* on the ground of its successive promulgation, but it is for the Legislature of the State to disapprove of it as and when it meets. It is submitted with great respect that this proposition is completely untenable. Even though the legislation by the Governor of a State, in the form of an Ordinance, has been accorded the same force and effect as legislation by the Legislature of a State, yet there is one fundamental difference between the two. The legislation by the Legislature of a State is of permanent character, unless specified otherwise therein. But the legislation by the Governor of a State has not been given that status. It is a temporary measure.¹⁶⁻¹⁷ It remains in force only for six weeks after the re-assembly of the Legislature after its promulgation, unless a resolution disapproving it is passed by the Legislature before the expiry of that period. The idea behind giving that legislation a life of six weeks after the re-assembly of the Legislature obviously is to enable the Legislature of a State to convert that temporary legislation into a permanent one, if necessary. The Legislature can even reject that temporary legislation by a resolution if it does not approve of it for some reason. But that rejection also has to take place before the expiry of six weeks after the re-assembly of the Legislature.

If the session of the Legislature lasts for more than six weeks and if within six weeks of its re-assembly the Legislature neither converts that Ordinance into its own Act nor rejects it by a resolution, then the fate of the Ordinance is sealed. If the session of the Legislature lasts for a period less than six weeks from its re-assembly and if, during that session, the Ordinance is neither replaced by an Act of the Legislature nor rejected by a resolution passed by the Legislature, the fate of the Ordinance is

¹⁴ *The State of Bihar v. Sir Kameshwar Singh* (1952), A.I.R. 1952 Supreme Court 252, at p. 292, per Das, Justice.

¹⁵ *Mathura Prasad Singh and others v. The State of Bihar* (1975), A.I.R. 1975 Patna 295.

¹⁶ *R. K. Garg v. Union of India and others* (1981), (1981) 4 S.C.C. 675, at p. 687.

¹⁷ *A. K. Roy v. Union of India and others* (1981), (1982) 1 S.C.C. 271, at p. 290.

settled in that case also. As it is not enacted into a permanent legislation, it is not approved for continuation beyond six weeks after the re-assembly of the Legislature. In other words, it is not done away with immediately but is sentenced to death and sent to the condemned cell. It must get up there to give up the ghost on doom's day. Of course, the Governor can kill it even before its doom's day. In case it is not killed before that fateful day, then as soon as six weeks after the re-assembly of the Legislature expire, it goes out of the bounds of not only the Legislature but even the Executive. It goes to its last account. It expires. It becomes obsolete.

Thus it is evident that the Legislature has jurisdiction over an Ordinance for a maximum period of six weeks from its re-assembly. If it is prorogued before the expiry of six weeks from its re-assembly then it loses its control over the Ordinance from the date of its prorogation although it has sealed its fate if it has not replaced it by its own Act or disapproved it by its resolution before its prorogation. If, after the prorogation of the Legislature, the Executive tries to prolong the life of the 'condemned to death' Ordinance by any means, direct or indirect, it is for the court and the court alone to step in and say that it cannot be done under the Constitution. It is the duty of the court of law to see that the one 'condemned to death' dies. It is for the court to give effect to the provisions of the Constitution and not to do away with, or whittle down, the powers conferred upon it for that purpose by the Constitution.

This can be explained by giving an illustration. Suppose that the Governor of Bihar promulgates an Ordinance on March 1, 1981. Suppose that the Legislative Assembly of Bihar re-assembles on March 1, 1981,¹⁸ and the Legislative Council on March 2, 1981. Suppose that both the Houses of the Bihar Legislature are prorogued after meeting on March 31, 1981. Suppose that that Ordinance is neither replaced by an Act of the Legislature nor disapproved by the Legislature by a resolution during that session. According to the constitutional provisions that Ordinance becomes liable to expire on April 13, 1981. Suppose that that Ordinance is re-promulgated on April 13, 1981. Suppose that the next session of the State Legislature is scheduled to commence from September 25, 1981. Now, if some one files a writ petition in the Patna High Court on April 14, 1981, challenging the validity of the new Ordinance on the ground that it is not

¹⁸ No eyebrows need be raised on giving the same date to the promulgation of an Ordinance and the re-assembly of the Legislative Assembly in this illustration. The Governor of Bihar promulgated the Bihar Legislature (Members' Salaries, Allowances and Pension) (Third Amendment) Ordinance, 1981, Bihar Ordinance 203 of 1981, on the date of the re-assembly of the Bihar Legislative Assembly on December 10, 1981. It must have been considered 'proper in the eyes of law' because the session of the Legislative Council commenced from December 14, 1981. Cases are not rare when the Governor of Bihar has promulgated Ordinances a day or two before the re-assembly of the Legislature.

permissible for the Governor of Bihar to extend the life of the earlier Ordinance, which was liable to expire on April 13, 1981, it is incumbent upon that Court to decide itself at the earliest the constitutionality of the re-promulgation of that Ordinance. It cannot, it is submitted with respect, ask the applicant to go to the Legislature when it meets next and ask it to disapprove of that Ordinance when it is laid on its table.

Moreover, approval or disapproval of an action by the Legislature is a political step. Want of disapproval of an act of the Executive, which is of doubtful constitutional validity, cannot, it is submitted, be conclusive on the question of its legality. Even positive approval cannot cure an illegality. This may be explained further. The political approval of a measure by the Legislature on the one hand and the need for legal compliance with constitutional requirements on the other hand are two different things. The Patna High Court judgement attributes importance only to the former, putting the latter in a low key or even in a negative key. Such an approach, it is submitted with respect, represents a mixing up of the two distinct facets mentioned above. The fact that a certain measure in the constitutional field requiring political approval has, in fact, received express approval merely means that that part of the constitutional scheme is satisfied. The same is the situation where the measure in question has received the implicit approval of the Legislature. But such approval (express or implied) does not increase the validity or decrease the invalidity of any action which, in the scheme of the Constitution (as properly interpreted) transgresses that scheme. To put it differently, the power that flows from a particular fountain (represented by a specific Article of the Constitution) must be faithful to that fountain. It must not overflow its banks. If the power itself does not exist because the source does not sanction such a flow, the fact that the Legislature (or any other institution) showers its approval thereon does not cure the transgression.

Each exercise of a constitutional power must take its rise or fall from the constitutional provision that is the fountain of that power, and from that provision only. Action which goes beyond the scope of that power cannot seek to derive sustenance for its validity from some other constitutional provision which is not relevant to the power under consideration. No other constitutional provision can act as a fortifying element. For example, if the Governor of a State promulgates an Ordinance on a subject which falls outside the boundaries of his legislative powers, can it be argued that approval of the Ordinance by the Legislature cures the defect? One must then come back to the specific wording of the Article conferring power to promulgate an Ordinance and must determine the source of power by a strict construction of that wording. Any other fortifying element drawn from a region outside that particular power is powerless to expand the scope or to mould the interpretation of the Article. This is particularly

so where the power is of an extraordinary character, meant for unforeseen circumstances only. If on such a construction it is found that the particular exercise of the power goes beyond what is sanctioned by the particular Article, such exercise must be held to be void, and approval or want of disapproval by the Legislature can have no legal relevance for determining the question of constitutional validity. And it is the duty of the court of law to check every transgression of the constitutional powers.

Failure of the Bihar Legislature

To say all this is not to deny the fact that the Bihar Legislature is also equally responsible for this sorry state of affairs in Bihar. Not only has it not resisted inroads on its rights by the Executive, it has, in fact, virtually abdicated its powers, given to it under Article 245 (1) of the Constitution of India, to make laws for the State, in favour of the Executive of the State. It is amply clear from this study that the Executive in Bihar has been managing, since 1967, to control the Legislature and with its (Legislature's) acquiescence to misuse or abuse the Ordinance-making power of its Governor.

Articles 168 to 212 of the Constitution of India deal with different matters connected with the State Legislatures. Then comes Article 213 which gives the Governors of the States the powers to promulgate Ordinances during the recess of the State Legislatures to meet the requirements of urgent necessity. It is, thus, evident, without a shadow of doubt, from the provisions made in Articles 168 to 212 read with Article 245 (1) that the Constitution intends the law-making functions of the States to be discharged by the State Legislatures only.

As regards the legislative powers of the Executive, it has been observed by the Supreme Court of India that "the President is under the Constitution not the repository of the legislative power of the Union, but with a view to meet extraordinary situations demanding immediate enactment of laws, provision is made in the Constitution investing the President with power to legislate by promulgating Ordinances."¹⁹ Similarly, the Governor of a State is also basically an executive head. It was not the intention of the framers of the Constitution that he should go on functioning as the Legislature of the State. In any determination of the question this consideration seems to be of paramount importance. The Constitution allots the legislative power and the executive power to two different constitutional organs. It is true that the classical theory of separation of powers has not been articulated in the Constitution of India in so many words and may not apply in all its fullness to India. At the same time, it cannot be overlooked that implicit in the constitutional scheme is the principle that

¹⁹ *Rustom Cavasjee Cooper v. Union of India* (1970), A.I.R. 1970 Supreme Court 564, at p. 587.

the organ to which a particular power is allotted should exercise that power and the power should not be exercised by any other organ. If one organ assumes a function not allotted to it, such action causes violence to the constitutional scheme. This is exactly what happens when the Governor by re-promulgating Ordinances as a matter of routine encroaches upon the domain of the Legislature. Such routine action doubly violates the constitutional scheme. On the one hand, the Governor who is basically an executive authority thereby comes to exercise the functions of the Legislature in an area and in a manner not contemplated by the Constitution. On the other hand, the Legislature, which is expected to exercise legislative functions itself, is thereby prevented from doing so. By leaving the matter entirely to the Governor, the Legislature, as said earlier, in effect, not merely delegates its functions but really abdicates its functions. This it cannot do, if it is to pay homage to the Constitution.

It was held by the Supreme Court of India in 1951²⁰ and repeated in 1954²¹ that it is not open to the Legislature to strip itself of its essential legislative function and vest the same in an extraneous authority. The primary or essential duty of law-making has got to be discharged by the Legislature itself; delegation may be resorted to only as a secondary or ancillary measure. In another case also decided by the Supreme Court of India in 1954,²² it was laid down by that Court that the Legislature cannot delegate its function of laying down legislative policy in respect of a measure and its formulation as a rule of conduct. The Legislature must declare the policy of the law and the legal principles which are to control any given cases, and must provide a standard to guide the officials or the body in power to execute the law. In 1960,²³ it was again laid down by the Supreme Court of India that a Legislature cannot delegate its essential legislative function in any case. It must lay down the legislative policy and principle, and must afford guidance for carrying out the said policy before it delegates its subsidiary powers in that behalf.

As self-effacement of legislative powers by the Legislature in favour of the Executive is not permitted under the provisions of the Constitution of India, the Bihar Legislature also is playing a fraud on the Constitution by doing it indirectly. It does not ask the Executive directly and expressly to legislate in its place, but it does so indirectly and by implication when

²⁰ *In re Article 143, Constitution of India, and Delhi Laws Act, 1912* (1951), A.I.R. 1951 Supreme Court 332, at p. 397.

²¹ *Edward Mills Co. Ltd., Beawar and others v. State of Ajmer and another* (1954), A.I.R. 1955 Supreme Court 25, at p. 32.

²² *Harishankar Bagla and another v. The State of Madhya Pradesh* (1954), A.I.R. 1954 Supreme Court 465, at p. 468.

²³ *Vasanlal Maganbhai Sanjanwala, and the Pratap Spinning, Weaving and Manufacturing Co. Ltd., v. The State of Bombay* (1960), A.I.R. 1961 Supreme Court 4, at p. 7.

it does not reject the hundreds of Ordinances being promulgated and re-promulgated by the Governor of that State in season and out of season.

No doubt, when a measure is introduced into a Legislature, it is subjected to all obstacles and delays that parliamentary ingenuity can suggest. It certainly adds considerably to protraction of debates and thereby entails larger calls upon the time of members of a Legislature. But the Constituent Assembly was not unaware of it when it framed the Constitution. It deliberately provided for the scrutiny by the Legislature of all measures, which eventually may assume legislative shape, but the principles and scope of which call for enquiry and deliberation before they are cast into the form of an enactment. The reason is that its intention was to give opportunity to the representatives of the people to indulge in full and free discussion and criticism of the policies of the Government. The Government stands to gain by this procedure because it gets an opportunity to explain its policies, remove misapprehensions and answer criticisms and attacks. The Government even profits by criticism made on the floor of the House with due sense of responsibility by competent representatives of the people who treat a legislative measure with patience, with meticulous attention and with greater temper. It is only when this opportunity of criticising the policies of the Government is denied to the representatives of the people that that criticism finds place in scurrilous papers and is uttered by irresponsible people. Thus, the discussion in the Legislature is in the interest of the Government because it provides to the Government means of making known its policies or of answering criticisms or animadversions or of silencing calumny. The discussion in the Legislature is also desirable in the interest of the public who, in the absence of the official information, are apt to be misled, to form erroneous apprehensions, and to entertain unjust ideas.

But unfortunately the Executive in Bihar has, by successively re-promulgating the Ordinances, assumed the legislative powers into its own hands and thereby frustrated all the good intentions of the framers of the Constitution. Still, the Constitution does not permit the Executive to wreck the constitutional machinery and cut at the very root of parliamentary system by taking over the legislative functions of the Legislature into its own hands. Nor does it permit the Legislature to become dormant by handing over its legislative powers to the Executive. It has been laid down very clearly by the Supreme Court of India that the Constitution of India does not contemplate assumption by one organ, or part of the State, of functions that essentially belong to the other.²⁴ In the United States of America also, a rule has been deduced by the Supreme Court of the United States of America, as a conclusion logically following from the separation of

²⁴ *Rai Sahib Ram Jawaya Kapur and others v. The State of Punjab* (1955). A.I.R. 1955 Supreme Court 549, at p. 556.

the three departments of the Government, namely, legislative, judicial and executive, in the American constitutional system, that the power vested in each branch of the Government cannot be vested in any other branch, nor can one branch interfere with the power possessed by any other branch.²⁵⁻²⁶

Electorate and Re-promulgation

As regards the proposition laid down by the Patna High Court that it is for the electorate to disapprove of the conduct of its accredited representatives for having ruled the State by Ordinances and reject them at the next poll, this too is, it is submitted with respect, a total misconception of the provisions of the Constitution of India. The electorate gets an opportunity to elect its representatives once in five years. If after their election the elected representatives start playing fraud on the Constitution of India, the Constitution nowhere asks the electorate to see helplessly that fraud being perpetrated upon the Constitution and wait till it gets an opportunity after five years to vote them out. Legalities apart, Table 4, which gives the average number of the Ordinances promulgated per month by different Governments of different political parties in Bihar from 1967 to 1981, shows that as far as the electorate is concerned, it is Hobson's choice. That Table reveals that before 1971 the State of Bihar used to strike fire, as far as the promulgation of the Ordinances is concerned, but it was set on fire in 1971 when a non-Congress coalition Government promulgated 63 Ordinances in a period of five months of its rule (from the beginning of January to the end of May, 1971).²⁷ The next coalition Government, with Congress Party's participation in it, promulgated 51 Ordinances during its seven months' rule. Thereafter every Government, without exception, irrespective of its political label, Congress as well as non-Congress, as if to vie with each other, has been adding fat to that fire not only to keep the flames of the Ordinances alive but even to raise those flames higher and higher. Thus, they (the accredited representatives) cannot be black-balled on this ground.

²⁵ *Hallet Kilbourn v. John G. Thompson et al* (1881), 26 Law. Ed. 377, at p. 387.

²⁶ *Milton E. Springer v. Government of the Philippine Islands; and Gregorio Agencillo v. Government of the Philippine Islands* (1928), 72 Law. Ed. 845, at p. 849, per Justice Sutherland.

²⁷ In fact this Government had come into power on December 22, 1970, and remained in the saddle till June 1, 1971. It can be seen from Table 4 that this Government promulgated 64 Ordinances from December 22, 1970, to June 1, 1971. Table 3 shows that from December 22, 1970, to December 31, 1970, only one Ordinance was promulgated by this Government. The number of the Ordinances promulgated by this Government from January 1, 1971, to June 1, 1971, have, therefore, been shown here as 63.

Courts and Re-promulgation

It is true that the judiciary has, under the Constitution of India, no power to compel the Executive to initiate legislation or to compel the Legislature to legislate, but it certainly has the power to declare the usurpation of the legislative power by the Executive or the surrender by the Legislature of its legislative power to the Executive, as has been done in Bihar, void and thereby confine the executive power within its proper bounds. Under the general constitutional pattern of administrative and judicial relationship, where the governmental functions are divided into legislative, judicial and executive, the courts serve as checks on the other two organs of the Government, namely, the legislature and the executive, and see that they do not transgress, directly or indirectly, the limits of their powers. There is no doubt that the courts cannot challenge the wisdom or expediency of promulgation of a particular Ordinance. That is the province of the Governor or the Council of Ministers on whose advice he promulgates that Ordinance. But the re-promulgation of an Ordinance is a legal issue and not a political one and therefore the courts can, and should, confine the executive within the bounds of legality.

As the Constitution of India has conferred powers and imposed duties on a court of law to uphold the Constitution, the Patna High Court cannot, it is submitted with respect, ask a person with a grievance with regard to what somebody might believe to be an abuse of power by the Governor of Bihar to seek the redress of that grievance not in the court of law but somewhere else. Such a view is fraught with grave constitutional danger. It is the duty of the Patna High Court, and for that matter all the High Courts and the Supreme Court of India, to strike down, without the slightest hesitation, any misuse, manifest or covert, of this constitutional power by the Executive.

Lastly, it is respectfully submitted that when the Patna High Court has no doubt about the intention of the founding fathers of the Constitution that rule by successive Ordinances was not contemplated under the Constitution of India, its interpretation of Article 213 of the Constitution should square with the established canon of construction that "whoever would consider an Act well ought always to have particular regard to the intent of it, and according as the intent appears he ought to construe the words";²⁸ for, *qui haeret in litera, haeret in cortice*. It is a well recognised principle of interpretation of Statutes that "the key to the opening of every law is the reason and spirit of the law — it is the *animus imponentis*, the intention of the law-makers".²⁹ It was said in 1560 that "the

²⁸ *Henry Willion v. Henry Berkley* (1561), 1 Plowd. 223, at p. 231.

²⁹ *Rosamund Brett v. John Brett* (1826), 3 Add. 210, at p. 216.

judges of the law in all times past have so far pursued the intent of the makers of Statutes, that they have expounded Acts which were general in words to be but particular where the intent was particular."³⁰ Thereafter also it was emphasised that "the intent of the Statutes is more to be regarded and pursued than the precise letter of them, for often times things, which are within the words of Statutes, are out of the purview of them, which purview extends no further than the intent of the makers of the Statutes, and the best way to construe a Statute is according to the intent rather than according to the words."³¹ It was further laid down that in pursuing the intention of a Statute, "if, in order to make that intention effective, it is necessary to suppress words in the Statute, the words must be suppressed".³² It has been laid down by the House of Lords also that "the mere literal construction ought not to prevail if it is opposed to the intention of the legislature, as apparent by the Statute".³³

It was held by the Supreme Court of the State of New York that "A thing which is within the intention of the makers of a Statute is as much within the Statute as if it were within the letter; and a thing which is within the letter of the Statute is not within the Statute, unless it be within the intention of the makers."³⁴ A similar expression of view is found in a judgement of the Supreme Court of the United States of America that "A thing may be within the letter of a Statute and not within its meaning, and within its meaning, though not within its letter. The intention of the law maker is the law."³⁵ The law reports of England and the United States of America are full of authorities to the effect that the fundamental principle of interpretation of a Statute or the Constitution respectively is to give effect to the intent of the framers of the law, even against its letter.

Without giving further numerous illustrations of this principle from the English or American law reports, it may be mentioned here that even the Supreme Court of India has laid down in 1952, in a case from Bihar, that "if two constructions are possible, the Court should adopt that which will implement and discard that which will stultify the apparent intention of the makers of the Constitution."³⁶

³⁰ *Sir Thomas Stradling v. Rowland Morgan* (1560), 1 Plowd. 199, at p. 204.

³¹ *Thomas Eyston v. Richard Studd* (1574), 2 Plowd. 459, at pp. 464-465.

³² *R. v. Vasey* (1905), 2 K.B. 748.

³³ *Caledonian Railway Company v. North British Railway Company* (1881), 6 App. Cas. 114, at p. 122.

³⁴ *People v. Utica Ins. Co.*, 8 Am. Dec. 243 [*vide Territory of Hawaii v. Osaki Mankichi* (1903), 47 Law. Ed. 1016, at p. 1021].

³⁵ *Henry A. Symthe v. Henry C. Fiske* (1874), 23 Law. Ed. 47, at p. 49.

³⁶ *The State of Bihar v. Sir Kameshwar Singh* (1952), A.I.R. 1952 Supreme Court 252, at p. 285, per Das, Justice.

Conclusion

In conclusion, there is obviously a serious flaw in the judgement of the Patna High Court. Once the view is taken that the power to promulgate an Ordinance was not intended by the founding fathers of the Constitution so as to permit a rule by successive Ordinances, then it should logically follow that any transgression of the constitutional mandate should find itself visited with appropriate constitutional remedy. It is the fundamental maxim of our legal system that a legal wrong must be followed by a legal remedy. There are, no doubt, some exceptions to this rule, but those exceptions are few and far between. If this is the general rule in regard to ordinary legal wrongs, there are stronger grounds for the same approach where one is concerned with a constitutional wrong. This conclusion can be supported not only on the basis of the general legal maxim (stated above), but also on the basis of the intentions of the Constitution makers. The Preamble to the Constitution proclaims India to be a Democratic Republic. Each and every provision of the Constitution ought to be interpreted in the light of this governing philosophy. Moreover, the Constitution is the fundamental law of the land and itself gives a clue for solving the problem under consideration by vesting the legislative power in the Legislature, of which the Governor is *merely a limb*. It is unthinkable that one limb of the legislative organ should (as a routine) function in the capacity of the Legislature, thereby supplanting the democratic element of the organ. This reasoning is put forth here to indicate the intention of the Constitution makers and to buttress the argument that for such a serious departure from the governing philosophy of the Constitution and from the express text of the Constitution, the Constitution makers must have contemplated a remedy of a legal and enforceable nature, and not merely a remedy of a political and discretionary character. When the matter is viewed in this light, the conclusion is inescapable that (i) re-promulgation of Ordinances is a constitutional breach, and (ii) it is a breach which is intended to be remedied by legal process and not merely by political sanctions. For these reasons, the Patna High Court ought, it is submitted with respect, to have taken the view that the situation involved an illegality calling for appropriate judicial intervention. On any other view, important and fundamental constitutional provisions would become nugatory.

Final and Conclusive Verdict Awaited

Supreme Court and Ordinances

THE PROBLEM of re-promulgation of the Ordinances has not come up before the Supreme Court of India so far, but the question of judicial review of the President's or Governor's satisfaction regarding the existence of circumstances necessitating the promulgation of an Ordinance has been debated several times before that Court. The present position of the Supreme Court on the subject regarding the latter is as under :

In 1970,¹ it was argued before the Supreme Court on behalf of the petitioner that the existence of circumstances necessitating the promulgation of an Ordinance by the President of India was justiciable, that is, it was open to the court to see whether there existed certain circumstances, and secondly such circumstances were relevant to the purpose of promulgating an Ordinance on a particular subject and for the formation of opinion by the President that they rendered it necessary for him to take immediate action. But the contention on behalf of the respondents was contrary to that. As the Ordinance had been replaced by an Act of the Parliament, the Supreme Court did not decide the question because it was not necessary for it to do so. It, however, observed that the "exercise of the power is strictly conditioned. The clause relating to the satisfaction is composite : the satisfaction relates to the existence of circumstances, as well as to the necessity to take immediate action on account of these circumstances. Determination by the President of the existence of circumstances and the

¹ *Rustom Cavasjee Cooper v. Union of India* (1970), A.I.R. 1970 Supreme Court 564, at pp. 587-588.

necessity to take immediate action on which the satisfaction depends, is not declared final".

In 1974,² the Supreme Court stated the well settled principle, based on the decision of 1931³ of the Privy Council, that "the necessity of immediate action and of promulgating an Ordinance is a matter purely for the subjective satisfaction of the Governor. He is the sole judge as to the existence of the circumstances necessitating the making of an Ordinance. His satisfaction is not a justiciable matter". To this also the Court added that after the coming into force of the President's Act which had replaced the Ordinance under attack, "this question had become merely academic".

In 1975, Articles 123, 213 and 239B,⁴ empowering the President of India, the Governor of a State and the Administrator of a Union territory respectively to promulgate Ordinances, were amended by sections 2, 3 and 4 respectively of the Constitution (Thirty-Eighth Amendment) Act, 1975. Those sections inserted clause (4), in each of the above-mentioned Articles, which provided that notwithstanding anything in the Constitution, the satisfaction of the President, Governor and the Administrator mentioned in clause (1) of those Articles "shall be final and conclusive and shall not be questioned in any court on any ground".

In 1979, however, the above-mentioned clause (4) in Articles 123, 213 and 239B was omitted by sections 16, 27 and 32 respectively of the Constitution (Forty-Fourth Amendment) Act, 1978.

In 1981,⁵ it was argued before the Supreme Court that the deletion of clause (4) in the above-mentioned Articles was a positive indication that the Parliament did not want the satisfaction of the Executive in promulgating an Ordinance as "final and conclusive" but wanted it to be open to judicial scrutiny. The Supreme Court also was of the view that "it is arguable that the 44th Constitution Amendment Act leaves no doubt that judicial review is not totally excluded in regard to the question relating to the President's satisfaction". But at the same time it refused to discuss in greater length the question as regards the justiciability of the President's satisfaction in promulgating Ordinances on the ground that it was not necessary for the Court to decide that question because the Ordinance had been replaced by an Act of the Parliament by then. It was argued that if the replacement of an Ordinance by an Act of the Parliament was the reason for the Court's refusal to consider the question of justiciability of the President's satisfaction in promulgating an Ordinance, then there will

² *M/s. S. K. G. Sugar P. Ltd. v. State of Bihar and others* (1974), A.I.R. 1974 Supreme Court 1533, at pp. 1536-1537.

³ *Bhagat Singh and others v. Emperor* (1931), A.I.R. 1931 Privy Council 111.

⁴ Inserted by section 3 of the Constitution (Twenty-Seventh Amendment) Act, 1971.

⁵ *A. K. Roy v. Union of India and others* (1981), (1982) 1 S.C.C. 271, at pp. 296-297.

be hardly any occasion for the Court to consider that question because the challenged Ordinance is almost invariably replaced by an Act by the time the matter comes up for hearing before the Court. The answer of the Supreme Court to that contention was that though there was truth in that argument, "all the same, the position is firmly established in the field of constitutional adjudication that the court will decide no more than needs to be decided in any particular case. Abstract questions present interesting challenges, but it is for scholars and textbook writers to unravel their mystique. It is not for the courts to decide questions which are but of academic importance". The Court further observed that "the other reason why we are not inclined to go into the question as regards the justiciability of the President's satisfaction under Article 123 (1) is that on the material which is placed before us, it is impossible for us to arrive at a conclusion one way or the other. We are not sure whether a question like the one before us would be governed by the rule of burden of proof contained in section 106 of the Evidence Act, though we are prepared to proceed on the basis that the existence of circumstances which led to the passing of the Ordinance is especially within the knowledge of the executive. But before casting the burden on the executive to establish those circumstances, at least a *prima facie* case must be made out by the challenger to show that there could not have existed any circumstances necessitating the issuance of the Ordinance. Every casual or passing challenge to the existence of circumstances, which rendered it necessary for the President to take immediate action by issuing an Ordinance, will not be enough to shift the burden of proof to the executive to establish those circumstances. Since the petitioners have not laid any acceptable foundation for us to hold that no circumstances existed or could have existed which rendered it necessary for the President to take immediate action by promulgating the impugned Ordinance, we are unable to entertain the contention that the Ordinance is unconstitutional for the reason that the pre-conditions to the exercise of the power conferred by Article 123 are not fulfilled. That is why we do not feel called upon to examine the correctness of the submission made by the learned Attorney-General that in the very nature of things, the "satisfaction" of the President which is the basis on which he promulgates an Ordinance is founded upon materials which may not be available to others and which may not be disclosed without detriment to public interest and that, the circumstances justifying the issuance of the ordinance as well as the necessity to issue it lie solely within the President's judgment and are, therefore, not justiciable".

Observations Analysed

Anyway, it is clear that after the thirty-eighth and forty-fourth amendments of the Constitution, the proposition that the President or Governor

or Administrator, as the case may be, is the sole judge as to the existence of circumstances necessitating immediate action and the promulgation of an Ordinance has become untenable. This means that their powers to promulgate Ordinances have ascertainable limits, that is, the existence of the circumstances and their relevance for the formation of opinion in regard to the necessity to take immediate action and promulgate an Ordinance is justiciable. In other words, it is open to the court to examine whether the circumstances necessitating the promulgation of an Ordinance on a particular subject at a particular time existed or not. If this is the position with regard to an Ordinance to be promulgated for the first time, it goes without saying that the court can certainly question and decide the constitutionality of the Ordinances that are re-promulgated again and again for a number of years, especially when the Supreme Court itself has stated that the Ordinance made by the Executive is of "strictly limited duration".⁶

As regards the refusal of the Supreme Court to consider the question of justiciability of the President's satisfaction, in promulgating an Ordinance, on the ground that the Ordinance under attack had been replaced by an Act of the Parliament by the time the hearing of the case had come up before that Court, it may be pointed out here that a number of the Bihar Ordinances, which are being re-promulgated again and again by the Governor of Bihar for the last so many years, are still in force and have not been replaced by the Acts of the State Legislature so far. Moreover, this study does not concern any particular Ordinance, but refers to the actual practice of re-promulgation of Ordinances.

The Supreme Court has observed that it cannot make the satisfaction of the Executive in promulgating an Ordinance judicially reviewable unless at least a *prima facie* case is made out by the challenger to show that there could not have existed any circumstances necessitating the promulgation of an Ordinance. In this context it may be useful to give here a number of examples about the non-existence of circumstances necessitating the promulgation of about fifty Ordinances or so a day by the Governor of Bihar for the last so many years. This is, it is hoped, not a meagre material.

The Legislative Assembly of Bihar met from July 9 to August 24, 1973, and the Legislative Council from July 16 to August 25, 1973. As all the Ordinances that were in force, after that session of the Legislature, could continue in operation, according to the provisions of the Constitution, only upto August 26, 1973, 54 Ordinances were promulgated on that date itself, that is, August 26, 1973, to replace the expiring Ordinances. One new Ordinance also was promulgated on that date. After that both the Houses of the Legislature met on December 7, 1973. The session of the

⁶ *R. K. Garg v. Union of India and others* (1981), (1981) 4 S.C.C. 675, at p. 687.

Legislative Assembly continued upto December 21, 1973, and that of the Legislative Council upto December 22, 1973. As all the then existing Ordinances could remain in force only upto January 17, 1974, 49 Ordinances were promulgated on that date, that is, January 17, 1974, to take place of the old Ordinances. After that both the Houses met from March 18 to April 8, 1974, with the result that all the then existing Ordinances became liable to expire on April 29, 1974. But before their expiry, 50 Ordinances were promulgated — 7 on April 27, 34 on April 28 and 9 on April 29, 1974 — to take place of those expiring Ordinances. Four new Ordinances also were promulgated on those dates — 2 on April 27, 1 on April 28 and 1 on April 29, 1974. After that the Legislative Assembly met from June 5 to July 12, 1974, and the Legislative Council from June 12 to July 13, 1974, as a result of which all the then existing Ordinances could remain in force only upto July 23, 1974. Therefore 51 Ordinances were promulgated on July 23, 1974, itself to replace them. This practice went on and on. In 1979, for example, both the Houses re-assembled on March 19, 1979. The session of the Legislative Assembly lasted upto March 31, 1979, while that of the Legislative Council upto April 8, 1979. After that session of the Legislature, all the then existing Ordinances became due to expire on April 30, 1979. But on April 28, 1979, 49 Ordinances were promulgated to take place of the expiring Ordinances. After that the Legislative Assembly met from June 26 to July 30, 1979, and the Legislative Council from July 9 to August 1, 1979. As all the then existing Ordinances became liable to expire on August 20, 1979, 51 Ordinances were promulgated on August 18, 1979, to replace those Ordinances. After that both the Houses met from January 24 to February 13, 1980. As all the then existing Ordinances could continue to be in force upto March 5, 1980, only, 52 Ordinances were promulgated on that date, that is, March 5, 1980, to replace the old Ordinances. After that the Legislative Assembly met from June 23 to July 25, 1980, and the Legislative Council from June 30 to July 25, 1980, which made all the then existing Ordinances due for expiry on August 11, 1980. Therefore 49 Ordinances were promulgated on August 11, 1980, itself to replace those Ordinances. One new Ordinance also was promulgated on that date. After that both the Houses met from December 9 to December 22, 1980, and therefore all the then existing Ordinances were rendered liable to expire on January 20, 1981. On January 19, 1981, however, 53 Ordinances were promulgated to replace the expiring Ordinances. After that both the Houses met from March 12 to March 30, 1981, which made all the then existing Ordinances due for expiry on April 23, 1981. But 59 Ordinances were promulgated — 30 on April 22 and 29 on April 23, 1981 — to replace those dying Ordinances. After that the Legislative Assembly met on June 29 and the Legislative Council on July 1, 1981. The sessions of both the Houses lasted upto July 28, 1981. That rendered all

the then existing Ordinances liable to expire on August 12, 1981. But 60 Ordinances were promulgated — 35 on August 11 and 25 on August 12, 1981 — to replace the expiring Ordinances. Two new Ordinances also were promulgated on those dates — 1 on August 11 and 1 on August 12, 1981. (The dates of different sessions of the Bihar Legislature, the total number of the Ordinances promulgated by the Governor of Bihar on different dates and the number of the new Ordinances promulgated by him on different dates can be seen from Tables 6, 3 and 8 respectively).

It is, thus, clear from this voluminous material that the only circumstances that existed which the Governor of Bihar could consider as rendering it necessary for him to take immediate action and promulgate so many Ordinances on a single day on a variety of subjects was the certainty of expiry of the then existing Ordinances on those subjects on that day.

It has been observed by the Supreme Court of India⁷ that “the law made by the President by issuing an Ordinance is of strictly limited duration. It ceases to operate at the expiration of six weeks from the re-assembly of Parliament or if before the expiration of this period, resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions. This also affords the clearest indication that the President is invested with this power only in order to enable the executive to tide over an emergent situation which may arise whilst the Houses of Parliament are not in session.” A similar view was expressed by the Supreme Court in another case also.⁸ It stated there that “the only distinction which the Constitution makes between a law made by the Parliament and an Ordinance issued by the President is that whereas the life of a law made by the Parliament would depend upon the terms of that law, an Ordinance, by reason of sub-clause (a) of clause (2), ceases to operate at the expiration of six weeks from the re-assembly of Parliament, unless resolutions disapproving it are passed by both Houses before the expiration of that period. . . . The mechanics of the President’s legislative power was devised evidently in order to take care of urgent situations which cannot brook delay.”

Thus, according to the Supreme Court, (i) the life of an Ordinance promulgated under the provisions of the Constitution is *strictly limited* (emphasis added) and (ii) the power to promulgate an Ordinance is meant *only to tide over an emergent situation which cannot brook delay* (emphasis added) when the legislature is not in session.

As seen earlier, there is a dispute about the validity of the Bihar Ordinances on these very two points, mentioned in the judgements of the Supreme Court, referred to above. The two points are : whether the re-promulgation of hundreds of Ordinances by the Governor of Bihar to

⁷ *ibid.*

⁸ *A. K. Roy v. Union of India and others* (1981), (1982) 1 S.C.C. 271, at pp. 290-291.

prolong, in effect, the "strictly limited duration" of those Ordinances is a constitutional breach. Secondly, whether the certainty of expiry of those Ordinances, in accordance with the provisions of the Constitution, can be considered constitutionally a valid "emergent situation which cannot brook delay to tide over which" the Governor of Bihar has been promulgating other exactly identical Ordinances to take place of the expiring Ordinances.

Even if one accepts, for the sake of argument, that the Governor of a State is the sole judge as to the existence of the circumstances necessitating immediate action and promulgating an Ordinance and his satisfaction is not a justiciable matter, no stretch of language of Article 213 can allow him to re-promulgate Ordinances. In that case he can promulgate as many Ordinances as he deems necessary. But all those Ordinances should be either converted into Acts of the State Legislature after the first re-assembly of the Legislature after the promulgation of those Ordinances or allowed to expire. The Governor cannot extend, directly or indirectly, their strictly limited lives, beyond what is stipulated in Article 213(2) (a) of the Constitution. The Ordinances are meant to be temporary measures and should, therefore, be treated as such.

Etymological and Dictionary Meaning

The position that Ordinances are temporary measures would emerge clearly if one examines the etymological and dictionary meaning of the word "Ordinance". The word is derived from the Latin word *Ordo* (out of course, uncommon, in an unusual or extraordinary manner, etc.) and is defined for legal purposes as "an authoritative direction, decree or command; in more restricted sense, a public injunction or rule of narrower scope, less permanent nature, or less constitutional character than a law or statute, as a decree of a sovereign, an enactment of a municipal or other local body, etc."⁹ Thus this word is appropriate only for minor or temporary measures. It is hardly appropriate for legislative measures that are, as a matter of routine, renewed from time to time, such process being really meant for the exercise of ordinary legislative functions. Every word has its boundaries, even if every word has its grey areas. No word can rise above those boundaries and try to reach the higher regions that are properly occupied by some other more appropriate word.

Ordinances During Middle Ages

Though the executive in the United Kingdom does not enjoy any power of legislation by means of Ordinances these days, the Kings in England used to promulgate Ordinances in the middle ages. Even those Ordinances

⁹ Murray, James A. H. (edited), *A New English Dictionary on Historical Principles*, Oxford, 1905, Volume VII, Part I, p. 186, column 2.

had "partial or temporary operation"¹⁰ and were "tentative"¹¹ measures which could be withdrawn by the Kings or confirmed and converted into Statutes by the Parliament in its next session.¹² "Whatever provisions altered the common law or any former statute, and were entered upon the statute-roll, . . . , and promulgated to the people as general obligatory enactments, were holden to require the *positive assent of both houses of parliament* (emphasis added), duly and formally summoned."¹³

British Colonies and Ordinances

Not only were Ordinances temporary measures, the nomenclature "Ordinance" was given by the British to laws made by the Governors in their colonies where representative assemblies did not exist; in colonies having representative assemblies, the laws were almost invariably known as "Acts".¹⁴ This shows that the colonies having representative assemblies were not supposed to have Ordinances. That may, perhaps, be the reason why, in colonies having representative assemblies, the laws made by the Governors during the recess of those assemblies were designated "Ordinances", treating recess of the representative assemblies as non-existence of the representative assemblies.

Final and Conclusive Verdict Awaited

As under the Constitution of India it is the Supreme Court which has been assigned the task of deciding finally and conclusively¹⁵ the validity or invalidity of an enactment including an Ordinance, whether Central or of a State, its verdict regarding the justiciability of the existence of the circumstances and their relevance for the formation of opinion in regard to the necessity to take immediate action and promulgate an Ordinance in general and the constitutionality of the successive re-promulgation of the Ordinances in particular must come at the earliest. The Supreme Court, it is submitted, need not wait for some case, relating to one of such Ordinances, to come up before it for hearing but should decide about the actual practice of re-promulgation of the Ordinances itself independently, if approached.

¹⁰ Hallam, Henry, *View of the State of Europe during the Middle Ages*, London, 1856, Eleventh Edition, Volume III, p. 49.

¹¹ Stubbs, William, *The Constitutional History of England*, Oxford, 1883, Third Edition, Volume II, p. 612.

¹² *ibid.*

¹³ Hallam, Henry, *supra* at p. 51.

¹⁴ *Halsbury's Laws of England*, Second Edition, London, 1933, Volume XI, pp. 183-184.

¹⁵ *Vide* Article 141.

Duration of the Central Ordinances

AT THIS STAGE it appears to be necessary to give a brief exposition of the provisions regarding the duration of the Ordinances, promulgated by the Governors of the Provinces and the Governor-General of India, as they prevailed before the Constitution of India came into existence and compare them with the provisions contained in the Constitution of India. The reason is that the power to promulgate Ordinances under the present Constitution admittedly has its genesis in the corresponding power under the Government of India Act, 1935,¹ and its predecessors.

GOVERNORS' ORDINANCES

Government of India Act, 1935

To begin with, the powers of the Governors of the Provinces to promulgate Ordinances during the recess of the Legislatures were given to them for the first time by the Government of India Act, 1935. Sub-section (1) of section 88 of that Act enacted that if at any time when the Legislature of a Province was not in session and the Governor was satisfied that circumstances existed which rendered it necessary for him to take immediate action, he could promulgate such Ordinances as the circumstances appeared to him to require provided that he (a) was to exercise his individual judgement as respects the promulgation of any Ordinance under that section only if a Bill containing the same provisions would under that Act have required his or the Governor-General's previous sanction to the introduction thereof into the Legislature; and (b) could not without

¹ 26 Geo. 5, c. 2.

instructions from the Governor-General, acting in his discretion, promulgate any such Ordinance, if a Bill containing the same provisions would under that Act have required the Governor-General's previous sanction for the introduction thereof into the Legislature, or if he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the Governor-General.

Sub-section (2) of that section provided that an Ordinance promulgated under that section was to have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such Ordinance (a) was to be laid before the Provincial Legislature and was to cease to operate at the expiration of six weeks from the re-assembly of the Legislature, or, if a resolution disapproving that was passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case might be, on the resolution being agreed to by the Council; (b) was subject to the provisions of that Act relating to the power of His Majesty to disallow Acts as if that were an Act of the Provincial Legislature assented to by the Governor; and (c) could be withdrawn at any time by the Governor.

Sub-section (3) of the same section provided that if and so far as an Ordinance under that section made any provision which would not have been valid if enacted in an Act of the Provincial Legislature assented to by the Governor, that was to be void.

Section 62 (1) of the Government of India Act, 1935, provided that the Chamber or Chambers of each Provincial Legislature shall be summoned to meet once at least in every year, and twelve months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.

Thus an Ordinance promulgated by the Governor of a Province, under the provisions of section 88 (1) of the Government of India Act, 1935, could remain in force for any period less than a year plus six weeks, unless before the expiry of six weeks a resolution disapproving of it was passed by the Legislative Assembly and was agreed to by the Legislative Council.

Constitution of India

As mentioned in the fourth chapter, the language of Article 213 (1) of the Constitution of India is exactly identical to the language used in section 88 (1) of the Government of India Act, 1935. But there is a difference in the provisions made in the Government of India Act, 1935, and the Constitution of India, regarding the sessions of the Legislature. According to section 62 (1) of the Government of India Act, 1935, the Legislature of a Province was to meet once at least in every year, while Article 174 (1) of the Constitution of India provides that the Legislature of a State shall be summoned to meet twice at least in every year. Under the provisions of section 62 (1) of the Government of India Act, 1935, twelve months were

not to intervene between the last sitting in one session and the date appointed for the first sitting in the next session of the Legislature. Article 174(1) of the Constitution of India provides that six months shall not intervene between the last sitting in one session and the date appointed for the first sitting in the next session of the Legislature. Secondly, there is an Explanation to clause (2) of Article 213 saying that where the Houses of a bicameral Legislature of a State are summoned to re-assemble on different dates, the period of six weeks shall be reckoned from the latter of those dates for the purposes of this clause. There was no such Explanation to clause (2) of section 88 of the Government of India Act, 1935. Thus, according to the provisions of the Government of India Act, 1935, an Ordinance promulgated by the Governor of a Province could remain in force for any period less than a year plus six weeks while according to the Constitution of India an Ordinance promulgated by the Governor of a State can remain in force for any period less than six months plus the period during which the second House of the Legislature does not meet plus six weeks and no more.

Sparing Use of the Power in Bihar

Though section 88 of the Government of India Act, 1935, was brought into force on April 1, 1937,² the Governor of the Province of Bihar did not promulgate any Ordinance till 1946. Again, though theoretically an Ordinance promulgated by the Governor of Bihar under that section could remain in force for more than a year, Table 7, which gives the lives of the Ordinances promulgated by the Governor of Bihar from 1946 to 1949 under the provisions of the above-mentioned section 88, shows that the maximum period for which an Ordinance promulgated by the Governor of Bihar from 1946 to 1949 remained in force was six months and twenty-eight days. The same Table reveals that fifty per cent of the Ordinances promulgated by the Governor of Bihar during that period had a life of less than three months. All the Ordinances promulgated during that period were either replaced by the Acts of the Legislature within one-and-a-half months to six-and-a-half months of their promulgation or were allowed to expire within three to seven months of their promulgation. The Table further shows that no Ordinance promulgated during that period, that is, from 1946 to 1949, was re-promulgated.

Beginning of Pernicious Practice of Re-promulgation in Bihar

Table 8, which gives the lives of the Ordinances promulgated by the Governor of Bihar from 1950 to 1981, under the provisions of Article 213

² *Vide* clause 3 of the Government of India (Commencement and Transitory Provisions) Order, 1936, published in the *Orders in Council under the Government of India Act, 1935*, New Delhi, 1937, p. 245.

of the Constitution of India, shows that the flouting of the provisions of Article 213 of the Constitution of India, that is, re-promulgation of the Ordinances, began in Bihar in 1967. The same Table shows that though 84 Ordinances were promulgated by the Governor of Bihar under the above-mentioned provisions from 1950 to 1966, not a single Ordinance was re-promulgated during that period. Thus it is clear that no Ordinance promulgated by the Governor of Bihar from 1946 to 1966, a period of twenty-one years, was re-promulgated. This shows that Ordinances promulgated by the Governor of a State cannot be re-promulgated. The acid test of this conclusion can be had by examining the provisions regarding the duration of the Central Ordinances contained in different Constitutional Acts and the Constitution of India, and the use of those provisions by the Governor-General of India and the President of India during the last one hundred and twenty-one years.

GOVERNOR-GENERAL'S ORDINANCES

Indian Councils Act, 1861

While looking for a *terminus ad quem* from which the power of the Governor-General of India to promulgate Ordinances began, it was found that the power to legislate on his own authority, that is, without the medium of his Legislative Council, but in addition to the power of the Governor-General-in-Council to legislate, was given to him for the first time in 1861³ when section 23 of the Indian Councils Act, 1861,⁴ enacted that in cases of emergency he could make and promulgate Ordinances for the peace and good government of the British India or of any part thereof; and every such Ordinance was to have like force of law with a law or regulation made by the Governor-General-in-Council, as by that Act provided, for the space of not more than six months from its promulgation, unless the disallowance of such Ordinance by Her Majesty was earlier signified to the Governor-General by the Secretary of State for India-in-Council, or unless such Ordinance was controlled or superseded by some law or regulation made by the Governor-General-in-Council at a meeting held for the purpose of making laws and regulations as by that Act provided.

³ The observation in *Rustom Cavasjee Cooper v. Union of India* (1970), A.I.R. 1970 Supreme Court 564, at p. 642, by Justice Ray (who later became the Chief Justice of the Supreme Court of India), tracing the history of this power to section 36 of the Regulating Act, 1773, is, it is submitted with respect, not accurate when one is dealing with Ordinances as a type of emergency legislation by the Executive, in addition to the normal legislation by the Legislature. For details of the legislative powers of the Governor-General under this and subsequent Acts—see D. C. Wadhwa, *Agrarian Legislation in India (1793-1966)*, Volume 1, Poona, 1973, pp. xii-xxi.

⁴ 24 & 25 Vict., c. 67.

Government of India Act

The Government of India Act⁵ continued the above-mentioned power of the Governor-General when it provided in section 72 of that Act that

⁵ The Government of India Act, 1915 (5 & 6 Geo. 5, c. 61) as amended by the Government of India (Amendment) Act, 1916 (6 & 7 Geo. 5, c. 37) and the Government of India Act, 1919 (9 & 10 Geo. 5, c. 101). There seems to be a misunderstanding among the administrators, judges and academicians alike about the citation of the Government of India Act. The Government of India Act, 1919, and the Government of India Act are considered by them as the same thing which is, obviously, wrong. The Government of India Act, 1915, was the original Act. That Act was amended by the Government of India (Amendment) Act, 1916. The Government of India Act, 1915, as amended by the Government of India (Amendment) Act, 1916, was referred to as the Principal Act in the Government of India Act, 1919 [*vide* section 1 (1)]. The Government of India Act, 1919, also was more or less an amending Act because 37 sections out of its 47 sections either substituted the then existing sections of the Principal Act or were inserted as new sections in that Act. The Principal Act as amended by the Government of India Act, 1919, was to be known as the Government of India Act (*vide* section 47 of the Government of India Act, 1919). While writing about the power of the Governor-General to promulgate Ordinances, Mr. K. V. K. Sundaram, Secretary, Ministry of Law, Government of India, says in his preface to the *Chronological Tables of Central Acts, Regulations and Ordinances*, Delhi, 1958, at p. ii, that that "power was continued under the Government of India Act, 1919 (section 72)". As there were in all 47 sections in the Government of India Act, 1919, section 72 cannot be of that Act. In fact, that section (72) was in the original Government of India Act, 1915. But after the amendment of the Government of India Act, 1915, by the Government of India (Amendment) Act, 1916, and the Government of India Act, 1919, that section can legally be referred to as section 72 of the Government of India Act. If one wants to refer to its original Act, one can cite it as section 72 of the Government of India Act, 1915, and not of the Government of India Act, 1919. Similarly, Justice D. M. Sen of the Gauhati High Court wrongly writes in his article "The Legal History of Nagaland" in *Nagaland* by L. L. Yaden, New Delhi, 1970, at p. 27, that it (Nagaland) "was also declared a 'backward tract' under section 52-A of the Government of India Act, 1919" and at p. 28 that "under section 52A(2) of the Government of India Act, 1919" ... or "under-section 71 of this Act..." As already explained, there were no sections 52A and 71 in the Government of India Act, 1919. Legally, both these sections should be referred to as of the Government of India Act. Section 15 of the Government of India Act, 1919, was inserted in the Principal Act as a new section 52A. Section 71 was in the original Government of India Act, 1915. Lastly, Barrister C. L. Anand, Principal, University Law College, Lahore, writes in his introduction to his book entitled *The Government of India Act, 1935*, Lahore, 1937, at p. x, that "A statutory provision ... was contained in section 84(A) of the Act of 1919 ..." Here, section 41 of the Government of India Act, 1919, was inserted as a new section 84A in the Principal Act. So section 84A can be only of the Government of India Act and not of the Government of India Act, 1919. If one wants to refer to the Government of India Act, 1919, then it was section 41 of that Act and not section 84A. These are just the three examples which can be multiplied as such mistakes are being repeated again and again.

the Governor-General could, in cases of emergency, make and promulgate Ordinances for the peace and good government of the British India or any part thereof and any Ordinance so made was to have, for the space of not more than six months from its promulgation, the like force of law as an Act passed by the Indian Legislature but the power of making Ordinances under that section was subject to the like restrictions as the power of the Indian Legislature to make laws; and an Ordinance made under that section was subject to the like disallowance as an Act passed by the Indian Legislature and could be controlled or superseded by such an Act.

Government of India Act, 1935

Part II (sections 5 to 45) of the Government of India Act, 1935, had envisaged the establishment of the Federation of India. Sub-section (1) of section 42 of that Act, which related to the power of the Governor-General to promulgate Ordinances during the recess of the Legislature, provided that if at any time when the Federal Legislature was not in session and the Governor-General was satisfied that circumstances existed which rendered it necessary for him to take immediate action, he could promulgate such Ordinances as the circumstances appeared to him to require provided that the Governor-General (a) was to exercise his individual judgement as respects the promulgation of an Ordinance under that section if a Bill containing the same provisions would under that Act have required his previous sanction to the introduction thereof into the Legislature; and (b) could not, without instructions from His Majesty, promulgate any such Ordinance if he would have deemed it necessary to reserve a Bill containing the same provisions for the signification of His Majesty's pleasure thereon.

Sub-section (2) of section 42 of that Act provided that an Ordinance promulgated under that section was to have the same force and effect as an Act of the Federal Legislature assented to by the Governor-General, but every such Ordinance (a) was to be laid before the Federal Legislature and was to cease to operate at the expiration of six weeks from the re-assembly of the Legislature, or, if before the expiration of that period resolutions disapproving that were passed by both Chambers, upon passing of the second of those resolutions; (b) was subject to the provisions of that Act relating to the power of His Majesty to disallow Acts as if that were an Act of the Federal Legislature assented to by the Governor-General; and (c) could be withdrawn at any time by the Governor-General.

Sub-section (3) of that section provided that if and so far as an Ordinance under that section made any provision which the Federal Legislature was not under that Act competent to enact, that shall be void.

Though under the provisions of section 42 of the Government of India Act, 1935, the Governor-General could exercise the power of promulgating Ordinances only during the recess of the Legislature, section 43 of that

Act empowered him to promulgate Ordinances with respect to certain subjects at any time, even when the Legislature was in session. Sub-section (1) of that section provided that if at any time the Governor-General was satisfied that circumstances existed which rendered it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his function in so far as he was by or under that Act required in the exercise thereof to act in his discretion or to exercise his individual judgement, he could promulgate such Ordinances as in his opinion the circumstances of the case required.

Sub-section (2) of section 43 provided that an Ordinance promulgated under that section was to continue in operation for such period not exceeding six months as was specified therein, but could by a subsequent Ordinance be extended for a further period not exceeding six months.

Sub-section (3) of that section enacted that an Ordinance promulgated under that section was to have the same force and effect as an Act of the Federal Legislature assented to by the Governor-General, but every such Ordinance (a) was to be subject to the provisions of that Act relating to the power of His Majesty to disallow Acts as if that were an Act of the Federal Legislature assented to by the Governor-General, (b) could be withdrawn at any time by the Governor-General, and (c) if that was an Ordinance extending a previous Ordinance for a further period was to be communicated forthwith to the Secretary of State and was to be laid by him before each House of Parliament.

Sub-section (4) of that section provided that if and so far as an Ordinance under that section made any provision which the Federal Legislature was not under that Act competent to enact, that shall be void.

The Ninth Schedule to the Government of India Act, 1935, incorporated in it certain provisions of the Government of India Act, with certain amendments, which were to continue to be in force until the Federation had been established. Section 317 of the Government of India Act, 1935, provided that the provisions of the Government of India Act as set out, with amendments consequential on the provisions of the Government of India Act, 1935, in the Ninth Schedule to that Act (being certain of the provisions of the Government of India Act relating to the Governor-General, the Commander-in-Chief, the Governor-General's Executive Council and the Indian Legislature and provisions supplemental to those provisions) shall, subject to those amendments, continue to have effect notwithstanding the repeal of that Act by the Government of India Act, 1935. Section 72 of the Government of India Act, relating to the power of the Governor-General to promulgate Ordinances in certain circumstances, was one of the sections included in that Schedule.

As the princely states did not join the proposed Federation (sections 5 and 6 of the Government of India Act, 1935, had given them the option to do so), the federal structure did not come into existence and therefore

sections 42 and 43 of the Government of India Act, 1935, were never brought into force. The power of the Governor-General to promulgate Ordinances, thus, was not governed by sections 42 and 43 of the Government of India Act, 1935, but continued to be governed, even after the coming into force of the Government of India Act, 1935, by section 72 of the Government of India Act, as set out in the Ninth Schedule to that Act, that is, the Government of India Act, 1935, and kept alive by virtue of section 317 of the Government of India Act, 1935.

Government of India Act, 1935, as Adapted by the India (Provisional Constitution) Order, 1947

The Indian Independence Act, 1947,⁶ provided for the partition of India into India and Pakistan and for the setting up of two independent Dominions of India and Pakistan with effect from August 15, 1947. Section 8 (2) of that Act provided that, except in so far as other provision was made by or in accordance with a law made by the Constituent Assemblies of the new Dominions, each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as might be in accordance with the provisions of the Government of India Act, 1935, and that the provisions of that Act shall, so far as applicable, and subject to any express provisions of the said Act, and with such omissions, additions, adaptations and modifications as might be specified in orders of the Governor-General, have effect accordingly.

Section 9 (1) (c) of that Act empowered the Governor-General to make by order such provisions as appeared to him to be necessary or expedient for making omissions from, additions to, and adaptations and modifications of, the Government of India Act, 1935, in its application to the separate new Dominions.

In exercise of the power conferred by the above-mentioned provisions of the Indian Independence Act, 1947, the Governor-General of India issued, on August 14, 1947, the India (Provisional Constitution) Order, 1947,⁷ which came into force from August 15, 1947, and provided for, in addition to several other changes in the Government of India Act, 1935, (a) the omission of the Ninth Schedule to the Government of India Act, 1935, (b) the replacement of section 42 of the Government of India Act, 1935, by another section, of the same number, which was in identical terms with section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, and (c) the omission of section 43 of the Government of India Act, 1935. The power of the Governor-General to promulgate Ordinances, therefore, continued to be governed by the provisions of section 72 of the Government of India

⁶ 10 & 11 Geo. 6, c. 30

⁷ *Orders Under the Indian Independence Act, 1947*, Delhi, 1948, pp. 36-72.

Act till the coming into force of the Constitution of India on January 26, 1950.

From 1861 to 1950

Thus, right from the inception of this power of the Governor-General of India in 1861 till the coming into force of the Constitution of India in 1950, there was no provision in any of the Constitutional Acts, in force from time to time, during that period, empowering the Governor-General to extend the life of one Ordinance by a subsequent Ordinance; on the other hand there was an express provision in all those Constitutional Acts that an Ordinance promulgated by the Governor-General of India during an emergency shall not remain in force for more than six months. The only exceptions to this rule were made during the two World Wars.

First World War

The outbreak of the First World War had necessitated certain special legislation to meet the emergency created thereby. Action was taken in 1914, under the provisions of section 23 of the Indian Councils Act, 1861, by promulgating nine Ordinances, namely, the Indian Naval and Military News (Emergency) Ordinance⁸ (promulgated on 7th August), the Impressment of Vessels Ordinance⁹ (promulgated on 14th August), the Foreigners Ordinance¹⁰ (promulgated on 20th August), the Indian Volunteers Ordinance¹¹ (promulgated on 22nd August), the Ingress into India Ordinance¹² (promulgated on 5th September), the Commercial Intercourse with Enemies Ordinance¹³ (promulgated on 14th October), the Foreigners (Amendment) Ordinance¹⁴ (promulgated on 14th October), the Foreigners (Further Amendment) Ordinance¹⁵ (promulgated on 14th November) and the Articles of Commerce Ordinance¹⁶ (promulgated on 30th November).

As those Ordinances, made in exercise of the power referred to above, were limited in duration to a period of six months and as the then existing state of affairs required that the duration of that emergent legislation should be prolonged, the Emergency Legislation Continuance Act¹⁷ was passed by the Governor-General-in-Council on January 12, 1915, which provided for the continuance of those Ordinances beyond six months. Section 2 of that Act enacted that the provisions contained in those Ordinances shall have effect as if they had been enacted by the Governor-General-in-Council and shall be in force during the continuance of the then present war and for a period of six months thereafter. The provision that those Ordinances would continue to be in force for a definite period of six

⁸ No. 1 of 1914.

¹¹ No. 4 of 1914.

¹⁴ No. 7 of 1914.

¹⁷ No. 1 of 1915.

⁹ No. 2 of 1914.

¹² No. 5 of 1914.

¹⁵ No. 8 of 1914.

¹⁰ No. 3 of 1914.

¹³ No. 6 of 1914.

¹⁶ No. 9 of 1914.

months after the termination of the war was made because it was clear that the actual cessation of hostilities would not coincide precisely with the disappearance of the conditions that had led to the special legislation. Power was, however, reserved to the Governor-General-in-Council, by the said section 2, to direct by notification that any provisions of the Ordinances might be declared to cease to be in force at any earlier date.

Similarly, the duration of the Registration Ordinance¹⁸ (promulgated on 2nd February, 1917) was also prolonged by Central Act 3 of 1917¹⁹ till the continuance of the war and for a period of six months thereafter. Section 18 of that Act also enacted that the provisions of that Ordinance, that is, Ordinance 1 of 1917, shall have effect as if they had been enacted in that Act. The period of six months after the war, provided in Act 3 of 1917, was changed to one year by Central Act 7 of 1919.²⁰ Thus the life of Ordinance 1 of 1917 was extended till the continuance of the then present war, and for a period of one year thereafter.

As regards the determination of the date of termination of that war, it was enacted by the Termination of the Present War (Definition) Act, 1919,²¹ that that war was to be treated as having continued to and as having ended on such date as His Majesty-in-Council might declare in that behalf in pursuance of the provisions of the Termination of the Present War (Definition) Act, 1918.²² In exercise of the power conferred by the above-mentioned Act of 1918, His Majesty-in-Council declared August 31, 1921,²³ as the date to be treated as the date of termination of that war. Thus Ordinances 1 to 9 of 1914 continued to be in force till the end of February, 1922, and Ordinance 1 of 1917 continued to be in force till August 31, 1922. The rest of the Ordinances promulgated during that period were subject to the normal procedure of law.

Second World War

As regards the status of the Ordinances promulgated during the Second World War, section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, was amended on June 27, 1940, by the India and Burma (Emergency Provisions) Act, 1940.²⁴ Section 1 (3) of that Act provided that section 72 of the Government of India Act (which, as set out in the Ninth Schedule to the Government of India Act, 1935, conferred on the Governor-General power to

¹⁸ No. 1 of 1917.

¹⁹ The Indian Defence Force Act, 1917.

²⁰ The Indian Defence Force (Amendment) Act, 1919.

²¹ No. 5 of 1919.

²² 8 & 9 Geo. 5, c. 59.

²³ Order of His Majesty-in-Council, dated August 10, 1921, published in the Government of India, Home Department, Notification No. 80-F, dated August 30, 1921, re-published in the Government of Bombay, Political Department, Notification No. 2103-W, dated September 6, 1921 (*vide The Bombay Government Gazette* dated September 8, 1921, Part I, p. 2175).

²⁴ 3 & 4 Geo. 6, c. 33.

promulgate Ordinances in cases of emergency) shall, as respects Ordinances promulgated during the period specified in section 3 of that Act, that is, India and Burma (Emergency Provisions) Act, 1940, have effect as if words "for the space of not more than six months from its promulgation" were omitted. Section 3 of that Act enacted that the period referred to in section 1 (3) of that Act would be the period beginning with the date of the passing of that Act and ending with such date as His Majesty might by order in Council declare to be the end of the emergency which was the occasion of the passing of that Act. The state of emergency had already been declared in India, by the Governor-General of India, on September 3, 1939.²⁵

On April 1, 1946, the Governor-General of India issued an order terminating the period of emergency with effect from April 1, 1946.²⁶ Thus the period specified in section 3 of the India and Burma (Emergency Provisions) Act, 1949, extended from June 27, 1940, to March 31, 1946. The effect of that temporary amendment of section 72 of the Ninth Schedule, therefore, was that during that period, namely, from June 27, 1940, to March 31, 1946, the Governor-General could promulgate Ordinances with unlimited duration.²⁷⁻²⁹ In other words, the qualification that such Ordinances shall cease to have effect after the expiry of six months from their promulgation was not applicable to Ordinances promulgated during that period. Thus Ordinances promulgated during that specified period were perpetual in duration and were to continue to be in force until they were repealed. From April 1, 1946, however, section 72 continued to operate in its original form, that is to say, the power of the Governor-General to promulgate Ordinances was subject to the Ordinances remaining in force for not more than six months from their promulgation.

PRESIDENT'S ORDINANCES

Constitution of India

As regards the maximum life of an Ordinance promulgated by the President of India under the provisions of the Constitution of India, though

²⁵ The Government of India, Defence Co-ordination Department, Notification No. 221-M, dated September 3, 1939, published in *The Gazette of India*, Extraordinary, dated September 3, 1939.

²⁶ The Government of India Notification No. F.54/46-GG(A), dated April 1, 1946, re-published in the Government of Bombay, Political Services Department, Notification No. W.144, dated April 10, 1946 (*vide The Bombay Government Gazette* dated April 18, 1946, Part I, p. 1164).

²⁷ *In re Abdul Kadir* (1956), A.I.R. 1956 Madras 333, at p. 334.

²⁸ *Hanaraj Moolji v. The State of Bombay* (1957), A.I.R. 1957 Supreme Court 497.

²⁹ *Union of India v. R. C. Jall and another* (1958), A.I.R. 1958 Madhya Pradesh 425.

Article 123 of the Constitution of India, dealing with the power of the President to promulgate Ordinances during the recess of Parliament, is silent on the subject, yet it is clear, from the provisions made in the Constitution in this regard and the debate in the Constituent Assembly on Article 102 of the Draft Constitution of India,⁸⁰ which became Article 123 of the Constitution of India, that it can extend, at the most, to seven-and-a-half months or so.

Constituent Assembly Debate

Sub-clause (a) of clause (2) of Article 102 of the Draft Constitution of India required that an Ordinance promulgated by the President shall cease to operate at the expiration of six weeks from the re-assembly of Parliament, or, if before the expiration of that period resolutions disapproving the Ordinance were passed by both Houses, upon the passing of the second of those resolutions. As Article 69(1) of the Draft Constitution provided that the Houses of Parliament shall be summoned to meet twice at least in every year and six months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session, Mr. H. V. Kamath⁸¹ argued that if Article 102 was accepted in the form in which it stood, the Ordinances promulgated by the President could remain in force for about six months and six weeks thereafter, that is, a period of seven-and-a-half months or so. As that was not acceptable to him, he moved an amendment which provided that every Ordinance promulgated by the President shall be laid before both Houses of Parliament within four weeks of its promulgation. Thus he wanted that Parliament must be summoned within four weeks of the promulgation of an Ordinance. As Article 102 provided that an Ordinance promulgated by the President shall cease to operate within six weeks after the re-assembly of Parliament, his amendment, if accepted, would have given an Ordinance a life of ten weeks at the most. He vehemently opposed the provisions of Article 102, under which an Ordinance could continue to be in force for seven-and-a-half months or so, on the ground that even during the British rule an Ordinance promulgated by the Governor-General of India expired or died a natural death at the end of six months of its promulgation and could not remain in force for more than that period. He took the bit between his teeth and criticised the framers of the Constitution for going one better than the British in framing that Article and for leaving the question of maximum life of an Ordinance to the working of Article 69 because under those circumstances, as had already been pointed out, an Ordinance could continue to be in force for

⁸⁰ Constituent Assembly of India. Drafting Committee: *Draft Constitution of India*, New Delhi, 1948.

⁸¹ Constituent Assembly of India: *Constituent Assembly Debates*: Official Report, Volume VIII (1949), 16-5-1949 to 16-6-1949, New Delhi, 1967, pp. 204-206.

seven-and-a-half months or so, which, according to him, was a most atrocious position. He therefore urged the Drafting Committee to definitely provide for an Ordinance expiring at the end of six months from the date of its promulgation at the latest. He further stated that he would not press his amendment in case a provision was made in that Article to the effect that no Ordinance shall continue to be in force at the expiration of six months or that every Ordinance will die a natural death after the end of six months of its promulgation.

A similar view was expressed by Pandit Hriday Nath Kunzru.³² The period of seven-and-a-half months or so during which an Ordinance could remain in force was considered by him as too long a period. He did not see any reason for allowing the Ordinances promulgated by the President, without deliberation by Parliament, to last for so long a period. Therefore he moved an amendment which provided that every Ordinance promulgated by the President shall cease to operate at the expiration of thirty days from the promulgation of that Ordinance. It is clear from the amendment moved by him that he wanted the maximum life of an Ordinance, promulgated by the President, fixed at thirty days. He very strongly pleaded with the Constituent Assembly to see that the period during which an Ordinance remained in force was as short as possible. He further said that his objection was not merely that the period during which an Ordinance might remain in force was too long; it also related to the character of the Ordinance that might be promulgated. He argued that the Executive might promulgate an Ordinance which, though partially necessary, might not be required in all its details. According to him, it was therefore necessary that the Legislature should be given an opportunity, not merely of considering the situation requiring the promulgation of an Ordinance, but also the terms of the Ordinance. He further argued that the Legislature, while taking the view that some legislation was necessary, might not agree completely with the Executive, and might modify the Ordinance that had been promulgated. For these two reasons, he considered it necessary that the power of promulgating an Ordinance given to the Executive should be much more limited than it was under the provisions of Article 102.

Professor K. T. Shah proposed in his amendment that every such Ordinance should be laid before both Houses of Parliament immediately after each House assembled, and unless approved by either House of Parliament by specific resolution, should cease to operate forthwith.³³ He pointed out that an Ordinance would be a decree or an order of the Executive and would not be legislation passed by the normal Legislature with due deliberation and yet would have the force of law, however one might clothe it. Hence, he was of the opinion that however necessary or unavoidable

³² *ibid.*, pp. 206-208.

³³ *ibid.*, pp. 208-209.

or justifiable it might be in the hour of the emergency yet unless Parliament approved and thereby made an Ordinance, so to say, its own Act, legislation of that kind should not be allowed to last a minute longer than such extraordinary circumstances requiring the promulgation of that Ordinance required and therefore must cease to operate immediately. He wanted no room left for any doubt as to the maximum length of time during which the Presidential Ordinance could remain in operation and favoured the summoning of Parliament at the shortest possible notice after the promulgation of an Ordinance. He suggested that the maximum life of an Ordinance must be limited to three or four weeks, or six weeks at the most. On those terms, and under those limitations only, he was willing to agree to this extraordinary Ordinance-making power being vested in the President.

Mr. Mahboob Ali Baig, lending⁸⁴ powerful support to the amendment moved by Pandit Kunzru, remarked that by giving an opportunity to the Executive to postpone calling the Parliament, which the Executive would be entitled to do for six months, an Ordinance regime might continue for six months, and for six weeks added on to six months, which might lead to Executive oppression, to say the least. He expressed a fear that the Executive might arrogate to itself the legislative powers and might be tempted to postpone calling the Parliament.

While replying to the above-mentioned points raised by the members, Dr. B. R. Ambedkar, Chairman of the Drafting Committee, described the fears, expressed by the members, that the Executive might delay the summoning of Parliament as unfounded. He expressed his belief that owing to the exigencies of parliamentary business there would be more frequent sessions of the Parliament than members of the Constituent Assembly were inclined to believe. Thus he said that having regard to Article 69, to the exigencies of parliamentary business and to the necessity of the Government of the day to maintain the confidence of Parliament, he did not think that any such dilatory process would be adopted by the Government of the day as to permit an Ordinance promulgated by the President of India under Article 102 to remain in force for a period unduly long.⁸⁵

Thus, after a heated discussion on the subject, all the above-mentioned amendments were put to vote and negatived and Article 102 of the Draft Constitution, which became Article 123 of the Constitution of India, was left silent on the subject of the maximum life of an Ordinance which could extend to seven-and-a-half months or so.

Duration of All the Central Ordinances

Though the maximum life of an Ordinance promulgated by the President of India under the provisions of Article 123 of the Constitution is

⁸⁴ *ibid.*, pp. 212-213.

⁸⁵ *ibid.*, pp. 214-215.

not expressly defined in the Constitution of India, it is crystal clear from the debate in the Constituent Assembly that the framers of the Constitution of India had envisaged it to be seven-and-a-half months or so at the most. Table 13, which gives the lives of the Ordinances promulgated by the President of India, under the above-mentioned provisions, from the date of coming into force of the Constitution of India till December 31, 1981, confirms this statement. It will be seen from that Table that no Ordinance promulgated by the President of India during this period remained in force for more than five months and thirteen days. More importantly, the same Table shows that no Ordinance promulgated during this period was re-promulgated by the President of India.

Not only that, Tables 9 to 12, which provide the lives of the Ordinances promulgated by the Governor-General of India from 1861 to January 25, 1950, under the provisions of the (a) Indian Councils Act, 1861 (from 1861 to 1915), (b) Government of India Act (from 1916 to 1935), (c) Government of India Act, 1935 (from 1939 to August 14, 1947) and (d) Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947 (from August 15, 1947, to January 25, 1950), show that no Ordinance promulgated during that period also remained in force for more than the stipulated period of six months. These Tables further show that no Ordinance was re-promulgated during that period also.

Non-extensibility of the Life of an Ordinance

It was observed by the Supreme Court of the United States of America that a uniform, long continued and undisputed legislative practice resting on an admissible view of the Constitution goes a long way in the direction of providing the presence of unassailable ground for the constitutionality of the practice.⁸⁶ Thus, a legislative practice such as seen above, observed from the beginning of this power to the present day, for a century and two decades of time, provides an unrefutable evidence that the life of an Ordinance cannot be extended by another Ordinance or, in other words, an Ordinance cannot be re-promulgated.

That the life of an Ordinance cannot be extended by a subsequent Ordinance is very clear even from the provisions of the various Constitutional Acts also. As mentioned earlier, the Governor-General of India was empowered, at different times, to promulgate Ordinances during the recess of the Legislature, by the (a) Indian Councils Act, 1861, (b) Government of India Act, (c) Government of India Act, 1935, and (d) Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947. As seen earlier, there was no express provision made

⁸⁶ *United States of America v. Curtiss-Wright Export Corporation* (1936), 81 Law. Ed. 255.

in any of those Acts, except the Government of India Act, 1935, which empowered the Governor-General to extend the life of an Ordinance by a subsequent Ordinance. In the Government of India Act, 1935, there were two sections, namely, sections 42 and 43, which empowered the Governor-General of India to promulgate Ordinances. Section 42 empowered him to promulgate Ordinances during the recess of the legislature while section 43 gave him that power even when the Legislature was in session. As regards the power of the Governor-General to extend the life of an Ordinance by a subsequent Ordinance, he was empowered to do so under section 43 only, and that too only once, that is, for a period of six months. As already mentioned, section 43 was never brought into force. Leaving that question apart, as section 43 of the Government of India Act, 1935, had expressly empowered the Governor-General to extend the life of an Ordinance by a subsequent Ordinance and section 42 of the same Act was silent on that point, this omission is a clear indication, based on the application of the well known maxim *expressio unius est exclusio alterius*, that the Legislature did not intend to empower the Governor-General of India to extend the life of an Ordinance, promulgated by him under the provisions of section 42, by another Ordinance. As Dr. Ambedkar emphatically declared in the Constituent Assembly that "Article 102 does not contain any of the provisions which were contained in section 43 of the Government of India Act", 1935 and "all that we are doing is to continue the powers given under section 42 to the Governor-General to the President under the provisions of Article 102,"³⁷ it is clear, beyond all rational doubt, that the President of India also does not have any power to extend the life of one Ordinance by another Ordinance. As Article 213 of the Constitution of India is analogous to Article 123 of the Constitution of India, it goes without saying that the Governor of a State also does not possess any such power.

It has been observed by different courts in England that in the matter of interpretation of an Act, it is essential that regard must be given not only to the words used, but to the history of the Act.³⁸⁻⁴² Thus, the court is not to be oblivious of the history of law and legislation. When the history of law and legislation tells the court what the object of the legislature

³⁷ Constituent Assembly of India : *Constituent Assembly Debates*, Official Report, Volume VIII (1949), 16-5-1949 to 16-6-1949, New Delhi, 1967, p. 218.

³⁸ *Wolfenstan v. The Bishop of Lincoln and Whitehead* (1763), 2 Wils. 174, at p. 193.

³⁹ *Hickey v. Hayter* (1795), 6 Ter. Rep. 384, at p. 385.

⁴⁰ *In re Dick, Lopes v. Hume Dick* (1891), 1 Ch. 423.

⁴¹ *Thomson v. Lord Clanmorries* (1900), 1 Ch. 718, at p. 725, per Lindley, the Master of the Rolls.

⁴² *Pratt v. Cook, Son and Company (St. Pauls) Ltd.* (1939), 1 K. B. 364, at p. 382, per Goddard, Lord Justice.

was, the court is to see whether the interpretation of the Statute is such as fairly carries out that object and no other.⁴³⁻⁴⁵ Such topics as the history of the legislation, therefore, can be usefully employed to interpret the meaning of a Statute.⁴⁶ It has been observed by the Supreme Court of the United States of America also that legislative history of a Statute is the most fruitful source of instruction as to its proper interpretation.⁴⁷ The Supreme Court of India also has laid down that in interpreting an Act, the court should take into consideration the antecedent history of the legislation.⁴⁸

It would be totally wrong to disregard all these aspects when one has to consider the question whether the Governor of a State can extend the life of an Ordinance, either directly or (through the medium of a fresh identical Ordinance) indirectly.

⁴³ *Holme v. Guy* (1877), 5 Ch. D. 901, at p. 905, per Jessel, the Master of the Rolls.

⁴⁴ *River Wear Commissioners v. William Adamson and others* (1877), 2 App. Cas. 743.

⁴⁵ *The Eastman Photographic Materials Company Limited v. The Comptroller-General of Patents, Designs and Trademarks* (1898), 1898 A. C. 571.

⁴⁶ *Powell v. The Kempton Park Racecourse Company Limited* (1899), 1899 A. C. 143, at p. 157, per Earl of Halsbury, Lord Chancellor.

⁴⁷ *Walter W. Flora v. United States* (1960), 4 L ed 2d 623, at p. 627.

⁴⁸ *Kedarnath v. State of Bihar* (1962), A.I.R. 1962 Supreme Court 955, at p. 972.

Fraud in the Realm of Constitutional Law

Rule of Interpretation

AS FAR BACK AS 1584, it was resolved by the Barons of the Exchequer that the office of all the judges was always to make such interpretation of the Statutes as shall suppress the mischief and advance the remedy, and to suppress subtle inventions and evasions for the continuance of the mischief, and *pro privato commodo*, and to add force and life to the cure and remedy, according to the true intent of the makers of the Statutes, *pro bono publico*.¹ Thereafter also in a number of cases, it was repeatedly said that the duty of a judge was to make such construction of a Statute as shall suppress the mischief and advance the remedy, and to suppress all evasions for the continuance of the mischief.²⁻⁹ In 1898, the importance of the resolution of 1584 of the Barons of the Exchequer was again emphasized when it was observed by the Chancery Division that in order

¹ *The Attorney-General v. Heydon*—known as the Heydon's Case—(1584), 3 Co. Rep. 7a, at p. 7b (New Edition—2 Co. Rep. 18, at p. 19). This firmly established rule of the construction of Statutes was accepted by the Supreme Court of India as a sound principle of interpretation and therefore was followed by it in the case of *Bengal Immunity Co. Ltd., v. State of Bihar and others* (1955), A.I.R. 1955 Supreme Court 661, at pp. 674-675.

² *Warner v. Smith*—The case of the Master and Fellows of the Magdalen College in Cambridge, known as the Magdalen College Case—(1616), 11 Co. Rep. 66b, at p. 71b (New Edition—6 Co. Rep. 125, at p. 134).

³ *Turtle v. Hartwell* (1795), 6 Term. Rep. 426, at p. 429, per Lord Kenyon.

⁴ *Johnes v. Johnes* (1814), 3 Dow. 1, at p. 15.

⁵ *The Dean and Chapter of St. Peter, York v. Middleborough and others* (1828), 2 Y. & J. 196.

⁶ *Salkeld Clerk v. Johnson* (1848), 2 Exch. 256, at p. 273.

properly to interpret any Statute it was as necessary then as it was in 1584 to suppress all evasions for the continuance of the mischief.¹⁰

This manner of construction is considered to have two aspects. One is that the courts, mindful of the mischief rule, will not be astute to narrow the language of a Statute so as to allow persons within its purview to escape its net. The other is that the Statute may be applied to the substance rather than the mere form of transactions, thus defeating any shifts and contrivances which parties may have devised in the hope of thereby falling outside the Statute.¹¹

A cardinal rule in the interpretation of Statutes, therefore, is that such exposition of a Statute ought to be favoured as hinders the Statute from being eluded. It (the Statute) should be so construed as to defeat all attempts to do, or avoid doing, in an indirect or circumlocutory manner that which it (the Statute) has prohibited or enjoined to be done and prevent and render unavailing all such attempts in order that the real object and intention of a Statute are not frustrated but effectively carried out.¹²⁻¹³ The provisions of a Statute cannot be evaded by shift or contrivance.¹⁴ Whatever colour or form the parties may think fit to give to the transactions for the purpose of disguising their real nature, the courts go behind the documents and formalities and enquire into the real facts to ascertain the true nature of that which is done in order not to allow a Statute to be evaded by reason of the form so put forward for the purpose of preventing the court from getting at the true facts.¹⁵⁻¹⁸ Whatever is prohibited by law to be done directly cannot be legally effected by an indirect and

⁷ *River Wear Commissioners v. William Adamson and others* (1877), 2 App. Cas. 743, at p. 764, per Lord Blackburn.

⁸ *In re Dick, Lopes v. Hume-Dick* (1891), 1 Ch. 423, at p. 430, per Kay, Lord Justice.

⁹ *The Eastman Photographic Materials Company Limited v. The Comptroller-General of Patents, Designs and Trademarks* (1898), 1898 A.C. 571, at p. 573, per Earl of Halsbury, Lord Chancellor.

¹⁰ *In re Mayfair Property Company, Bartlett v. Mayfair Property Company* (1898), 2 Ch. 28, at p. 35.

¹¹ Langan, P. St. J., *Maxwell on the Interpretation of Statutes*, Twelfth Edition, Bombay, 1976, p. 137.

¹² 7 Bac. Abr. Statute (I) 456-462.

¹³ 5 Com. Dig. Parlimt. (R) 28, 245 and 325.

¹⁴ *Fox v. The Bishop of Chaster* (1824), 2 B. & C. 635, at p. 655, per Abbott, Chief Justice.

¹⁵ *Solarte and others v. Melville and another* (1827), 1 Man. & Ry. K. B. 204, per Lord Tenterden.

¹⁶ *Yorkshire Railway Wagon Company v. Maclure* (1882), 21 Ch. D. 309.

¹⁷ *In re Watson, Ex-parte Official Receiver in Bankruptcy* (1890), 25 Q.B.D. 27, at p. 37.

¹⁸ *Madell v. Thomas and Company* (1891), 1 Q.B. 230, at p. 233.

circuitous contrivance¹⁹ and a transaction cannot be upheld which is a mere device for carrying into effect that which the legislature has said shall not be done²⁰ because that which cannot be done per *directum* shall not be done per *obliquum*.²¹ When anything is prohibited, everything by which it is reached is also prohibited²² : *Quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud*. When a contract, express or implied, was expressly or by implication, forbidden by a Statute, it was said that no court was supposed to lend its assistance to give effect to that contract²³⁻²⁷ : *Pacta privata jure publico derogare non possunt*. Whenever it can be shown that the acts of the parties are adopted for the purpose of effecting a thing which is prohibited, and the thing prohibited is in consequence effected, the parties have done that which they have purposely caused, though they may have done it indirectly and endeavoured to conceal that they have done so.²⁸ Thus, the real question to be always looked into is whether the transaction is or is not within the provisions of the Statute, although it does not follow that it is not within because the very words of the Statute have not been violated.²⁹

This rule has been compendiously called the rule against evasion. Evasion, in the sense of underhand dealing, has been described as simply fraud — no more than a flagitious attempt to pass off an existing state of things as being something other than what it really is. Words, of course, may be used to assist in the illusion, though it is rarely that the meaning of such words is called in question.³⁰ *Contra legem facit, qui id facit quod lex prohibet, in fraudem uero, qui saluis uerbis legis sententiam eius circumuenit* : One who does what a Statute forbids transgresses the Statute; one who contravenes the intention of a Statute, without disobeying its

¹⁹ *Sir Felix Booth, Bart, and other Directors of the London Joint Stock Bank, and George Pollard, the Manager of the Bank v. The Governor and Company of the Bank of England* (1840), 7 Cl. & Fin. 509, at p. 540, per Lord Tindal, Chief Justice.

²⁰ *Morris and Jeffs v. Blackman* (1864), 2 H. & C. 912, at p. 918, per Martin, B.

²¹ 2 Co. Litt. 223B.

²² *The Rev. Thomas Philpott v. The President and Governors of St. George's Hospital and others* (1857), 6 H.L.Cas. 338, at p. 349, per Lord Chancellor.

²³ *Law v. Hodson* (1809), 11 East 300.

²⁴ *Cope v. Rowlands* (1836), 2 M. & W. 149, at p. 157.

²⁵ *Smith and others v. Mawhood* (1845), 14 M. & W. 452.

²⁶ *Taylor v. The Crowland Gas and Coke Company* (1854), 10 Exch. 293.

²⁷ *Melliss and another v. The Shirley and Freemantle Local Board of Health* (1885), 16 Q.B.D. 446.

²⁸ *James Jeffries and others v. John Biddle Alexander and others and the Accountant-General* (1860), 8 H.L.Cas. 594, at p. 623, per Justice Blackburn.

²⁹ *Edwards v. Hall* (1855), 6 De.G.M.&G. 74, at p. 89, per Lord Chancellor.

³⁰ Jackson, Sir Gilbert H. B., *The Interpretation of Statutes by the late Sir Peter Benson Maxwell*, Eighth Edition, London, 1937, p. 101.

actual words, commits a fraud on it.³¹ As no court can countenance an attempt to play fraud upon the Statutes passed by the legislature of its country, whenever an evasion is attempted, the court, according to Maxwell, will make short work of it.³²

Judicial Pronouncements Against Evasion

As regards the decisions against evasion, they abound in number. In the case before the Barons of the Exchequer, referred to in the beginning of this chapter,³³ the parcel of lands in the suit was ancient copyhold of the manor of Ottery, in the county of Devon, whereof the warden and canons regular of the late College of Ottery had a right in the said college; and that the warden and canons of the said college granted in 1506, at the court of the said manor, that parcel of lands by copy to A, the father, and B, the son, for their lives, at the will of the lord, according to the custom of the said manor; and the rest of the land in the suit was occupied by C and D at the will of the warden and canons of the said college for the time being.

The said C and D so possessed, and the said A and B so seized as aforesaid, the said warden and canons leased in 1538, the same parcel of lands to one E, the defendant, for eighty years. In 1539, it was enacted by the Religious Houses Act³⁴ that all leases or grants for lives, or for term of years, made by any abbot, etc., or other religious and ecclesiastical house or place within one year prior to the commencement of the session of Parliament in which that Act was made, of any manors, messuages, lands, etc., in which any estate or interest for life, year or years, at the time of the making of such grant or lease, then had its existence or continuance, or was to have thereafter its existence or continuance, and not determined at the making of such lease, etc., shall be utterly void.

Even though the particular estates aforesaid were determined before the lease of the defendant began, it was unanimously resolved by the Barons of the Exchequer that the said lease made to the defendant of the said parcel of lands, whereof A and B were seized for life by copy of the court-roll, was void. To the argument that although some tenants by copy of

³¹ Dig. I, 3, 29 (*vide* Holland, Thomas Erskine, and Shadwell, Charles Lancelot (edited), *Select Titles from the Digest of Justinian*, Oxford, 1874, p. 15; and Monro, Charles Henry (translated), *The Digest of Justinian*, Volume I, Cambridge, 1904, p. 21). In Jackson, Sir Gilbert H. B., *The Interpretation of Statutes by the late Sir Peter Benson Maxwell*, Eighth Edition, London, 1937, at p. 102, the number of the above-mentioned paragraph is wrongly given as 28 instead of 29.

³² Jackson, Sir Gilbert H. B., *The Interpretation of Statutes by the late Sir Peter Benson Maxwell*, Eighth Edition, London, 1937, p. 101.

³³ *The Attorney-General v. Heydon* (1584), 3 Co. Rep. 7a (New Edition—2 Co. Rep. 18).

³⁴ 31 Hen. 8, c. 13.

the court-roll had an estate of inheritance, yet they had it but at the will of the lord, according to the course of the common law, for if the lord put them out, they had no other remedy but to approach their lord by petition, it was said that though a copyholder had an estate at the will of the lord, yet it was according to the custom of the manor, and if he was ousted contrary to the custom, he could not only approach his lord by petition, but could have trespass against him. It was further said by the Barons of the Exchequer that in the case before them the common law was that religious and ecclesiastical persons could make leases for as many years as they pleased, the mischief was that when they perceived that their houses would be dissolved, they made long and unreasonable leases. The Religious Houses Act, according to them, did provide the remedy, and principally for such religious and ecclesiastical houses which were to be dissolved after the passing of that Act (as the said college in that case was) that all leases of any land, whereof any estate or interest for life or years was then in existence, shall be void; and their reason was that it was not proper for the religious houses to determine an existing lease to make a new one so long as the former had continuance; and therefore the intent of the Act was to prevent them from making such leases before their dissolution. Thus, even though the lease made to the defendant was within the words of the Statute, it was declared void because it was considered to have been made to evade the intention of the Statute.

When the Usury Act, 1713,³⁵ against usury was in force, it was said that if the contract really was a usurious loan of money, the wit of the man could not find a shift to take that out of the Act,³⁶ and thus the transactions, which purported to be sales of land,³⁷ goods³⁸⁻⁴⁰ or stock,⁴¹⁻⁴⁴ or a lease,⁴⁵⁻⁴⁶ or an agency,⁴⁷ or a partnership,⁴⁸⁻⁵⁰ but in reality differed

³⁵ 13 Ann, c. 15 (12 Ann St. 2, c. 16).

³⁶ *Floyer v. Edwards* (1774), 1 Cowp. 112, at p. 114, per Lord Mansfield, Chief Justice.

³⁷ *Doe v. Gooch* (1820), 3 B. & Ald. 664.

³⁸ *Floyer v. Edwards* (1774), 1 Cowp. 112, at p. 114, per Lord Mansfield, Chief Justice.

³⁹ *Jestons v. Brooke* (1778), 2 Cowp. 793, at pp. 613-614.

⁴⁰ *Davis v. Hardacre* (1810), 2 Camp. 375.

⁴¹ *Tate v. Wellings* (1790), 3 Term. Rep. 531.

⁴² *Boldero and another v. Jackson* (1809), 11 East 612.

⁴³ *Barnard v. Young* (1810), 17 Ves. 44.

⁴⁴ *White and another, Executor of White v. Ann Wright* (1824), 2 B. & C. 273.

⁴⁵ *Bedo v. Sanderson* (1809), Cro. Jac. 440 = 79 E.R. (Eng. Rep.) 376.

⁴⁶ *Doed Titford v. Chambers* (1814), 4 Camp. 1.

⁴⁷ *Harris and another v. Boston* (1810), 2 Camp. 348.

⁴⁸ *Enderbey v. Gilpin* (1821), 5 Moo. 571.

⁴⁹ *Gilpin v. Enderbey* (1822), 5 B. & Ald. 954, at p. 963.

⁵⁰ *Armstrong v. Armstrong and Warner; Armstrong v. Armstrong and Lewis; Warner v. Armstrong; and Lewis v. Armstrong* (1834), 3 My. & K. 45.

only in name from the usurious loans, were held to be void. Thus the various forms given to the contracts by the parties did not vary the real nature of the transactions and prevent them from being usurious.

When a tenant under covenant not to let, set, assign, transfer, or make over his indenture of his lease without his landlord's consent gave a warrant of attorney to confess judgement to a creditor for the express purpose of enabling such creditor to take the lease in execution under the judgement, that was held to be in fraud of the covenant.⁵¹ It was observed there that the tenant did not, in terms, assign the lease, but he did that which was equivalent: it was an attempt to evade the covenant, and was intended as a fraud on the landlord. The warrant of attorney given by the tenant was held to be fraudulent because it was discovered that the parties were aware that the lease could not be directly assigned by the lessee in satisfaction of his debt, and that they had done that by the appearance of an adverse judgement which, by their own act, they could not effect so that that was to appear to be done in *invitum* when, in truth, that was done voluntarily.

Similarly, a warrant of attorney given by one who at the time intended to take the benefit of the Insolvent Debtors' Relief Act, 1826,⁵² to a particular creditor to enable him to take his goods in execution was held⁵³⁻⁵⁴ to be a charge on property or a transfer of that by assignment under the provisions of that Act and thus a fraudulent transfer of property within the provisions of that Act, the object of which was the prevention of fraud and to effect an equal distribution of the insolvent's property among the creditors at large. The warrant of attorney was held to be fraudulent when it was found to have been given for the purpose of defeating a covenant in lease, and a warrant of attorney given with the intention of defrauding the rest of the creditors. As that particular creditor could not have obtained possession of the insolvent's effects but by means of the warrant of attorney, it was therefore declared a charge on his property which was void within the meaning of section 32 of that Act.

A bequest of money to a corporation for augmenting some poor vicarage was held void⁵⁵ under the provisions of the Charitable Uses Act, 1736,⁵⁶ which prohibited bequests for the purpose of buying land; it being a rule of the corporation to lay out money in land unless otherwise specifically directed. Again, a legacy of money to build alms-houses for the

⁵¹ *Doe v. Carter* (1799), 8 Term. Rep. 300, at p. 302.

⁵² 7 Geo. 4, c. 57.

⁵³ *Sharpe and another v. Thomas* (1830), 6 Bing. 416.

⁵⁴ *Faithful Croft v. Benjamin Lumley* (1857), 6 H.L.Cas. 672, at p. 739, per Lord Cranworth.

⁵⁵ *Widmore v. Woodroffe* (1766), Amb. 636 (Part II).

⁵⁶ 9 Geo. 2, c. 36.

poor, with a residuary bequest to an orphan school provided they provided a piece of land near the school to build the aforesaid houses, was declared void,⁵⁷ for though ostensibly that transaction was not a purchase of land, in reality it amounted to the purchase of land and a device of that. The giving of money to the school as a consideration for their giving land for a charitable purpose was considered to be the same thing as buying land for the charity. In some other cases, money bequeathed to be laid out in building houses, where there was no land already in mortmain to build them on, was construed as an indirect instruction to purchase land for the purpose and therefore held void⁵⁸⁻⁶³ because unless the testator distinctly pointed to some land, already in mortmain, the court understood him to mean that an interest in land was to be purchased and therefore the gift was considered not good.⁶⁸ Where the owner of land executed a deed by which he covenanted that he or his executors would pay to trustees for certain charitable purposes a large sum of money which could necessarily have been raised only out of his land, that also was held to fall within the prohibition of the Statute. The creation of a fictitious debt on which execution might issue, and the land be taken, was but an indirect mode of making a gift of the land.⁶⁴⁻⁶⁵

A beer-shopkeeper who was licensed to sell beer, under the provisions of the Sale of Beer and Cider Act, 1834,⁶⁶ to be drunk only off the premises, was held⁶⁷ to have evaded that Act when he sold beer drunk by the customers whilst sitting on a bench placed outside the door of the ale-house which he provided close to his shop for his customers, the intention making it, virtually, a sale for consumption on the premises.

The provisions of section 2 of the Theatres Act, 1843,⁶⁸ which prohibited the performance of stage-plays without licence, were held⁶⁹ applicable to a performance where none of the actors went at any time bodily on the stage but acted their parts in a chamber below it and by a combination of lenses and mirrors their figures were reflected upon a mirror at the back

⁵⁷ *Attorney-General v. Davies* (1804), 9 Ves. 535.

⁵⁸ *Attorney-General v. Tyndall* (1764), Amb. 614.

⁵⁹ *Pritchard v. Arbouin* (1827), 27 R.R. 106.

⁶⁰ *Giblett v. Hobson* (1834), 41 R.R. 114.

⁶¹ *Mather v. Scott* (1837), 44 R.R. 229.

⁶² *Biggar v. Eastwood* (1886), 19 L.R. Ir. 49, at p. 65.

⁶³ *Chapman v. Brown* (1801), 6 Ves. 404.

⁶⁴ *James Jeffries and others v. John Biddle Alexander and others and the Accountant-General* (1860), 8 H.L.Cas. 594, at p. 623, per Justice Blackburn.

⁶⁵ *Attres v. Howe* (1878), 9 Ch. D. 337.

⁶⁶ 4 & 5 Will. 4, c. 85.

⁶⁷ *Cross v. Watts* (1862), 32 L.J.M.C. 73.

⁶⁸ 6 & 7 Vict., c. 68.

⁶⁹ *James Day v. Mercer Hampson Simpson* (1865), 11 Jur. N.S. 487.

of the stage so ingeniously and effectually that to the spectators the appearance was that of persons actually upon the stage. It was contended by the defendants that their entertainment was mere exhibition of optical illusion and that a dramatic performance or entertainment necessarily involved the appearance and acting of living persons on the stage. But their plea was rejected by the court. As that was an exhibition which was conducted with all the accessories of the stage-play — a proscenium, a curtain, a drop-scene, a float for foot-lights, the wings, a dialogue of a composed set drawn with a regular plot of love, courtship and matrimony — all seen and heard by the audience, it was held by the court that it made no difference in the legal character of the performance that the performers did not go on the stage bodily.

It was laid down by the Privy Council, the final court of appeal for all Commonwealth countries outside the United Kingdom,⁷⁰ also that whatever the frame in which a legislation is cast, the courts must determine the true nature and character of the legislation⁷¹⁻⁷² and it is the result of this investigation, not the form alone, which the Statute may have assumed under the hands of draftsman, that will determine the validity or otherwise of a Statute;⁷³ and for this purpose the legislation must be scrutinized

⁷⁰ The flow of civil appeals from all the Indian High Courts to the Privy Council was stopped from February 1, 1948; all such appeals were to lie to the Federal Court from that date [*vide* sections 2 and 3 of the Federal Court (Enlargement of Jurisdiction) Act, 1947, Central Act 1 of 1948]. The jurisdiction of the Privy Council to entertain any new appeal, including appeals in respect of criminal matters, from any court in India was abolished with effect from October 10, 1949; all pending appeals excepting those which the Privy Council could dispose of before the commencement of the Constitution of India on January 26, 1950, were to be transferred to the Federal Court (*vide* sections 2, 4 and 5 of the Abolition of Privy Council Jurisdiction Act, 1949, Constituent Assembly Act 5 of 1949). The last appeals from India were disposed of by the Privy Council on December 19, 1949 — *Manmohan Das v. United Provinces and others*, A.I.R. 1950 Privy Council 85 (Privy Council Appeals Numbers 27, 28 and 29 of 1946 from the Allahabad High Court); *The Bank of India Ltd. and others v. Jamssetji A. H. Chinoy and Messrs. Chinoy and Co.*, A.I.R. 1950 Privy Council 90 (Privy Council Appeal Number 4 of 1948 from the Bombay High Court); and *Govindram Gordhandas Seksaria and another v. State of Gondal by His Highness the Maharaja of Gondal and others*, A.I.R. 1950 Privy Council 99 (Privy Council Appeals Numbers 24 and 25 of 1947 from the Bombay High Court). On January 26, 1950, the jurisdiction of the Federal Court stood transferred to the Supreme Court of India [*vide* Articles 124(1) and 395 of the Constitution of India].

⁷¹ *The Citizens Insurance Company of Canada v. William Parsons; The Queen Insurance Company v. William Parsons* (1881), (1881-1882) 7 App. Cas. 96, at p. 109.

⁷² *Charles Russell v. The Queen* (1882), (1881-1882) 7 App. Cas. 829, at pp. 839-840.

⁷³ *Attorney-General for Ontario v. Reciprocal Insurers and others* (1924), 1924 A.C. 328, at p. 337.

in its entirety⁷⁴ and the court should examine the effects of the legislation and take into consideration its object, purpose or design.⁷⁵ It was further laid down by the Privy Council that where the law-making authority is of a limited or qualified character, it is necessary to examine with some strictness the substance of the legislation for the purpose of determining what is that the legislature is doing.⁷⁶

Thus, a Statute, entitled 'An Act to Compel Assurers to take out a Licence', passed in 1875 by the Legislature of the Province of Quebec,⁷⁷ which took the form of a Licence Act, was held to be in its true character a Stamp Act and an attempt to impose a tax which was an indirect tax in contravention of the limitation to which the Provincial powers of taxation were subject to.⁷⁸ It was enacted by that Act that every assurer carrying on, in the Province of Quebec, any business of assurance, other than that of marine assurance, shall be bound to take out a licence in every year, and that the price of such licence shall consist of an adhesive stamp to be affixed on the policy of the assurance, premium receipt, or renewal, as the case might be. The Act then imposed for each contravention of that Act a penalty and made all policies, premium receipts or renewals, not stamped as required by that Act, invalid.

It was observed by the Privy Council that though that Act purported to be a licensing Act, the licensee was not compelled to pay anything for the licence, and, what was more singular, according to the Privy Council, the licensee was not compelled to take out the licence, because there was no penalty at all upon the licensee for not taking it up; and further than that, if the policies were issued with the stamp, they were valid, although no licence had been taken out at all. Thus a licence was granted which there was no means of compelling the licensee to take, and which he paid nothing for if he took; which was certainly a singular thing to be stated of a licence. Though it was said on the face of the Statute that the price of each licence shall consist of an adhesive stamp affixed to the policy, or receipt, or renewal, that was not a price to be paid by the licensee. That was a price to be paid by anybody who wanted a policy, because, without that, no policy could be obtained. It might be that the company bought the adhesive stamps, and affixed them; it might be that the assured bought the adhesive stamps, and affixed them, or paid an officer of the company

⁷⁴ *Great West Saddlery Company Limited v. The King* (1921), (1921) 2 A.C. 91, at p. 117.

⁷⁵ *Attorney-General for Alberta v. Attorney-General for Canada and others* (1938), 1939 A.C. 117, at p. 130.

⁷⁶ *Attorney-General for Ontario v. Reciprocal Insurers and others* (1924), 1924 A.C. 328, at p. 337.

⁷⁷ 39 Vict., c. 7.

⁷⁸ *The Attorney-General for Quebec v. The Queen Insurance Company* (1878), (1877-1878) 3 App. Cas. 1090.

the money necessary to purchase them and affix them; but whosoever did that complied with the Act. Therefore, the Privy Council further observed that if one left the clauses about the licence, every discretion for taking out a licence, and everything said about the price of a licence, and merely left the rest of the Act in, the effect of the Act remained the same. The Government of the Province of Quebec obtained exactly the same amount of money by virtue of the Statute as it did with the licence clauses remaining in the Statute. The penalty was on the issuing of policies, premium receipts, and renewals; it was not a penalty for not taking out the licence. The result, therefore, according to the Privy Council, was that that Act was not in substance a Licence Act at all. According to the Privy Council, that Act was nothing more or less than a simple Stamp Act on policies, with provisions referring to a licence, because, it must be presumed, the framers of the Statute thought it was necessary, in order to cover the kind of tax in question with legal sanction, that it should be made in the shape of the price paid for a licence. That Act appeared to the Privy Council a complete novelty as no such Licence Act had ever been seen by them before.

Similarly, section 4 of the British Columbia Coal Mines Regulation Act, 1890, which prohibited the employment of Chinamen of full age in underground coal workings was declared, in that respect, *ultra vires* of the Provincial Legislature⁷⁹ because the provisions of that impeached section, as explained by the Privy Council in a later case,⁸⁰ were not really aimed at the regulation of coal mines at all, but were in truth devised to deprive the Chinese, naturalised or not, of the ordinary rights of the inhabitants of British Columbia and, in effect, to prohibit their continued residence in that Province since they prohibited their earning their living in that Province. It was observed by the Privy Council that those provisions could not be regarded as merely establishing a regulation applicable to the working of underground coal mines, a subject within the competency of the Provincial Legislature. The reason is that they had no application except to Chinamen who were aliens or naturalised subjects, and that they established no rule or regulation except that those aliens or naturalised subjects shall not work, or be allowed to work, in underground coal mines within the Province of British Columbia. According to the Privy Council, the whole pith and substance of the provisions of section 4, under attack, consisted in establishing a statutory prohibition which affected aliens or

⁷⁹ *Union Colliery Company of British Columbia Limited and others v. Bryden* (1899), 1899 A.C. 580.

⁸⁰ *Cunningham and Attorney-General for British Columbia v. Tomey Homma and Attorney-General for the Dominion of Canada* (1903), 1903 A.C. 151, at p. 157.

naturalised subjects, and therefore trench upon the power of the Parliament of Canada which alone was invested with exclusive authority in all matters which directly concerned the rights, privileges and disabilities of the class of Chinamen who were resident in the Province of British Columbia.

On the other hand, sections 11 and 12 of the Insurance Act of Canada,⁸¹ revised under parliamentary sanction in 1927, requiring a foreign or British insurer, entitled to carry on business within the Province of Quebec under a licence obtained under the Quebec Insurance Act, to be licensed thereunder were declared *ultra vires* of the Dominion Parliament⁸² since, in the guise of legislation to aliens, matters within the Dominion authority, they were held to seek to intermeddle with the conduct of insurance business which had been declared⁸³ a subject exclusively within the Provincial authority.

The whole law on this point was summed up by the Privy Council in 1938⁸⁴ when it observed that it was not competent either for the Dominion Parliament or a Provincial Legislature under the guise, or the pretence, to carry out an object which was beyond its powers and a trespass on the exclusive power of the other.

In an appeal from the decision of the Allahabad High Court, which was in respect of a contract to surrender by the ex-proprietary tenants their occupancy-rights in their *sir*⁸⁵ lands the relinquishment of which was forbidden under the provisions of section 20 (2) of the Agra Tenancy Act, 1901,⁸⁶ it was held⁸⁷ by the Privy Council that the policy of the Act was not to be defeated by any ingenious devices, arrangements, or agreements between a vendor and vendee for the relinquishment by the vendor of his *sir* land or land which he had cultivated continuously for twelve years at the date of the transfer. All such devices, arrangements, and agreements, according to that judgement, were in contravention of the

⁸¹ Revised Statutes of Canada, 1927, c. 101.

⁸² *In re The Insurance Act of Canada* (1931), 1932 A.C. 41.

⁸³ *Attorney-General for the Dominion of Canada v. Attorney-General for the Province of Alberta and others* (1916), (1916) 1 A.C. 588.

⁸⁴ *Attorney-General for the Province of Alberta v. Attorney-General for the Dominion of Canada and others* (1938), 1939 A.C. 117, at p. 130.

⁸⁵ *Sir* lands mean lands under personal cultivation of the proprietors themselves, cultivated either by their own labourers and at their own cost or by tenants-at-will, not being let in lease or farm. Those lands were sometimes allowed to be held at a reduced rate of assessment, or were unassessed so as to provide subsistence for the proprietors.

⁸⁶ United Provinces Act 2 of 1901.

⁸⁷ *Moti Chand and others v. Ikram-Ullah Khan and others* (1916), A.I.B. 1916 Privy Council 59.

policy of the Act and were contrary to law and were illegal and void, and could not be enforced by the vendee in any civil court or in any court of revenue.

Thus, it is clear from the above-mentioned cases, whether they related to the manner of transactions under a particular legislation or to the subject-matter of the legislation itself, that the courts always took into consideration the true character and pith and substance of the matter and did not consider themselves precluded from disregarding or throwing aside the cloaks which were intended as mere blinds or screens for something behind.

What Cannot Be Done Directly Cannot Be Done Indirectly

Lastly, it has been observed by the Supreme Court of India also,⁸⁸ while examining the scope and meaning of colourable legislation, that if the Constitution of a country distributes the legislative powers amongst different bodies, which have to act within their respective spheres, or if there are limitations on the legislative authority in the shape of fundamental rights, questions do arise as to whether the legislature in a particular case has or has not, in respect to the subject-matter of a Statute or in the method of enacting it, transgressed the limits of its constitutional powers. Such transgression may be patent, manifest or direct, but it may also be disguised, covert and indirect and it is to this latter class of cases that the expression 'colourable legislation' has been applied in certain judicial pronouncements. The idea conveyed by the expression is that although apparently a legislature in passing a Statute purported to act within the limits of its powers, yet in substance and in reality it transgressed those powers, the transgression being veiled by what appears, on proper examination, to be a mere pretence or disguise.

Thus, it (the Supreme Court of India) laid down⁸⁹ that "it is the substance of the Act that is material and not merely the form or outward appearance, and if the subject-matter in substance is something which is beyond the powers of that legislature to legislate upon, the form in which the law is clothed would not save it from condemnation. The legislature cannot violate the constitutional prohibitions by employing an indirect method".

"The whole doctrine of colourable legislation", according to the Supreme Court of India, "is based upon the maxim that you cannot do indirectly what you cannot do directly. . . . It may appear on scrutiny that the real purpose of a legislation is different from what appears on the face of it, but it would be a colourable legislation only if it is shown that the

⁸⁸ *K. C. Gajapati Narayan Deo and others v. State of Orissa* (1953), A.I.R. 1953 Supreme Court 375, at p. 379.

⁸⁹ *ibid.*

real object is not attainable to it by reason of any constitutional limitation."⁹⁰

Object of the Bihar Ordinances

It is true that it is not easy to impute a dishonest motive to the Governor of Bihar and hold that he is acting *mala fide* in promulgating all the Ordinances. It is also true that the Ordinances promulgated by the Governor of Bihar may not be reaching beyond the legislative powers of the Governor of a State. The subject-matter of the Ordinances promulgated by the Governor of Bihar may also be within the legislative competence of the State. But the Governor is doing indirectly what he cannot do directly under the Constitution of India : he is re-promulgating Ordinances. Though the recital of all the Ordinances promulgated by him is in apple-pie order, the object of most of them is not what the Constitution requires. While pretending to comply with the constitutional provisions when he repeals the earlier Ordinances, he, in effect, produces a scheme for the continuation of those Ordinances by shift or contrivance. The colourable nature of the re-promulgation of the Ordinances by him lies in its device or contrivance to evade the limitation as to the duration of those Ordinances imposed under Article 213(2) (a) of the Constitution of India that every Ordinance shall cease to operate at the expiration of six weeks from the re-assembly of the Legislature.

The successive repeal and re-promulgation of the same Ordinances by him, thus, is in truth a mere device to accomplish a bye or collateral or sinister object of extending the lives of those Ordinances, an act substituted for another, *mala fide* substituted, an illegal act in the teeth of the Constitution. The colourable use of the repeal of earlier Ordinances cannot serve to disguise the real object of the Governor of Bihar which is to keep them alive, and therefore should be unavailing to cloak the reality of the extension of the lives of those Ordinances by a sham repeal and re-promulgation.

Fraud on the Constitution of India

Therefore, is not the successive repeal and re-promulgation of the same Ordinances by the Governor of Bihar, before their dates of expiry, with the intention of keeping them alive, a purpose which cannot be attained directly under the provisions of the Constitution of India, not only unknown to law but also a fraudulent device to circumvent the constitutional provisions ? Secondly, is not the President of India also a party to that fraud when he gives his permission to the Governor of Bihar for circuitously circumventing the provisions of the Constitution of India by re-promulgating Ordinances by such invalid means ?

⁹⁰ *ibid.*, p. 381.

Will the Supreme Court Brush Away the Cobweb Varnish ?

It was observed by the Court of the King's Bench in 1767 that when the manner of a transaction is to gild over and conceal the truth, it is the duty of the court of law to brush away the cobweb varnish and show the wicked deed in its true light.⁹¹ Will the Supreme Court of India do this in the matter of re-promulgation of Ordinances by the Governor of a State ?

⁹¹ *Collins v. Blantern* (1767), 2 Wils. 347, at p. 349, per Lord Wilmot, Chief Justice.

Amendment of the Constitution

Vulnerable Safeguard

THE CONSTITUENT ASSEMBLY, while granting power to the Governor under Article 213, knew that the region was one surcharged with suspicion. But it risked the chance of abuse which will always be theoretically present when absolute power in general terms is delegated to an executive body. It thought the restriction of the power to the period of the duration of the Ordinance, provided in Article 174 of the Constitution that more than six months shall not intervene between the last sitting in one session and the date appointed for the first sitting of the next session of the Legislature, to be a sufficient safeguard. The possibility of the Legislature's virtually abdicating its legislative powers in favour of the Executive and being at its (Executive's) beck and call was not visualised by it. The Constituent Assembly had never dreamt of such conduct on the part of the Executive and the Legislature, which has made that safeguard, as a legal safeguard, vulnerable.

If the proposition laid down by the Patna High Court in 1975 (that it was not for the Court to declare any Ordinance *ultra vires* the Constitution on the score of its being re-promulgated again and again) be correct, the Executive will come to be vested with an unfettered and uncanalised discretion in the sphere of legislation subject to the only qualification contained in the words 'that the Governor is satisfied that the circumstances exist which render it necessary for him to take immediate action'. The Ordinances promulgated by the Executive will have an unlimited duration. It is obvious that the Constituent Assembly had not entertained any such possibility.

Recent Observation of the Supreme Court

It may not be out of place to refer here to a recent observation of the Supreme Court of India in an obvious reference to the re-promulgation of Ordinances in the State of Bihar. It stated¹ that "One of the larger States in India has manifested its addiction to that power by making an overgenerous use of it—so generous indeed, that Ordinances which lapsed² by efflux of time were renewed successively by a chain of kindred creatures, one after another. And, the Ordinances embrace everything under the sun, from Prince to pauper and crimes to contracts. ... The Constituent Assembly ... conferred upon the Executive the power to legislate, not of course intending that the said power should be used recklessly or by imagining a state of affairs to exist when, in fact, it did not exist; nor, indeed, intending that it should be used *mala fide* in order to prevent the people's elected representatives from passing or rejecting a Bill after a free and open discussion, which is of the essence of democratic process. ... The debates of the Constituent Assembly (Vol. 8, Part V, Chapter III, pp. 201 to 217) would show that the power to issue Ordinances was regarded as a necessary evil. That power was to be used to meet extraordinary situations and not perverted to serve political ends. The Constituent Assembly held forth, as it were, an assurance to the people that an extraordinary power shall not be used in order to perpetuate a fraud on the Constitution which is conceived with so much faith and vision. That

¹ *A. K. Roy v. Union of India and others* (1981), (1982) 1 S.C.C. 271, at pp. 288 and 292.

² It seems, it is submitted with great respect, that the Supreme Court is not fully aware of the *modus operandi* of re-promulgation of the Ordinances in the State of Bihar. As explained earlier (see "Re-promulgation of Ordinances", *modus operandi*, pp. 15-17; and the "Final and Conclusive Verdict Awaited", pp. 44-46, in this volume), the Ordinances there are not allowed to lapse but are repealed on or before the dates on which they are due to lapse, and are promulgated again at the same time with exactly the same contents with the result that the terms of an old Ordinance are repeated before its normal term (under the provisions of Article 213 of the Constitution) lapses. Particular care is taken to see that the new Ordinance is promulgated on or before the date on which the old Ordinance is due to lapse. Though earlier Ordinances are repealed, their provisions re-appear in the new Ordinances which, therefore, are nothing but mere reproduction of the old Ordinances. In this way, the operation of an old Ordinance continues uninterrupted. The only difference between an old and a new Ordinance is that the new Ordinance has operation at a subsequent period. As can be seen from Table 6, which gives the duration of different sessions of the Bihar Legislature from 1950 to 1981, no session of the Bihar Legislature, from 1974 onwards, was allowed to last for six weeks or more for the obvious purpose that the Ordinances do not lapse during the session of the Legislature. So, no Ordinance is allowed to lapse during the session of the Legislature. The Ordinances which become liable to lapse after the session of the Legislature are re-promulgated in the above-mentioned manner after the session but before or on the date on which they become due to lapse.

assurance must in all events be made good and the balance struck by the founding fathers between the powers of the government and the liberties of the people not disturbed or destroyed."

Occasion to Check the Abuse

Never in the constitutional history of India has so sweeping and so covert an abuse of the constitutional provisions as this been committed. If the Court does not keep a stiff upper lip, the consequences will be disastrous. If ever there was an occasion for the Supreme Court of India to check the abuse of the constitutional power by the Executive of a State, it is this. It is hoped, particularly after the above-mentioned observation of the Supreme Court, that the Supreme Court will be loath to hold that in the absence of clear and express language it is powerless in the matter of re-promulgation of Ordinances by the Governor of a State. The Supreme Court, it is hoped, will correct miscarriage of justice arising out of misconception of law by the Patna High Court and prevent the wreckage of the Constitution by rejecting the Patna High Court view.

Duty of the Parliament

In case the Supreme Court also falls into error, the only way to salvation lies in amending the Constitution. This is essential, so as to move from the region of subtlety and obliquity to brighter and more positive area. It is necessary to place expressly and unmistakably a limit upon the duration of the Ordinances promulgated by the Governors of the States, under the provisions of this Article, in language of the utmost vigour that cannot be swept away by implication. If this is not done, it can be seen, in the light of the working of this Article in Bihar, that the power may be abused to such an extent that the whole fabric of the Constitutional machinery will be gone. It has happened today in Bihar. Tomorrow Kerala and the day after tomorrow Punjab may take a leaf out of Bihar's book.⁸ Having once departed from the Constitution, there is no saying to what extent it might be carried, or where the axe will fall next. It is easy at any future time to go further, it is difficult to draw back from a point already reached. It is axiomatic that in administering this power of the Governor of a State, one can not trust the Government of that State. It will be dangerous for the Parliament to remain quiescent in this matter after what has happened in Bihar during the last fifteen years and continues to happen there even today. When confronted with a region of subtlety and obliquity, as in this case, it is the duty of the Parliament to make the governing parameters of the Executive's power, in this regard, plain to it.

⁸ It appears that the disease has already begun to spread. The Governor of Uttar Pradesh is reported to have been re-promulgating Ordinances for the last two years — see *Indian Express*, Bombay City Edition, March 19, 1983, second editorial entitled "Disquieting trends".

Tables

Explanation of the abbreviations used in columns 3, 5 and 6 of Tables 7-13.

- C** : Continued to be in force after December 31, 1981
- E** : Expired
- GG** : Promulgated with the prior permission of the Governor-General of India
- P** : Promulgated with the prior permission of the President of India
- R.A.** : Replaced by Act No.
- Re.A.** : Repealed by Act No.
- Re.O.** : Repealed by Ordinance No.
- S.A.** : Superseded by Act No.
- S.O.** : Superseded by Ordinance No.
- S.U.** : Spent up
- V** : Declared void by the Patna High Court
- W** : Withdrawn
- Y.M.D.** : Years, Months and Days

TABLE 1

NUMBER OF THE ORDINANCES PROMULGATED BY THE GOVERNOR OF BIHAR FROM 1950 TO 1981 AND THE NUMBER OF THE ACTS MADE BY THE LEGISLATURE OF THAT STATE DURING THAT PERIOD UNDER THE PROVISIONS OF THE CONSTITUTION OF INDIA

Year	Number of the Ordinances promulgated	Number of the Acts made	Year	Number of the Ordinances promulgated	Number of the Acts made
1950	5	42	1966	10	17
1951	—	45	1967	18	11
1952	—	25	1968	15	3
1953	4	37	1969	6	3
1954	12	39	1970	16	9
1955	7	24	1971	113	8
1956	5	34	1972	175	5
1957	2*	12	1973	127	13
1958	6	20	1974	185	16
1959	3	29	1975	215	28
1960	2	21	1976	220	30
1961	2	19	1977	270	26
1962	3	28	1978	114	13
1963	6	20	1979	171	10
1964	4	18	1980	166	4
1965	5	21	1981	203	10

* In the book entitled *List of Bihar and Orissa Acts, Bihar Acts, Regulations and Ordinances For the Years 1934 to March, 1976*, published by the Government of Bihar, Law (Legislative) Department, Patna, 1976, no Ordinances are shown to have been promulgated during this year.

TABLE 2

NUMBER OF THE ORDINANCES PROMULGATED BY THE GOVERNOR OF BIHAR ON DIFFERENT DATES FROM 1946 TO 1949 UNDER THE PROVISIONS OF SECTION 88 OF THE GOVERNMENT OF INDIA ACT, 1935 (26 GEO. 5, C. 2)

Date	Number of the Ordinances promulgated	Date	Number of the Ordinances promulgated
<i>1946</i>		<i>1949</i>	
1-10-46	3	26- 1-49	1
9-11-46	1	3- 6-49	1
12-11-46	1	21- 6-49	1
30-11-46	1	22- 6-49	1
24-12-46	2	2-10-49	1
		18-10-49	1
<i>1947</i>		5-11-49	1
21- 1-47	1	18-11-49	1
		19-11-49	1
<i>1948</i>		24-11-49	1
23- 1-48	1		
30- 1-48	1		
28- 6-48	1		
15-12-48	1		

TABLE 3

NUMBER OF THE ORDINANCES PROMULGATED BY THE GOVERNOR OF BIHAR ON DIFFERENT DATES FROM 1950 TO 1981 UNDER THE PROVISIONS OF ARTICLE 213 OF THE CONSTITUTION OF INDIA

Date	Number of the Ordinances promulgated	Date	Number of the Ordinances promulgated	Date	Number of the Ordinances promulgated
(1)	(2)	(1)	(2)	(1)	(2)
<i>1950</i>		<i>1954 (contd.)</i>		<i>1960</i>	
10- 2-50	1	30- 8-54	1	30- 1-60	1
15- 2-50	1	8-12-54	1	3-10-60	1
11- 8-50	1				
25- 8-50	1	<i>1955</i>		<i>1961</i>	
23-11-50	1	26- 1-55	1	10- 1-61	1
		11- 2-55	1	1- 8-61	1
<i>1951</i>		8- 7-55	2		
11- 1-51	1	6- 8-55	1	<i>1962</i>	
24-12-51	1	30- 8-55	1	1- 3-62	1
		5- 9-55	1	18- 8-62	1
<i>1952</i>				25- 8-62	1
12- 1-52	1	<i>1956</i>			
29- 2-52	2	11- 1-56	1	<i>1963</i>	
1- 3-52	1	17- 1-56	1	7- 5-63	2
25- 9-52	1	10- 8-56	1	7- 8-63	1
17-12-52	1	22- 8-56	1	30- 8-63	1
29-12-52	1	24-10-56	1	3- 9-63	1
				21-12-63	1
<i>1953</i>		<i>1957</i>			
8- 1-53	1	18- 4-57	1	<i>1964</i>	
25- 1-53	1	14- 8-57	1	2- 1-64	1
2-12-53	1			15-10-64	2
11-12-53	1	<i>1958</i>			
		27- 2-58	2	<i>1965</i>	
<i>1954</i>		11- 3-58	1	22- 1-65	1
27- 1-54	2	13- 3-58	1	28- 4-65	1
6- 6-54	1	30- 8-58	1	2-10-65	1
10- 7-54	1	12- 9-58	1	20-10-65	1
16- 7-54	1			1-11-65	1
6- 8-54	1				
10- 8-54	2	<i>1959</i>		<i>1966</i>	
12- 8-54	1	3- 2-59	1	31- 1-66	1
14- 8-54	1	24- 7-59	2	9- 8-66	1

(continued)

Table 3 (continued)

(1)	(2)	(1)	(2)	(1)	(2)
<i>1966 (contd.)</i>		<i>1970</i>		<i>1971 (contd.)</i>	
20- 8-66	2	12- 3-70	1	22- 5-71	3
25- 8-66	1	7- 5-70	1	27- 5-71	1
26- 8-66	1	14- 8-70	1	29- 5-71	2
12-11-66	1	31- 8-70	1	15- 7-71	1
26-11-66	1	5- 9-70	2	16- 7-71	1
19-12-66	1	9- 9-70	1	17- 7-71	2
22-12-66	1	10- 9-70	1	19- 7-71	27
		17- 9-70	1	26- 7-71	1
<i>1967</i>		25- 9-70	1	6- 8-71	3
2- 1-67	2	3-10-70	1	23- 8-71	1
3- 1-67	1	27-10-70	1	6- 9-71	1
23- 1-67	1	2-11-70	1	14- 9-71	1
6- 2-67	1	7-11-70	1	24- 9-71	1
9- 2-67	1	12-11-70	1	7-10-71	1
25- 2-67	1	30-12-70	1	26-10-71	1
11- 3-67	1			13-11-71	1
27- 4-67	3	<i>1971</i>		15-11-71	1
11- 5-67	1	8- 1-71	1	19-11-71	1
25- 5-67	2	9- 1-71	7	30-11-71	1
26-10-67	1	11- 1-71	1	1-12-71	2
30-11-67	1	22- 1-71	1	13-12-71	1
6-12-67	1	30- 1-71	1	21-12-71	1
13-12-67	1	1- 2-71	1	27-12-71	1
		3- 2-71	1		
<i>1968</i>		5- 2-71	2	<i>1972</i>	
13- 1-68	3	10- 2-71	1	3- 1-72	1
28- 2-68	4	12- 2-71	2	3- 2-72	2
29- 2-68	2	15- 2-71	5	9- 2-72	1
10- 3-68	1	27- 2-71	1	10- 2-72	1
22- 4-68	1	2- 3-71	1	14- 2-72	1
24- 4-68	3	11- 3-71	1	18- 2-72	1
16- 7-68	1	24- 4-71	12	22- 2-72	1
		26- 4-71	9	24- 2-72	2
<i>1969</i>		27- 4-71	2	26- 2-72	2
19- 4-69	1	29- 4-71	2	1- 3-72	1
22- 4-69	2	6- 5-71	2	8- 3-72	1
3- 5-69	1	15- 5-71	1	9- 3-72	1
20- 5-69	1	17- 5-71	1	10- 3-72	1
31- 8-69	1	20- 5-71	2	11- 3-72	2

(continued)

RE-PROMULGATION OF ORDINANCES

Table 3 (continued)

(1)	(2)	(1)	(2)	(1)	(2)
<i>1972 (contd.)</i>		<i>1973 (contd.)</i>		<i>1974 (contd.)</i>	
12- 3-72	3	10- 5-73	1	29- 8-74	1
15- 4-72	1	11- 5-73	1	5- 9-74	2
21- 4-72	1	16- 5-73	1	12- 9-74	1
25- 4-72	7	23- 5-73	1	16- 9-74	1
26- 4-72	5	24- 5-73	1	19- 9-74	1
28- 4-72	1	9- 6-73	1	1-10-74	3
29- 4-72	2	14- 6-73	1	3-10-74	1
30- 4-72	3	18- 6-73	2	21-10-74	1
1- 5-72	14	21- 6-73	1	1-11-74	1
2- 5-72	11	28- 6-73	1	12-11-74	1
12- 5-72	1	30- 6-73	1	14-11-74	1
14- 5-72	2	26- 8-73	55	16-11-74	1
15- 5-72	1	21- 9-73	1	28-11-74	1
3- 7-72	32	29- 9-73	1		
5- 7-72	14	1-10-73	1	<i>1975</i>	
19- 7-72	1	8-10-73	1	15- 1-75	46
22- 7-72	1	30-10-73	1	28- 1-75	2
12- 8-72	1	5-11-73	1	7- 2-75	1
19- 8-72	1	8-11-73	1	25- 3-75	43
24- 9-72	46	6-12-73	1	31- 5-75	4
6-10-72	1			18- 6-75	30
11-10-72	1	<i>1974</i>		19- 6-75	9
13-10-72	1	17- 1-74	49	20- 6-75	1
3-11-72	1	2- 2-74	1	27- 6-75	1
11-11-72	3	6- 2-74	1	28- 6-75	1
30-12-72	2	15- 2-74	1	12- 7-75	1
		16- 3-74	2	17- 7-75	1
<i>1973</i>		27- 4-74	9	14- 8-75	2
1- 1-73	1	28- 4-74	35	6- 9-75	30
15- 1-73	1	29- 4-74	10	7- 9-75	15
18- 1-73	1	7- 5-74	1	30- 9-75	1
21- 2-73	1	10- 5-74	1	9-10-75	2
22- 2-73	2	18- 5-74	1	10-10-75	2
7- 4-73	21	21- 5-74	1	20-10-75	1
8- 4-73	19	4- 6-74	2	22- 8-75	1
9- 4-73	3	23- 7-74	51	28-10-75	2
10- 4-73	1	1- 8-74	1	29-10-75	1
26- 4-73	1	16- 8-74	1	31-10-75	1
8- 5-73	1	27- 8-74	1	7-11-75	2

(continued)

Table 3 (continued)

(1)	(2)	(1)	(2)	(1)	(2)
<i>1975 (contd.)</i>		<i>1976 (contd.)</i>		<i>1978 (contd.)</i>	
19-11-75	1	17-11-76	1	5- 6-78	3
27-11-75	1			6- 6-78	4
28-11-75	1	<i>1977</i>		25- 6-78	1
29-11-75	5	8- 1-77	32	24- 8-78	42
2-12-75	1	9- 1-77	20	14- 9-78	1
5-12-75	5	14- 1-77	1	30- 9-78	1
29-12-75	1	15- 1-77	1	20-10-78	1
		28- 1-77	1	8-11-78	1
<i>1976</i>		8- 2-77	1	10-11-78	1
10- 1-76	1	2- 3-77	1	14-12-78	1
18- 1-76	56	14- 3-77	1		
20- 1-76	4	7- 4-77	1	<i>1979</i>	
6- 2-76	1	26- 4-77	1	31- 1-79	1
10- 2-76	1	27- 4-77	2	2- 2-79	1
18- 2-76	1	29- 4-77	51	5- 2-79	41
19- 2-76	1	28- 5-77	1	6- 2-79	1
23- 2-76	1	1- 6-77	1	15- 2-79	1
26- 2-76	2	19- 7-77	31	22- 2-79	3
1- 3-76	1	21- 7-77	20	1- 3-79	2
3- 3-76	1	31- 8-77	30	12- 3-79	1
8- 4-76	1	1- 9-77	20	16- 3-79	4
21- 4-76	15	2- 9-77	1	17- 3-79	4
22- 4-76	53	17- 9-77	1	28- 4-79	49
6- 5-76	1	26- 9-77	2	18- 5-79	1
8- 5-76	1	1-10-77	1	9- 6-79	1
10- 5-76	1	4-11-77	2	19- 6-79	1
11- 5-76	4	26-12-77	47	18- 8-79	51
1- 6-76	1			24- 9-79	2
12- 8-76	39	<i>1978</i>		14-11-79	1
16- 8-76	22	10- 2-78	1	31-12-79	6
23- 8-76	1	16- 2-78	1		
24- 8-76	1	17- 2-78	2	<i>1980</i>	
26- 8-76	1	25- 2-78	1	5- 3-80	52
28- 8-76	1	28- 2-78	1	21- 4-80	51
9- 9-76	3	15- 4-78	1	13- 6-80	1
16- 9-76	1	24- 4-78	48	14- 6-80	2
19- 9-76	1	13- 5-78	1	11- 8-80	50
25- 9-76	1	25- 5-78	1	27- 8-80	1
2-11-76	1	1- 6-78	1	30- 8-80	1

(continued)

RE-PROMULGATION OF ORDINANCES

Table 3 (continued)

(1)	(2)	(1)	(2)	(1)	(2)
<i>1980 (contd.)</i>		<i>1981 (contd.)</i>		<i>1981 (contd.)</i>	
18- 9-80	2	31- 1-81	1	27- 6-81	1
24- 9-80	1	16- 2-81	1	11- 8-81	36
8-10-80	1	27- 2-81	1	12- 8-81	26
14-10-80	1	28- 2-81	1	14- 8-81	2
19-11-80	1	5- 8-81	1	25- 8-81	1
27-11-80	1	10- 3-81	1	8- 9-81	1
29-11-80	1	31- 3-81	1	16- 9-81	1
		9- 4-81	2	23- 9-81	1
<i>1981</i>		15- 4-81	1	30- 9-81	1
8- 1-81	1	22- 4-81	30	18-11-81	1
19- 1-81	53	23- 4-81	29	23-11-81	1
20- 1-81	2	30- 4-81	1	4-12-81	1
28 -1-81	1	7- 5-81	2	10-12-81	1

TABLE 4

AVERAGE NUMBER OF THE ORDINANCES PROMULGATED PER MONTH BY DIFFERENT GOVERNMENTS OF DIFFERENT POLITICAL PARTIES IN BIHAR FROM 1967 TO 1981

Serial No.	Name of the Political Party in Power	From	To	Period			Total number of the Ordinances promulgated	Average number of the Ordinances promulgated per month
				Y.	M.	D.		
(1)	(2)	(3)	(4)	(5)			(6)	(7)
1.	Non-Congress coalition	5- 3-67	27- 1-68	-	10	23	14	1.30
2.	Congress-backed Shoshit Dal	28- 1-68	31- 1-68	-	-	3	-	-
3.	Congress-backed Shoshit Dal	1- 2-68	22- 3-68	-	1	21	7	4.12
Total 2+3		28- 1-68	22- 3-68	-	1	24	7	3.89
4.	Non-Congress coalition	23- 3-68	28- 6-68	-	3	6	4	1.25
5.	President's Rule	29- 6-68	25- 2-69	-	7	26	1	0.12
6.	Congress-led coalition	26- 2-69	21- 6-69	-	3	23	5	1.33
7.	Non-Congress coalition	22- 6-69	3- 7-69	-	-	11	-	-
8.	President's Rule	4- 7-69	15- 2-70	-	7	12	1	0.13
9.	Congress-led coalition	16- 2-70	21-12-70	-	10	3	15	1.48
10.	Non-Congress coalition	22-12-70	1- 6-71	-	5	10	64	12.00
11.	Coalition Government with Congress participation	2- 6-71	8- 1-72	-	7	6	51	7.08

(continued)

RE-PROMULGATION OF ORDINANCES

Table 4 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	(7)
12.	President's Rule	9- 1-72	18- 3-72	- 2 10	20	8.57
13.	Congress	19- 3-72	1- 7-73	1 3 18	218	13.96
14.	Congress	2- 7-73	10- 4-75	1 9 9	339	15.79
15.	Congress	11- 4-75	29- 4-77	2 - 18	456	18.26
Total 13 + 14 + 15		19- 3-72	29- 4-77	5 1 10	1013	16.29
16.	President's Rule	30- 4-77	23- 6-77	- 1 23	2	1.18
17.	Janata	24- 6-77	20- 4-79	1 9 26	327	14.84
18.	Janata	21- 4-79	16- 2-80	- 9 25	113	11.49
Total 17 + 18		24- 6-77	16- 2-80	2 7 21	440	13.73
19.	President's Rule	17- 2-80	7- 6-80	- 3 19	103	28.35
20.	Congress	8- 6-80	31-12-81	1 6 23	266	14.05

TABLE 5

DURATION OF THE DIFFERENT SESSIONS OF THE BIHAR LEGISLATURE FROM 1946 TO 1949 UNDER THE PROVISIONS OF SECTION 62 OF THE GOVERNMENT OF INDIA ACT, 1935 (26 GEO. 5, C. 2)

Year	Legislative Assembly				Legislative Council			
	From	To	Number of days for which the session lasted	Number of days on which the Legislative Assembly actually met	From	To	Number of days for which the session lasted	Number of days on which the Legislative Council actually met
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1946	24-4-46	26-7-46	94	40	4-6-46	24-7-46	51	15
1947	3-2-47	21-5-47	108	40	17-2-47	29-4-47	72	28
	10-9-47	11-10-47	32	20	22-9-47	11-10-47	20	12
1948	13-2-48	1-6-48	110	53	1-3-48	1-6-48	93	36
	6-9-48	30-9-48	25	15	15-9-48	30-9-48	16	7
1949	7-2-49	16-5-49	99	50	21-2-49	16-5-49	35	36
	23-11-49	17-1-50	51	32	8-12-49	18-1-50	42	22

TABLE 6

DURATION OF THE DIFFERENT SESSIONS OF THE BIHAR LEGISLATURE FROM 1950 TO 1981 UNDER THE PROVISIONS OF ARTICLE 174 OF THE CONSTITUTION OF INDIA

Year	Legislative Assembly				Legislative Council			
	From	To	Number of days for which the session lasted	Number of days on which the Legislative Assembly actually met	From	To	Number of days for which the session lasted	Number of days on which the Legislative Council actually met
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1950	16-2-50	29-5-50	103	61	16-2-50	5-6-50	110	45
	30-8-50	10-10-50	42	19	30-8-50	10-10-50	42	15
1951	15-1-51	17-5-51	128	66	15-1-51	22-5-51	128	47
	20-8-51	3-10-51	45	27	30-8-51	1-10-51	38	17
1952	3-3-52	31-8-52	29	14	3-3-52	31-3-52	29	12
	12-5-52	4-8-52	85	57	12-5-52	5-8-52	86	39
1953	28-1-53	15-5-53	108	67	28-1-53	15-5-53	108	57
	2-9-53	9-10-53	38	23	14-9-53	9-10-53	26	12
1954	1-2-54	24-4-54	83	42	1-2-54	26-4-54	85	26
	1-9-54	1-10-54	31	18	6-9-54	1-10-54	26	14
	13-12-54	17-12-54	5	5	13-12-54	17-12-54	5	5

(continued)

TABLE 6

Table 6 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1955	14-2-55	29-4-55	75	44	14-2-55	30-4-55	76	31
	12-9-55	6-12-55	86	37	26-9-55	6-12-55	72	26
1956	31-1-56	17-5-56	103	64	31-1-56	16-5-56	107	48
	5-7-56	7-7-56	3	3	5-7-56	7-7-56	3	3
	3-9-56	10-10-56	38	25	10-9-56	10-10-56	31	14
1957	19-3-57	28-3-57	10	6	19-3-57	30-3-57	12	9
	17-5-57	2-7-57	47	31	20-5-57	1-7-57	43	16
	6-11-57	20-12-57	45	31	11-11-57	23-12-57	43	23
1958	17-3-58	7-6-58	33	52	17-3-58	6-6-58	32	37
	13-11-58	19-12-58	37	23	13-11-58	23-12-58	41	26
1959	5-2-59	4-5-59	39	50	5-2-59	3-5-59	33	41
	14-9-59	23-12-59	101	33	21-9-59	30-12-59	101	34
1960	3-2-60	20-6-60	139	76	3-2-60	18-6-60	137	58
	7-11-60	16-12-60	40	30	14-11-60	16-12-60	33	24
1961	6-2-61	2-5-61	86	40	6-2-61	5-5-61	89	34
	7-8-61	3-1-62	150	66	14-8-61	3-1-62	143	49
1962	14-3-62	31-5-62	79	39	16-3-62	31-5-62	77	24
	3-9-62	28-9-62	26	17	7-9-62	3-10-62	27	17
	3-12-62	11-12-62	9	7	3-12-62	14-12-62	12	10
1963	5-2-63	25-4-63	30	43	5-2-63	25-4-63	30	34
	10-9-63	13-10-63	36	18	10-9-63	13-10-63	39	20

(continued)

RE-PROMULGATION OF ORDINANCES

Table 6 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1964	12-2-64	22-4-64	71	38	12-2-64	11-5-64	90	36
	20-7-64	1-10-64	74	26	20-7-64	5-10-64	78	81
	9-12-64	23-12-64	15	11	9-12-64	23-12-64	15	11
1965	1-2-65	31-3-65	59	33	1-2-65	2-4-65	61	33
	19-7-65	31-8-65	44	26	19-7-65	31-8-65	44	26
	6-12-65	23-12-65	18	14	6-12-65	23-12-65	18	14
1966	1-2-66	7-4-66	66	34	1-2-66	12-5-66	101	82
	5-9-66	13-10-66	39	24	5-9-66	13-10-66	39	23
1967	15-3-67	7-4-67	24	13	17-3-67	11-4-67	26	13
	29-5-67	31-7-67	64	44	29-5-67	4-8-67	68	45
1968	18-1-68	25-1-68	8	6	18-1-68	1-2-68	15	8
	13-8-68	29-3-68	17	6	13-3-68	2-4-68	21	8
	15-5-68	26-6-68	42	25	15-5-68	26-6-68	43	23
1969	10-3-69	26-3-69	17	12	13-3-69	26-3-69	14	9
	28-5-69	1-7-69	35	21	28-5-69	1-7-69	35	22
1970	16-3-70	11-4-70	27	12	16-3-70	14-4-70	30	13
	12-5-70	1-7-70	51	32	19-5-70	3-7-70	46	29
	27-11-70	18-12-70	22	11	3-12-70	22-12-70	20	12
1971	16-3-71	1-4-71	17	12	16-3-71	2-4-71	18	13
	1-6-71	10-7-71	40	23	8-6-71	13-7-71	36	21
	-	-	-	-*	30-12-71	-	1	1

* After summoning of the session of the Legislature, the Legislative Assembly was dissolved and therefore it could not meet. The Legislative Council, however, met for a day and then it was adjourned *sine die*. (continued)

Table 6 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1972	20- 3-72	12- 4-72	24	14	22- 3-72	18- 4-72	23	13
	17- 5-72	29- 6-72	44	29	24- 5-72	30- 6-72	38	25
	14/15- 8-72	Midnight Session	1	1*	14/15-8-72	Midnight Session	1	1*
	1- 9-72	22- 9-72	22	10	1- 9-72	22- 9-72	22	10
1973	26- 2-73	2- 4-73	36	21	26- 2-73	4- 4-73	38	22
	9- 7-73	24- 8-73	47	32	16- 7-73	25- 8-73	41	26
	7-12-73	21-12-73	35	11	7-12-73	22-12-73	16	12
1974	18- 3-74	8- 4-74	22	9	18- 3-74	8- 4-74	22	7
	5- 6-74	12- 7-74	38	28	12- 6-74	13- 7-74	32	22
	4-12-74	4- 1-75	32	13	4-12-74	7- 1-75	35	20
1975	12- 2-75	20- 3-75	37	25	12- 2-75	21- 3-75	38	24
	9- 5-75	10- 5-75	2	2†	9- 5-75	10- 5-75	2	2†
	28- 7-75	29- 7-75	2	2‡	28- 7-75	29- 7-75	2	2‡
	9- 8-75	-	1	1§	9- 8-75	-	1	1§
	9-12-75	22-12-75	14	8	9-12-75	22-12-75	14	8

* To celebrate the Silver Jubilee of the Indian Independence.

† On 9-5-1975 both the Houses met for obituary reference and on 10-5-1975 they met for the ratification of the 38th Constitutional Amendment Bill.

‡ On 28-7-1975 both the Houses met for obituary reference and on 29-7-1975 they met to discuss the 20-point programme announced by the Prime Minister.

§ To discuss the drought situation in the State.

(continued)

RE-PROMULGATION OF ORDINANCES

Table 6 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1976	12-3-76	31-3-76	20	11	12-3-76	1-4-76	21	12
	22-6-76	29-7-76	38	26	5-7-76	31-7-76	27	21
	30-11-76	22-12-76	23	14	30-11-76	23-12-76	24	15
1977	24-3-77	26-3-77	3	3*	24-3-77	28-3-77	5	4
	27-6-77	28-7-77	32	26	29-6-77	15-7-77	17	13
	-	-	-	-	22-7-77	29-7-77	8	6
	15-11-77	20-12-77	36	16	15-11-77	20-12-77	36	16
1978	14-3-78	30-3-78	17	9	14-3-78	30-3-78	17	9
	27-6-78	14-8-78	49	34	14-7-78	16-8-78	34	22
	26-12-78	15-1-79	21	13	26-12-78	16-1-79	22	14
1979	13-3-79	31-3-79	13	11	13-3-79	30-3-79	12	11
	26-6-79	31-7-79	36	25	9-7-79	1-8-79	24	17
1980	24-1-80	13-2-80	21	11	24-1-80	13-2-80	21	12
	23-6-80	26-7-80	33	25	30-6-80	25-7-80	26	20
	9-12-80	22-12-80	14	11	9-12-80	22-12-80	14	10
1981	12-3-81	30-3-81	19	11	12-3-81	30-3-81	19	11
	29-6-81	28-7-81	30	23	1-7-81	28-7-81	28	20
	10-12-81	19-12-81	10	7	14-12-81	21-12-81	8	6

* Legislative Assembly was dissolved after the third sitting.

TABLE 7

LIVES OF THE ORDINANCES PROMULGATED BY THE GOVERNOR OF BIHAR FROM 1946 TO 1949 UNDER THE PROVISIONS OF SECTION 88 OF THE GOVERNMENT OF INDIA ACT, 1935 (26 GEO. 5, C. 2)

Serial No.	Short title of the Ordinance	Date on which the Ordinance was promulgated with the number of the Ordinance into brackets	Date(s) on which the Ordinance was re-promulgated with the number(s) of the Ordinance(s) by which the Ordinance was re-promulgated into brackets	Date on which the Ordinance expired or got spent up or was replaced by an Act/ repealed or superseded by an Act or Ordinance/ withdrawn/ declared void	Life of the Ordinance including life upto 81-12-1981 of the Ordinance in force after that date	Y. M. D.
(1)	(2)	(3)	(4)	(5)	(6)	(6)
1946						
1.	The Bihar Molasses (Control) Ordinance, 1946	1-10-46 (1 GG)	-	16- 8-47 (R.A. 6)	- 5 15	
2.	The Bihar Buildings (Lease, Rent and Eviction Control) Ordinance, 1946	1-10-46 (2 GG)	-	15- 8-47 (R.A. 8)	- 5 14	
3.	The Bihar Essential Articles Control (Temporary Powers) Ordinance, 1946	1-10-46 (3 GG)	-	16- 8-47 (R.A. 4)	- 5 15	

(continued)

RE-PROMULGATION OF ORDINANCES

Table 7 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
4.	The Bihar Maintenance of Public Order Ordinance, 1946	9-11-46 (4)	-	16-3-47 (R.A. 5)	- 4 7
5.	The Bihar Maintenance of Public Order (Amendment) Ordinance, 1946	12-11-46 (5)	-	16-3-47 (R.A. 5)	- 4 4
6.	The Bihar Emergency Harvesting and Cultivation Ordinance, 1946	30-11-46 (6)	-	15-3-47 (R.A. 2)	- 3 15
7.	The Bihar Emergency Harvesting and Cultivation (Amendment) Ordinance, 1946	24-12-46 (7)	-	15-3-47 (R.A. 2)	- 2 22
8.	The Bihar Sugar Factories Control (Amendment) Ordinance, 1946	24-12-46 (8)	-	15-3-47 (R.A. 1)	- 2 22
1947					
9.	The Bihar Bakasht Disputes Settlement Ordinance, 1947	21-1-47 (1 GG)	-	21-4-47 (R.A. 13)	- 3 1
1948					
10.	The Bihar Refugees Registration and Movement Ordinance, 1948	23-1-48 (1)	-	12-4-48 (E)	- 2 20
11.	The Bihar Molasses Control (Amendment) Ordinance, 1948	30-1-48 (2)	-	24-3-48 (R.A. 11)	- 1 25
12.	The Bihar Sales Tax (Amendment) Ordinance, 1948	28-6-48 (3)	-	27-10-48 (E)	- 3 29

(continued)

Table 7 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
13.	The Bihar Bakasht Disputes Settlement (Amendment) Ordinance, 1948	15-12-48 (4)	-	12-8-49 (R.A. 4)	- 2 28
14.	The Bihar Additional Commissioners (Appointment and Regulation of Functions) Ordinance, 1949	26-1-49 (1)	-	12-8-49 (R.A. 8)	- 1 17
15.	The Bihar Maintenance of Public Order Ordinance, 1949	3-6-49 (2)	-	21-6-49 (V)	- - 18
16.	The Bihar Administration of Evacuee Property Ordinance, 1949	21-6-49 (3)	-	19-1-50 (E)	- 6 28
17.	The Bihar Maintenance of Public Order (No. 2) Ordinance, 1949	22-6-49 (4)	-	4-1-50 (R.A. 3)	- 6 12
18.	The Bihar Maintenance of Public Order (No. 2) (Amendment) Ordinance, 1949	2-10-49 (5)	-	4-1-50 (R.A. 3)	- 3 8
19.	The Bihar Buildings (Lease, Rent and Eviction Control) (Amending and Validating) Ordinance, 1949	13-10-49 (6 GG)	-	9-1-50 (R.A. 7)	- 2 27
20.	The Bihar Jute Goods Control Ordinance, 1949	5-11-49 (7)	-	7-1-50 (R.A. 5)	- 2 2
21.	The Bihar Essential Articles Control (Temporary Powers) (Amending and Validating) Ordinance, 1949	18-11-49 (8 GG)	-	9-1-50 (R.A. 8)	- 1 21
22.	The Bihar Raw Jute and Goods Futures Ordinance, 1949	19-11-49 (9)	-	4-1-50 (R.A. 4)	- 1 15
23.	The Bihar Sugar Factories Control (Amendment) Ordinance, 1949	24-11-49 (10)	-	9-1-50 (R.A. 6)	- 1 15

TABLE 8

LIVES OF THE ORDINANCES PROMULGATED BY THE GOVERNOR OF BIHAR FROM 1950 TO 1981 UNDER THE PROVISIONS OF ARTICLE 213 OF THE CONSTITUTION OF INDIA

Serial No.	Short title of the Ordinance	Date on which the Ordinance was promulgated with the number of the Ordinance into brackets	Date(s) on which the Ordinance was re-promulgated with the number(s) of the Ordinance(s) by which the Ordinance was re-promulgated into brackets	Date on which the Ordinance expired or got spent up or was replaced by an Act/repealed or superseded by an Act or Ordinance	Life of the Ordinance including life upto 31-12-1981 of the Ordinance in force after that date
(1)	(2)	(3)	(4)	(5)	(6)
					Y. M. D.
	1950				
1.	The Bihar Legislature (Removal of Disqualification) Ordinance, 1950	10-2-50 (1)	-	29-3-50 (R.A. 16)	- 1 17
2.	The Bihar Preventive Detention Ordinance, 1950	15-2-50 (2)	-	30-3-50 (E)	- 1 13
3.	The Bihar Continuance of Certificate Proceedings and Indemnity (State Management of Estates and Tenures) Ordinance, 1950	11-8-50 (3)	-	9-10-50 (R.A. 32)	- 1 29

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
4.	The Bihar Wakfs (Amendment) Ordinance, 1950	25-8-50 (4)	-	9-10-50 (R.A. 38)	- 1 15
5.	The Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Ordinance, 1950	23-11-50 (5)	-	24-2-51 (R.A. 2)	- 3 1
<i>1951</i>					
6.	The Bihar Public Irrigation and Drainage Works (Amendment) Ordinance, 1951	11-1-51 (1)	-	24-2-51 (R.A. 3)	- 1 14
7.	The Bihar Maintenance of Public Order (Amendment) Ordinance, 1951	24-12-51 (2)	-	31-3-52 (R.A. 6)	- 3 8
<i>1952</i>					
8.	The Bihar School Examination Board Ordinance, 1952	12-1-52 (1)	-	1-4-52 (R.A. 7)	- 2 20
9.	The Patna University (Amendment) Ordinance, 1952	29-2-52 (2)	-	14-4-52 (E)	= 1 14
10.	The University of Bihar (Amendment) Ordinance, 1952	29-2-52 (3)	-	14-4-52 (E)	- 1 14
11.	The Bihar Molasses (Control) (Amendment) Ordinance, 1952	1-3-52 (4)	-	1-4-52 (R.A. 8)	- 1 -
12.	The Bihar Buildings (Lease, Rent and Eviction Control) Ordinance, 1952	25-9-52 (5)	-	10-3-53 (R.A. 5)	- 5 15

(continued)

RE-PROMULGATION OF ORDINANCES

Table 8 (continued)	(1)	(2)	(3)	(4)	(5)	(6)
13.	The Bihar Recovery of Arrears of Rents of Outgoing Proprietors and Tenure-holders (Vested Estates and Tenures) Ordinance, 1952	17-12-52 (6)	-	7-3-53 (R.A. 3)	-	2 21
14.	The Bihar Essential Articles Control (Temporary Powers) Continuance Ordinance, 1952	29-12-52 (7)	-	10-3-53 (R.A. 6)	-	2 12
15.	The Bihar Premises Requisition (Temporary Provisions) Continuance Ordinance, 1953	8-1-53 (1)	-	10-3-53 (R.A. 4)	-	2 3
16.	The Bihar Molasses (Cess on Sales) Ordinance, 1953	25-1-53 (2)	-	6-3-53 (R.A. 2)	-	1 12
17.	The Patna Municipal Corporation (Amending and Validating) Ordinance, 1953	2-12-53 (3)	-	11-3-54 (R.A. 5)	-	3 10
18.	The Bihar Contingency Fund (Amendment) Ordinance, 1953	11-12-53 (4)	-	15-3-54 (E)	-	3 5
19.	The Bihar Local Self-government (Amending and Validating) Ordinance, 1954	27-1-54 (1)	-	13-3-54 (R.A. 7)	-	1 17
20.	The Patna Municipal Corporation (Amendment) Ordinance, 1954	27-1-54 (2)	-	11-3-54 (R.A. 5)	-	1 15
21.	The Bihar Land Reforms (Amendment) Ordinance, 1954	6-6-54 (SP)	-	18-10-54 (R.A. 28)	-	4 12

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
22.	The Patna Municipal Corporation (Second Amendment) Ordinance, 1954	10- 7-54 (4)	-	16-10-54 (R.A. 25)	- 3 7
23.	The Bihar Contingency Fund (Amendment) Ordinance, 1954	16- 7-54 (5)	-	18-10-54 (E)	- 3 8
24.	The Patna Municipal Corporation (Third Amendment) Ordinance, 1954	6- 8-54 (6)	-	16-10-54 (R.A. 25)	- 2 11
25.	The Patna University (Amendment) Ordinance, 1954	10- 8-54 (7)	-	16-10-54 (R.A. 26)	- 2 7
26.	The University of Bihar (Amendment) Ordinance, 1954	10- 8-54 (8)	-	16-10-54 (R.A. 27)	- 2 7
27.	The Patna Municipal (Extension of Jurisdiction and Taxation) Validating Ordinance, 1954	12- 8-54 (9)	-	16-10-54 (R.A. 28)	- 2 5
28.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1954	14- 8-54 (10)	-	18-10-54 (E)	- 2 5
29.	The Bihar Contingency Fund (Third Amendment) Ordinance, 1954	30- 8-54 (11)	-	18-10-54 (E)	- 1 19
30.	The Bihar Contingency Fund (Fourth Amendment) Ordinance, 1954	8-12-54 (12)	-	18- 1-55 (R.A. 1)	- 1 12
31.	The Bihar Essential Foodgrains Control Ordinance, 1955	26- 1-55 (1P)	-	28- 3-55 (E)	- 2 3

(continued)

RE-PROMULGATION OF ORDINANCES

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
32.	The Bihar Contingency Fund (Amendment) Ordinance, 1955	11- 2-55 (2)	-	28- 3-55 (E)	- 1 15
33.	The Bihar Tenancy (Amendment) Ordinance, 1955	8- 7-55 (3)	-	5-11-55 (R.A. 19)	- 3 28
34.	The Chota Nagpur Tenancy (Amendment) Ordinance, 1955	8- 7-55 (4)	-	5-11-55 (R.A. 20)	- 3 28
35.	The Santhal Parganas Tenancy (Supplementary Provisions) (Amendment) Ordinance, 1955	6- 8-55 (5)	-	5-11-55 (R.A. 21)	- 3 -
36.	The Bihar Tenancy (Second Amendment) Ordinance, 1955	30- 8-55 (6)	-	5-11-55 (R.A. 19)	- 2 6
37.	The Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Ordinance, 1955	5- 9-55 (7)	-	5-11-55 (R.A. 22)	- 2 -
38.	The Bihar Hindu Religious Trusts (Amendment) Ordinance, 1956	11- 1-56 (1)	-	12- 3-56 (R.A. 8)	- 2 2
39.	The Patna Municipal (Extension of Jurisdiction and Taxation) Validating (Amendment) Ordinance, 1956	17- 1-56 (2)	-	13- 3-56 (R.A. 9)	- 1 27
40.	The Bihar State Aid to Industries Ordinance, 1956	10- 8-56 (3)	-	10-10-56 (R.A. 24)	- 2 1
41.	The Bihar Hindu Religious Trusts (Second Amendment) Ordinance, 1956	22- 8-56 (4)	-	10-10-56 (R.A. 25)	- 1 19

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
42.	The Bihar Local Self-government and Cess (Amendment) Ordinance, 1956	24-10-56 (5)	-	22-4-57 (R.A. 4)	- 5 29
1957					
43.	The Bihar Panchayat Raj (Amendment) Ordinance, 1957	18-4-57 (1)	-	28-6-57 (R.A. 5)	- 2 10
44.	The Bihar Hindu Religious Trusts (Amendment) Ordinance, 1957	14-8-57 (2)	-	28-11-57 (R.A. 9)	- 3 10
1958					
45.	The Patna University (Amendment) Ordinance, 1958	27-2-58 (1)	-	23-4-58 (R.A. 9)	- 1 24
46.	The University of Bihar (Amendment) Ordinance, 1958	27-2-58 (2)	-	23-4-58 (R.A. 10)	- 1 24
47.	The Bihar Contingency Fund (Amendment) Ordinance, 1958	11-3-58 (3)	-	31-3-58 (S.U.)	- - 21
48.	The Bihar Buildings (Lease, Rent and Eviction Control) (Amendment) Ordinance, 1958	13-3-58 (4 F)	-	23-4-58 (R.A. 11)	- 1 11
49.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1958	30-8-58 (5)	-	25-12-58 (E)	- 3 26
50.	The Bihar District Boards and Local Boards (Control and Management) Ordinance, 1958	12-9-58 (6)	-	19-12-58 (R.A. 20)	- 3 7

RE-PROMULGATION OF ORDINANCES

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
	1959				
51.	The Bihar Molasses (Control) (Amendment) Ordinance, 1959	3-2-59 (1P)	-	16-3-59 (R.A. 10)	- 1 11
52.	The Patna University (Amendment) Ordinance, 1959	24-7-59 (2)	-	29-10-59 (R.A. 26)	- 3 6
53.	The University of Bihar (Amendment) Ordinance, 1959	24-7-59 (3)	-	29-10-59 (R.A. 25)	- 3 6
	1960				
54.	The Bihar Contingency Fund (Amendment) Ordinance, 1960	30-1-60 (1)	-	12-3-60 (R.A. 5)	- 1 18
55.	The Evacuee Interest (Separation) (Amendment) (Extension to Bihar) Ordinance, 1960	3-10-60 (2)	-	24-12-60 (R.A. 20)	- 2 22
	1961				
56.	The Bihar State Universities (Patna, Bihar, Bhagalpur and Ranchi Universities) (Amendment) Ordinance, 1961	10-1-61 (1)	-	17-3-61 (R.A. 6)	- 2 8
57.	The Bihar Taxation on Passengers and Goods (Carried by Public Service Motor Vehicles) Ordinance, 1961	1-8-61 (2P)	-	25-9-61 (R.A. 17)	- 1 24
	1962				
58.	The Bihar State Universities (Bihar, Bhagalpur and Ranchi Universities) (Amendment) Ordinance, 1962	1-3-62 (1)	-	21-4-62 (R.A. 13)	- 1 20
59.	The Bihar Electricity (Temporary Control) (Amendment) Ordinance, 1962	18-8-62 (2P)	-	18-10-62 (R.A. 19)	- 2 1

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
60.	The Bihar State Universities Laws (Amendment) Ordinance, 1962	25- 8-62 (3)	-	16-10-62 (R.A. 17)	- 1 22
<i>1963</i>					
61.	The Bihar School Examination Board (Amendment) Ordinance, 1963	7- 5-63 (1)	-	19-10-63 (R.A. 14)	- 5 13
62.	The Bihar Hindu Religious Trusts (Amendment) Ordinance, 1963	7- 5-63 (2)	-	19-10-63 (R.A. 15)	- 5 13
63.	The Bihar Sugar Factories Control (Amendment) Ordinance, 1963	7- 8-63 (3P)	-	19-10-63 (R.A. 17)	- 2 13
64.	The Bihar Panchayat Raj (Amendment) Ordinance, 1963	30- 8-63 (4)	-	19-10-63 (R.A. 16)	- 1 20
65.	The Bihar District Boards and Local Boards (Control and Management) (Amendment) Ordinance, 1963	3- 9-63 (5)	-	19-10-63 (R.A. 18)	- 1 16
66.	The Bihar Ministers' Salaries and Allowances (Amendment) Ordinance, 1963	21-12-63 (6)	-	24- 8-64 (R.A. 3)	- 3 4
<i>1964</i>					
67.	The Bihar Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1964	2- 1-64 (1)	-	30- 8-64 (R.A. 4)	- 2 29
68.	The Bihar Tenancy (Amendment) Ordinance, 1964	15-10-64 (2)	-	7- 1-65 (R.A. 2)	- 2 28
69.	The Bihar Land Reforms (Amendment) Ordinance, 1964	15-10-64 (3P)	-	18- 1-65 (R.A. 4)	- 3 4

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
	<i>1965</i>				
70.	The Bihar Land Reforms (Amendment) Ordinance, 1965	22-1-65 (1P)	-	18-3-65 (R.A. 6)	- 1 22
71.	The Bihar State Universities Laws (Amendment) Ordinance, 1965	28-4-65 (2)	-	30-8-65 (R.A. 16)	- 4 2
72.	The Bihar Gramdan Ordinance, 1965	2-10-65 (3P)	-	14-1-66 (R.A. 4)	- 3 13
73.	The Bihar Contingency Fund (Amendment) Ordinance, 1965	20-10-65 (4)	-	17-1-66 (E)	- 2 28
74.	The Bihar Wakfs (Amendment) Ordinance, 1965	1-11-65 (5)	-	13-1-66 (R.A. 1)	- 2 12
	<i>1966</i>				
75.	The Bihar Private Irrigation Works (Amendment) Ordinance, 1966	31-5-66 (1)	-	15-10-66 (R.A. 12)	- 4 15
76.	The Bihar District Boards and Local Boards (Control and Management) (Amendment) Ordinance, 1966	9-8-66 (2)	-	15-10-66 (R.A. 14)	- 2 7
77.	The Bihar Public Irrigation and Drainage Works (Amendment) Ordinance, 1966	20-8-66 (3)	-	15-10-66 (R.A. 13)	- 1 26
78.	The Bihar Irrigation (Amending and Validating) Ordinance, 1966	20-8-66 (4)	-	17-10-66 (E)	- 1 28
79.	The Patna University (Amendment) Ordinance, 1966	25-8-66 (5)	-	15-10-66 (R.A. 11)	- 1 21

(continued)

TABLE 8

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
80.	The Bihar Contingency Fund (Amendment) Ordinance, 1966	26-8-66 (6)	-	17-10-66 (E)	- 1 22
81.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1966	12-11-66 (7)	-	31-8-67 (S.U.)	- 4 19
82.	The Bihar Essential Employments (Regulation) Ordinance, 1966	26-11-66 (8P)	-	28-4-67 (E)	- 5 2
83.	The Bihar Motor Vehicles Taxation (Amendment) Ordinance, 1966	19-12-66 (9)	-	28-4-67 (E)	- 4 10
84.	The Bihar Khadi and Village Industries (Amendment) Ordinance, 1966	22-12-66 (10)	-	28-4-67 (E)	- 4 7
<i>1967</i>					
85.	The Bihar Maintenance of Public Order (Amendment) Ordinance, 1966	2-1-67 (1)	-	28-4-67 (E)	- 3 27
86.	The Bihar Maintenance of Public Order (Third Amendment) Ordinance, 1966	2-1-67 (2)	-	28-4-67 (E)	- 3 27
87.	The Bihar State Civil Services (Prevention of Strikes) Ordinance, 1967	3-1-67 (8)	-	28-4-67 (E)	- 3 26
88.	The Bihar Contingency Fund (Amendment) Ordinance, 1967	23-1-67 (4)	-	31-8-67 (S.U.)	- 2 9
89.	The Bihar Tenancy Laws (Amendment) Ordinance, 1967	6-2-67 (5)	27-4-67(10)	9-7-67 (R.A. 9)	- 5 1

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
90.	The Bihar Municipal Survey (Amendment) Ordinance, 1967	9-2-67 (6)	27-4-67 (9)	9- 7-67 (R.A. 8)	- 4 28
91.	The Bihar Municipal (Amendment) Ordinance, 1967	25- 2-67 (7)	27-4-67(11)	10- 7-67 (E)	- 4 18
92.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1967	11- 3-67 (8)	-	31- 3-67 (S.U.)	- - 21
93.	The Bihar Contingency Fund (Third Amendment) Ordinance, 1967	11- 5-67 (12)	-	1- 7-67 (R.A. 7)	- 1 21
94.	The Bihar Premises and Vehicles (Requisition) Ordinance, 1967	25- 5-67 (13)	-	14- 7-67 (R.A. 10)	- 1 20
95.	The Bihar Motor Vehicles Taxation (Amendment) Ordinance, 1967	25- 5-67 (14)	-	10- 7-67 (E)	- 1 16
96.	The Ranchi District Tana Bhagat Raiyats' Agricultural Lands Restoration (Amendment) Ordinance, 1967	26-10-67 (15)	-	29- 2-68 (E)	- 4 4
97.	The Bihar State Universities Laws (Amendment) Ordinance, 1967	30-11-67 (16)	-	28- 2-68 (Re.A. 7)	- 2 28
98.	The Bihar Municipal (Third Amendment) Ordinance, 1967	6-12-67 (17)	29-2-68 (8), 24-4-68(14)	26- 6-68 (E)	- 6 21
99.	The Bihar Gift Goods (Sale, Purchase and Unlawful Possession) Ordinance, 1967	13-12-67 (18P)	28-2-68 (4)	24- 4-68 (E)	- 4 12
100.	The Bihar Motor Vehicles Taxation (Amendment) Ordinance, 1968	13- 1-68 (1)	29-2-68 (9)	24- 4-68 (E)	- 8 12

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
101. The Bihar Co-operative Societies (Amendment) Ordinance, 1968		13-1-68 (2P)	28-2-68(5), 24-4-68(12)	26-6-68 (E*)	- 5 14

* Though the Bihar Co-operative Societies (Third Amendment) Ordinance, 1968, Ordinance No. 12 of 1968, promulgated on April 24, 1968 [which was the second re-promulgating Ordinance of the Bihar Co-operative Societies (Amendment) Ordinance, 1968, Ordinance No. 2 of 1968, promulgated on January 13, 1968], expired on June 26, 1968, its provisions were repeated in the Bihar Co-operative Societies (Amendment) Act, 1970, President's Act 13 of 1970, made on February 2, 1970. Not only were its provisions repeated in the President's Act, section 8 of that Act enacted that notwithstanding the expiration of the Bihar Co-operative Societies (Third Amendment) Ordinance, 1968, Ordinance No. 12 of 1968, all actions taken and things done in accordance with the provisions of that Ordinance during the period commencing from the promulgation of the Bihar Co-operative Societies (Amendment) Ordinance, 1968, Ordinance No. 2 of 1968 (the principal Ordinance), and ending with the commencement of that Act, that is, the Bihar Co-operative Societies (Amendment) Act, 1970, President's Act 13 of 1970, shall be deemed to have been validly taken or done as if that Act had been in force at all material times. According to the constitutional provisions, the above-mentioned President's Act became due for expiry on February 2, 1971. Therefore, on that date, that is, February 2, 1971, the Governor of Bihar promulgated the Bihar Co-operative Societies (Amendment) Ordinance, 1971, Ordinance No. 19 of 1971 [declared to be in force with effect from June 26, 1968, the date of expiry of the last Ordinance re-promulgating the Bihar Co-operative Societies (Amendment) Ordinance, 1968, Ordinance No. 2 of 1968], incorporating in it all the provisions of the above-mentioned President's Act. As that Ordinance was not replaced by an Act of the State Legislature, it expired on April 27, 1971. But its provisions were again repeated with retrospective effect, that is, with effect from June 26, 1968, in the Bihar Co-operative Societies (Second Amendment) Ordinance, 1971, Ordinance No. 108 of 1971, promulgated on October 7, 1971. This Ordinance was re-promulgated again and again and was in force till December 31, 1981, the termination of the period of this study. The Ordinance No. 108 of 1971 and all the subsequent re-promulgating Ordinances provided [see, for example, section 12(3) of the Bihar Co-operative Societies (Third Amendment) Ordinance, 1981, Ordinance No. 190 of 1981, the last Ordinance promulgated in 1981 on this subject] that notwithstanding the expiration of the Bihar Co-operative Societies (Amendment) Ordinance, 1971, Ordinance No. 19 of 1971, all actions taken and things done since the promulgation of the Bihar Co-operative Societies (Amendment) Ordinance, 1968, Ordinance No. 2 of 1968, shall be deemed to have been validly taken or done as if that

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
102.	The Bihar Sugarcane (Regulation of Supply and Purchase) Ordinance, 1968	13-1-68 (3P)	28-2-68(6), 24-4-68(13), 20-7-69(6), 31-8-69(8†), 27-4-71(49), 19-7-71(69), 5-7-72(110), 24-9-72(165), 26-8-73(113), 17-1-74(15), 23-7-74(115), 15-1-75(36), 19-6-75(185), 7-9-75(183), 22-4-76(118), 16-8-76(195), 29-4-77(93), 21-7-77(150), 26-12-77(262), 24-4-78(20), 5-2-79(33), 28-4-79(76), 5-3-80(47), 21-4-80(78), 19-1-81(35), 23-4-81(125), 12-8-81(184)	(C)	13 11 19
103.	The Bihar District Boards and Local Boards (Control and Management) (Amendment) Ordinance, 1968	10-3-68 (10)	22-4-68(11)	26-6-68 (R.A. 3)	- 3 17

Ordinance (Ordinance No. 190 of 1981) had been in force at all material times. Thus, the provisions of the Bihar Co-operative Societies (Amendment) Ordinance, 1968, Bihar Ordinance 2 of 1968, promulgated on January 13, 1968, continued to be in force, in this way, till December 31, 1981, that is, for a period of 13 years, 11 months and 19 days. In other words, the life of the Bihar Co-operative Societies (Amendment) Ordinance, 1968, Ordinance No. 2 of 1968, also was 13 years 11 months and 19 days till December 31, 1981. (Like this, many Ordinances, including those which had expired, are being promulgated and re-promulgated with retrospective effect).

* Declared to be in force with effect from 25-6-1968.

† President's Act.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
104.	The Bihar State Universities (Bihar, Bhagalpur, Ranchi and Magadh Universities) (Amendment) Ordinance, 1968	16-7-68 (15)	-	24-4-69 (E)	- 9 9
105.	The Bihar District Boards and Local Boards (Control and Management) (Amendment) Ordinance, 1969	19-4-69 (1)	-	9-7-69 (E)	- 2 20
106.	The Bihar Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1969	22-4-69 (2)	-	9-7-69 (E)	- 2 17
107.	The Bihar Hindu Religious Trusts (Amendment) Ordinance, 1969	22-4-69 (3)	-	9-7-69 (E)	- 2 17
108.	The Bihar Hindu Religious Trusts (Second Amendment) Ordinance, 1969	20-5-69 (5)	-	9-7-69 (E)	- 1 20
109.	The Bihar Land Rent (Exemption from Payment) Ordinance, 1970	12-9-70 (1)	-	16-4-70 (R.A. 3)	- 1 5
110.	The Bihar Tenancy Laws (Amendment) Ordinance, 1970	7-5-70 (2)	-	29-6-70 (R.A. 5)	- 1 23

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
111.	The Bihar Panchayat Raj (Amending and Validating) Ordinance, 1970	14-8-70 (3)	9-1-71(4), 24-4-71(34), 19-7-71(74), 1-5-72(49), 3-7-72(80), 24-9-72(124), 7-4-73(25), 26-8-73(69), 17-1-74(10), 28-4-74(95), 23-7-74(144), 15-1-75(26), 25-3-75(82), 18-6-75(117), 6-9-75(161), 18-1-76(34), 22-4-76(101), 12-8-76(186), 8-1-77(16), 29-4-77(77), 19-7-77(143), 31-8-77(171), 26-12-77(245), 25-2-78(5), 24-4-78(22), 24-8-78(86), 5-2-79(30), 28-4-79(96), 18-8-79(161), 5-3-80(42), 21-4-80(89), 11-8-80(154), 19-1-81(31), 22-4-81(84), 11-8-81(153)	(C)	11 4 18
112.	The Bihar District Boards and Local Boards (Control and Management) Ordinance, 1970	31-8-70 (4)	8-1-71(1), 29-4-71(50*), 19-7-71(75), 6-8-71(97), 10-3-72(16), 1-5-72(50), 3-7-72(79), 24-9-72(122), 21-2-73(4), 8-4-73(32), 26-8-73(73), 17-1-74(13), 28-4-74(87), 23-7-74(146), 15-1-75(44), 25-3-75(76), 18-6-75(99), 6-9-75(157), 18-1-76(30)	23-4-76 (E)	5 7 23
113.	The Bihar Hindu Religious Trusts (Amendment) Ordinance, 1970	5-9-70 (5)	9-1-71(2), 24-4-71(30), 29-4-71(51), 19-7-71(77), 13-11-71(105), 29-4-72(37), 5-7-72(106), 24-9-72(143), 7-4-73(14), 26-8-73(65), 17-1-74(4), 28-4-74(78), 23-7-74(139), 15-1-75(13), 25-3-75(59)	(C)	11 3 26

* Declared to be in force with effect from 26-4-1971.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	
113 (contd.)			18-6-75(116), 21-4-76(72), 29-4-77(67), 26-12-77(240), 5-2-79(17), 24-9-79(164), 11-8-80(140), 11-8-81(159)	6-9-75(178), 12-8-76(178), 19-7-77(122), 24-4-78(19), 28-4-79(65), 5-3-80(24), 19-1-81(27), 30-1-81(27)	18-1-76(7), 8-1-77(4), 31-8-77(184), 24-8-78(83), 18-8-79(149), 21-4-80(57), 22-4-81(85), 30-1-81(27)	
114. The Bihar Primary Education (Amendment) Ordinance, 1970	5-9-70 (6)	9-1-71(3), 1-5-72(46), 7-4-73(9), 17-1-74(28), 1-10-74(178), 18-6-75(101), 21-4-76(94)	24-4-71(27), 3-7-72(99), 26-8-73(85), 28-4-74(64), 15-1-75(37), 6-9-75(162), 12-8-76(166)	19-7-71(83), 24-9-72(134), 5-11-73(125), 28-7-74(161), 25-3-75(51), 18-1-76(37), 31-12-76 (R.A. 28)	6 3 26	
115. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Ordinance, 1970	9-9-70 (7P)	30-1-71(11*), 27-12-71(113)	26-4-71(47), 2-5-72(64)	19-7-71(90), (E)	1 9 26	
116. The Bihar State Aid to Industries (Amendment) Ordinance, 1970	10-9-70† (8)	9-1-71(7), 26-4-72(31), 8-4-73(80), 28-4-74(89)	24-4-71(36), 3-7-72(92), 26-8-73(77), 23-7-74(140)	19-7-71(71), 24-9-72(126), 17-1-74(3), 15-1-75(15), (C)	11 3 21	

* Declared to be in force with effect from 18-1-1971.

† Declared to be in force with effect from 19-6-1969.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
116 (contd.)			25- 3-75(67), 18- 6-75(109), 6- 9-75(164), 18- 1-76(3), 22- 4-76(80), 12- 8-76(176), 8- 1-77(7), 29- 4-77(68), 19- 7-77(119), 31- 8-77(179), 26-12-77(231), 24- 4-78(8), 24- 8-78(78), 5- 2-79(16), 28- 4-79(63), 18- 8-79(150), 5- 8-80(20), 21- 4-80(53), 11- 8-80(142), 19- 1-81(29), 23- 4-81(80), 11- 8-81(156)		
117. The Bihar Khadi and Village Industries (Amend- ment) Ordinance, 1970	17- 9-70 (9)		9- 1-71(8), 24- 4-71(38), 19- 7-71(73), 26- 4-72(32), 3- 7-72(91), 24- 9-72(125), 8- 4-73(31), 26- 8-73(79), 17- 1-74(2), 28- 4-74(90), 23- 7-74(166), 15- 1-75(11), 25- 3-75(71), 18- 6-75(112), 6- 9-75(171), 18- 1-76(2), 21- 4-76(73), 12- 8-76(177), 8- 1-77(3), 29- 4-77(69), 19- 7-77(120), 31- 8-77(185), 26-12-77(233), 24- 4-78(12), 1- 6-78(58), 24- 8-78(80), 5- 2-79(14), 28- 4-79(64), 18- 8-79(148), 5- 8-80(21), 21- 4-80(55), 11- 8-80(141), 19- 1-81(33), 22- 4-81(87), 11- 8-81(158)	(C)	11 3 14
118. The Bihar Contingency Fund (Amendment) Ordinance, 1970	25- 9-70 (10)			14- 1-71 (E)	- 3 19

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
119.	The Bihar Municipal (Amendment) Ordinance, 1970	3-10-70 (11)	9-1-71(5), 26-4-71(40), 19-7-71(92)	1-5-72 (E)	1 6 29
120.	The Bihar Sales Tax (Amendment) Ordinance, 1970	27-10-70 (12)	11-1-71(9), 24-4-71(28), 15-7-71(64)	1-5-72 (E)	1 6 5
121.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1970	2-11-70 (13)	-	14-1-71 (E)	- 2 12
122.	The Rajendra Agricultural University Ordinance, 1970	7-11-70 (14)	9-1-71(6), 24-4-71(37)	19-7-71 (R.A. 7)	- 8 12
123.	The Bihar Legislature (Removal of Disqualification) (Amendment) Ordinance, 1970	12-11-70 (15)	-	12-1-71 (R.A. 1)	- 2 -
124.	The Bihar Land Rent (Exemption from Payment) (Amendment) Ordinance, 1970	30-12-70 (16)	24-4-71(33), 19-7-71(70), 30-4-72(41), 3-7-72(87), 24-9-72(154)	9-4-73 (E)	2 3 10
125.	The Bihar Contingency Fund (Amendment) Ordinance, 1971	22-1-71 (10)	-	31-3-71 (E)	- 2 10

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
126.	The Bihar Entertainments Tax (Amendment) Ordinance, 1971	1- 2-71 (12)	24- 4-71(31), 19- 7-71(68), 25- 4-72(29), 3- 7-72(76), 24- 9-72(188)	9- 4-73 (R.A. 5)	2 2 8
127.	The Bihar Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1971	3- 2-71* (13)	24- 4-71(35), 19- 7-71(76), 6- 8-71(96), 1- 5-72(47), 3- 7-72(81), 24- 9-72(123)	9- 4-73 (E)	2 2 4
128.	The Bihar Tenancy (Amendment) Ordinance, 1971	5- 2-71 (14)	26- 4-71(41), 17- 7-71(66), 25- 4-72(25), 3- 7-72(89), 24- 9-72(156), 7- 4-73(23), 26- 8-73(106), 17- 1-74(45), 28- 4-74(82), 23- 7-74(131), 15- 1-75(24), 25- 3-75(57), 18- 6-75(97), 6- 9-75(149), 18- 1-76(35)	22- 4-76 (R.A. 10)	5 2 15
129.	The Chota Nagpur Tenancy (Amendment) Ordinance, 1971	5- 2-71 (15)	24- 4-71(32), 17- 7-71(67), 25- 4-72(24), 3- 7-72(90), 24- 9-72(157), 7- 4-73(22), 26- 8-73(102), 17- 1-74(48), 28- 4-74(92), 23- 7-74(130), 15- 1-75(14), 25- 3-75(77), 18- 6-75(98), 6- 9-75(150), 18- 1-76(12)	22- 4-76 (R.A. 11)	5 2 15
130.	The Bihar Soil and Water Conservation and Land Development Ordinance, 1971	10- 2-71 (16)	24- 4-71(29), 19- 7-71(72), 1- 5-72(53), 3- 7-72(84), 24- 9-72(137), 7- 4-73(21), 26- 8-73(111), 17- 1-74(32), 28- 4-74(81), 23- 7-74(127), 15- 1-75(12), 25- 3-75(72), 18- 6-75(111), 6- 9-75(170), 18- 1-76(19), 22- 4-76(83), 12- 8-76(179), 8- 1-77(10),	(C)	10 10 19

* Declared to be in force with effect from 8-7-1969.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
130 (contd.)			29-4-77(64), 19-7-77(123), 31-8-77(183), 26-12-77(241), 24-4-78(15), 24-8-78(84), 5-2-79(19), 28-4-79(66), 18-8-79(140), 5-3-80(22), 21-4-80(56), 11-8-80(136), 19-1-81(30), 22-4-81(81), 11-8-81(152)		
131.	The Bihar State University Commission (Amendment) Ordinance, 1971	12-2-71 (17)	26-4-71(44), 19-7-71(82)	1-5-72 (E)	1 2 17
132.	The Bihar State Universities (Amendment) Ordinance, 1971	12-2-71 (18)	26-4-71(43), 19-7-71(84), 28-4-72(86), 3-7-72(102), 24-9-72(130), 7-4-73(11), 26-8-73(90), 17-1-74(87), 28-4-74(68), 23-7-74(157), 15-1-75(25), 25-3-75(50), 18-6-75(118), 6-9-75(155), 18-1-76(11), 22-4-76(93), 12-8-76(164)	31-12-76 (R.A. 29)	5 10 17
133.	The Bihar Co-operative Societies (Amendment) Ordinance, 1971	15-2-71* (19P)		27-4-71 (E†)	- 2 10
134.	The Bihar Taxation on Passengers and Goods (Carried by Public Service Motor Vehicles) (Amendment) Ordinance, 1971	15-2-71 (21P)	26-4-71(39), 19-7-71(86), 2-5-72(66), 5-7-72(111), 24-9-72(166)	9-4-73 (E)	2 1 22

* Declared to be in force with effect from 26-6-1968.

† See foot-note on pp. 113-114.

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	
135.	The Bihar Children Ordinance, 1971	15-2-71 (22P)	27-4-71(48), 5-7-72(107), 26-8-73(96), 19-7-71(80), 24-9-72(141), 17-1-74(39)	1-5-72(52), 8-4-73(33), (E)	29-4-74 (E)	3 2 12
136.	The Bihar Land Reforms (Amending and Validating) Ordinance, 1971	15-2-71 (23P)	26-4-71(46), 5-7-72(113), 26-8-73(117), 19-7-71(89), 24-9-72(163), 17-1-74(22)	1-5-72(48), 8-4-73(45), 28-4-74(97)	24-7-74 (R.A. 15)	3 5 7
137.	The Anugrah Narsin Sinha Institute of Social Studies (Amendment) Ordinance, 1971	27-2-71 (24)	26-4-71(42), 3-7-72(98), 26-8-73(86), 23-7-74(162), 19-7-71(87), 24-9-72(133), 17-1-74(26)	25-4-72(30), 7-4-73(7), 28-4-74(63)	15-1-75 (E)	3 10 16
138.	The Bihar District Boards and Local Boards (Control and Management) (Second Amendment) Ordinance, 1971	2-3-71 (25)	29-4-71(50*), 10-3-72(16), 24-9-72(122), 26-8-73(73), 23-7-74(146), 18-6-75(99), 19-7-71(75), 1-5-72(50), 21-2-73(4), 17-1-74(13), 15-1-75(44), 6-9-75(157)	6-8-71(97), 3-7-72(79), 8-4-73(32), 28-4-74(87), 25-3-75(76), 18-1-76(30)	23-4-76 (E)	5 1 22
139.	The Bihar Buildings (Lease, Rent and Eviction Control) (Amendment) Ordinance, 1971	11-3-71 (26P)	26-4-71(45), 5-7-72(106), 26-8-73(80)	1-5-72(51), 8-4-73(35)	17-1-74 (R.A. 8)	2 10 7
140.	The Bihar School Examination Board (Amendment) Ordinance, 1971	6-5-71 (52)	19-7-71(85)		1-5-72 (E)	- 11 26

* Declared to be in force with effect from 26-4-1971.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	
141.	The Bihar State Universities Laws (Amendment) Ordinance, 1971	6-5-71 (53)	19-7-71(84), 28-4-72(86), 24-9-72(130), 7-4-73(11), 17-1-74(37), 28-4-74(68), 15-1-75(25), 25-3-75(50), 6-9-75(155), 18-1-76(11), 12-8-76(164)	3-7-72(102), 26-8-73(90), 23-7-74(157), 18-6-75(118), 22-4-76(93),	31-12-76 (R.A. 29)	5 7 26
142.	The Bihar Panchayat Raj (Amendment) Ordinance, 1971	15-5-71 (54)	19-7-71(78), 24-9-72(124), 17-1-74(10), 15-1-75(26), 6-9-75(161), 12-8-76(186), 19-7-77(148), 25-2-78(5), 5-2-79(30), 5-3-80(42), 19-1-81(81),	1-5-72(49), 7-4-73(25), 28-4-74(95), 25-3-75(82), 18-1-76(34), 8-1-77(16), 31-8-77(171), 26-12-77(245), 24-8-78(22), 18-8-79(96), 21-4-80(89), 22-4-81(84),	(C)	10 7 17
143.	The Chota Nagpur and Santhal Parganas Autonomous Development Authority Ordinance, 1971	17-5-71 (55)	19-7-71(84), 28-4-72(86), 24-9-72(130), 7-4-73(11), 17-1-74(37), 28-4-74(68), 15-1-75(25), 25-3-75(50), 6-9-75(155), 18-1-76(11), 12-8-76(164)	3-7-72(80), 26-8-73(69), 23-7-74(144), 18-6-75(117), 22-4-76(101), 29-4-77(77), 26-12-77(245), 24-8-78(86), 18-8-79(161), 11-8-80(154), 11-8-81(153)	19-7-71 (R.A. 8)	- 2 3
144.	The Motor Vehicles (Bihar Amendment) Ordinance, 1971	20-5-71 (56)	16-7-71(65), 3-7-72(94), 26-8-73(83),	26-2-72(11), 24-9-72(145), 17-1-74(19),	6-2-79 (R.A. 7)	7 8 17

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
144 (contd.)			23-7-74(119), 15-1-75(17), 25-3-75(63), 18-6-75(115), 6-9-75(147), 18-1-76(8), 22-4-76(82), 12-8-76(174), 8-1-77(5), 29-4-77(63), 19-7-77(118), 31-8-77(196), 26-12-77(288), 24-4-78(11), 24-8-78(81)		
145. The Bihar Municipal (Third Amendment) Ordinance, 1971		20-5-71 (57)	19-7-71(93), 1-5-72(42), 3-7-72(96), 24-9-72(135), 8-4-73(40), 26-8-73(99), 17-1-74(6), 28-4-74(77), 28-7-74(133), 15-1-75(7), 25-3-75(62), 18-6-75(114), 6-9-75(168), 18-1-76(27), 21-4-76(76), 12-8-76(155), 8-1-77(32), 29-4-77(105), 19-7-77(125), 31-8-77(194), 26-12-77(229), 24-4-78(89), 24-8-78(70), 5-2-79(12), 28-4-79(80), 18-8-79(123), 5-8-80(12), 21-4-80(92), 11-8-80(107), 19-1-81(2), 22-4-81(96), 11-8-81(149)	(C)	10 7 12
146. The Patna Municipal Cor- poration (Amendment) Ordinance, 1971		22-5-71 (58)	19-7-71(91), 30-4-72(40), 3-7-72(95), 24-9-72(136), 8-4-73(37), 26-8-73(98), 17-1-74(44), 28-4-74(76), 23-7-74(134), 15-1-75(6), 25-3-75(66), 18-6-75(106), 6-9-75(169), 18-1-76(44), 21-4-76(75), 12-8-76(151), 8-1-77(29), 29-4-77(112), 19-7-77(129), 31-8-77(187), 26-12-77(228), 24-4-78(38), 24-8-78(68), 5-2-79(11),	(C)	10 7 10

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
146 (contd.)			28-4-79(81), 18-8-79(119), 5-8-80(8), 21-4-80(102), 11-8-80(112), 19-1-81(7), 22-4-81(89), 11-8-81(145)		
147. The Bihar Municipal (Fourth Amendment) Ordinance, 1971	22-5-71 (59)			20-7-71 (E)	- 1 29
148. The Bihar School Exami- nation Board (Second Amendment) Ordinance, 1971	22-5-71 (60)		19-7-71(88), 1-5-72(44), 3-7-72(101), 24-9-72(132), 7-4-73(10), 26-8-73(91), 17-1-74(27), 28-4-74(65), 23-7-74(155*), 15-1-75(18), 25-3-75(58), 18-6-75(105), 6-9-75(160), 18-1-76(17), 22-4-76(99), 12-8-76(163)	31-12-76 (R.A. 27)	5 7 10
149. The Bihar State Univer- sities Laws (Second Amendment) Ordinance, 1971	27-5-71 (61)		19-7-71(84), 28-4-72(36), 3-7-72(102), 24-9-72(130), 7-4-73(11), 26-8-73(90), 17-1-74(37), 28-4-74(68), 23-7-74(157), 15-1-75(25), 25-3-75(50), 18-6-75(118), 6-9-75(155), 18-1-76(11), 22-4-76(93), 12-8-76(164)	31-12-76 (R.A. 29)	5 7 5
150. The Patna University (Amendment) Ordinance, 1971	29-5-71 (62)		19-7-71(81), 28-4-72(36), 3-7-72(102), 24-9-72(130), 7-4-73(11), 26-8-73(90), 17-1-74(37), 28-4-74(68), 23-7-74(157),	31-12-76 (R.A. 29)	5 7 3

* In the book entitled *List of Bihar and Orissa Acts, Bihar Acts, Regulations and Ordinances For the Years 1934 to March, 1976*, published by the Government of Bihar, Law (Legislative) Department, Patna, 1976, the title of this Ordinance is wrongly given as the Bihar Secondary Education Board (Third Amendment) Ordinance, 1974. (continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
150 (contd.)			15- 1-75 (25), 25- 3-75 (50), 18- 6-75 (118), 6- 9-75 (155), 18- 1-76 (11), 22- 4-76 (93), 12- 8-76 (164)		
151.	The Patliputra Medical College (Taking Over of Management) Ordinance, 1971	29- 5-71 (68P)	19- 7-71 (94), 1- 5-72 (45), 5- 7-72 (114), 24- 9-72 (148), 7- 4-73 (17), 26- 8-73 (98), 17- 1-74 (30), 28- 4-74 (73), 23- 7-74 (138)	15- 1-75 (R.A. 5)	3 7 17
152.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1971	26- 7-71 (95)	6- 8-71 (98), 24- 9-71 (102), 3- 2-72 (2)	31- 3-72 (S.U.)	- 8 6
153.	The Bihar Excise (Amendment) Ordinance, 1971	23- 8-71 (99)	2- 5-72 (59), 3- 7-72 (86), 24- 9-72 (121)	9- 4-73 (R.A. 4)	1 7 17
154.	The Chota Nagpur and Santhal Parganas Autonomous Development Authority (Amendment) Ordinance, 1971	6- 9-71 (100)	29- 4-72 (38), 3- 7-72 (85), 24- 9-72 (142), 8- 4-73 (41), 26- 8-73 (118), 17- 1-74 (43), 29- 4-74 (104), 23- 7-74 (141), 15- 1-75 (10), 25- 3-75 (64), 18- 6-75 (110), 6- 9-75 (148)	19- 1-76 (R.A. 2)	4 4 13
155.	The Bihar State Housing Board Ordinance, 1971	14- 9-71 (101P)	1- 5-72 (55), 19- 8-72 (119*), 13-10-72 (169), 7- 4-73 (24), 26- 8-73 (82), 17- 1-74 (81), 29- 4-74 (106), 23- 7-74 (116), 15- 1-75 (38), 25- 3-75 (85), 19- 6-75 (131), 7- 9-75 (184), 18- 1-76 (47), 22- 4-76 (125), 16- 8-76 (206), 9- 1-77 (33), 29- 4-77 (85), 21- 7-77 (155),	(C)	10 3 17

* Declared to be in force with effect from 4-7-1972.

(continued)

TABLE 8

(1)	(2)	(3)	(4)	(5)	(6)
155 (contd.)			1- 9-77(216), 26-12-77(270), 24- 4-78(53), 24- 8-78(105), 5- 2-79(43), 28- 4-79(69), 18- 8-79(142), 5- 8-80(16), 21- 4-80(68), 11- 8-80(185) 19- 1-81(22), 23- 4-81(112), 12- 8-81(187)		
156. The Bihar Co-operative Societies (Second Amendment) Ordinance, 1971		7-10-71* (108P)	2- 5-72(62), 5- 7-72(116), 24- 9-72(164), 8- 4-78(43), 26- 8-78(114), 17- 1-74(14), 29- 4-74(99), 28- 7-74(117), 15- 1-75(34), 25- 3-75(87), 19- 6-75(182), 7- 9-75(187), 18- 1-76(46), 22- 4-76(128), 16- 8-76(192), 9- 1-77(89), 29- 4-77(102), 21- 7-77(164), 1- 9-77(206), 26-12-77(255), 24- 4-78(32), 24- 8-78(102), 5- 2-79(40), 28- 4-79(87), 18- 8-79(114), 5- 8-80(3), 21- 4-80(98), 11- 8-80(117), 19- 1-81(11), 28- 4-81(119), 12- 8-81(190)	(C)	10 2 25
157. The Bihar Panchayat Samitis and Zila Parishads (Fifth Amendment) Ordinance, 1971		26-10-71 (104)	15- 4-72(22), 3- 7-72(81), 24- 9-72(123)	9- 4-78 (E)	1 5 14
158. The Bihar Premises and Vehicles (Requisition) Ordinance, 1971		15-11-71 (106P)	-	1- 5-72 (E)	- 5 16

* See foot-note on pp. 113-114.

(continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
159.	The Bihar Sales Tax (Fourth Amendment) Ordinance, 1971	19-11-71 (107)	25-4-72 (28), 7-4-73 (27), 3-7-72 (77), 24-9-72 (140),	26-8-73 (R.A. 11)	1 9 7
160.	The Bihar Entertainment Tax (Fourth Amendment) Ordinance, 1971	1-12-71 (108)	25-4-72 (29), 3-7-72 (76), 24-9-72 (138)	9-4-73 (R.A. 5)	1 4 8
161.	The Indian Stamp (Bihar Amendment) Ordinance, 1971	30-11-71* (109)	2-5-72 (56), 3-7-72 (74), 24-9-72 (127)	9-4-73 (E)	1 4 9
162.	The Bihar Taxation on Passengers and Goods (Carried by Public Service Motor Vehicles) (Fourth Amendment) Ordinance, 1971	1-12-71 (110P)	2-5-72 (66), 5-7-72 (111), 24-9-72 (166)	9-4-73 (E)	1 4 8
163.	The Bihar Municipal (Seventh Amendment) Ordinance, 1971	18-12-71 (111)	-	1-5-72 (E)	- 4 19
164.	The Bihar Motor Vehicles Taxation (Amendment) Ordinance, 1971	21-12-71† (112)	30-4-72 (59), 3-7-72 (93), 24-9-72 (144)	9-4-73 (E)	1 3 19

* Declared to be in force with effect from 1-12-1971. † Declared to be in force with effect from 1-1-1972. (continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
1973					
165.	The Entertainments Duties and Court Fees and Stamp (Surcharge Amendment) Amending Ordinance, 1972	8-1-72 (1)	2-5-72(57), 3-7-72(75), 24-9-72(128)	9-4-73 (R.A. 6)	1 3 7
166.	The Bihar State Universities Laws (Amending and Repealing) Ordinance, 1972	8-2-72 (8)	28-4-72(86), 7-4-73(11), 28-8-73(90), 28-4-74(68), 23-7-74(157), 25-8-75(50), 18-6-75(118), 18-1-76(11), 22-4-76(93), 24-9-72(180), 17-1-74(87), 15-1-75(25), 6-9-75(155), 12-8-76(164)	31-12-76 (R.A. 29)	4 10 27
167.	The Bihar Entertainments Tax (Amendment) Ordinance, 1972	9-2-72* (4)	25-4-72(29), 3-7-72(76), 24-9-72(138)	9-4-73 (R.A. 5)	1 1 29
168.	The Bihar State Universities Laws and Schools Laws (Amendment) Ordinance, 1972	10-2-72 (5)	28-4-72(86), 7-4-73(11), 26-8-73(90), 28-4-74(68), 23-7-74(157), 25-8-75(50), 18-6-75(118), 18-1-76(11), 22-4-76(93), 24-9-72(180), 17-1-74(87), 15-1-75(25), 6-9-75(155), 12-8-76(164)	31-12-76 (R.A. 29)	4 10 20
169.	The Bihar Agricultural Produce Markets (Amendment) Ordinance, 1972	14-2-72 (6P)	2-5-72(58), 5-7-72(103), 8-4-73(84), 26-8-73(67), 28-4-74(88), 23-7-74(124), 25-3-75(90), 19-6-75(183), 7-9-75(186), 24-9-72(159), 17-1-74(41), 15-1-75(40)	(C)	9 10 16

* Declared to be in force with effect from 16-12-1971.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
169 (contd.)					
			18-1-76(39), 22-4-76(116), 16-8-76(200), 9-1-77(47), 29-4-77(96), 21-7-77(165), 1-9-77(199), 26-12-77(268), 24-4-78(18), 24-8-78(100), 5-2-79(42), 28-4-79(61), 18-8-79(144), 5-3-80(17), 21-4-80(60), 11-8-80(138), 19-1-81(39), 23-4-81(126), 12-8-81(168)		
170.	The Bihar Public Land Encroachment (Amend- ment) Ordinance, 1972	18-2-72 (7)	-	29-4-72 (R.A. 3)	- 2 10
171.	The Bihar Ancient Monu- ments and Archaeological Sites and Remains Ordi- nance, 1972	22-2-72 (8P)	2-5-72(63); 5-7-72(108), 24-9-72(160), 8-4-78(36), 26-8-78(92), 17-1-74(29), 29-4-74(101), 23-7-74(163), 15-1-75(32), 25-3-75(84), 18-6-75(125), 7-9-75(180), 18-1-76(57), 22-4-76(138)	16-8-76 (R.A. 19*)	4 5 23
172.	The Bihar Ministers' Salaries and Allowances (Amendment) Ordi- nance, 1972	24-2-72 (9)	12-3-72(19), 26-4-72(33), 3-7-72(71), 24-9-72(151), 11-11-72(171), 7-4-73(18), 26-8-73(109), 17-1-74(16), 27-4-74(57), 23-7-74(148)	15-1-75 (R.A. 7)	2 10 20

* Sub-section (3) of section 1 of this Act says that it shall come into force on such date as the State Government may, by notification, appoint. No such notification has been issued by the State Government so far. But the Act is being treated as having been brought into force with effect from the date of its publication in the Gazette, that is, August 16, 1976. (continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)		
173.	The Bihar Deputy Ministers' Salaries and Allowances (Amendment) Ordinance, 1972	24-2-72 (10)	12-3-72(20), 24-9-72(152), 26-8-78(104), 23-7-74(149)	26-4-72(84), 11-11-72(172), 17-1-74(17), 27-4-74(58)	3-7-72(72), 7-4-78(19), 27-4-74(58)	15-1-75 (R.A. 8)	2 10 20
174.	The Bihar Gramdan (Amendment) Ordinance, 1972	26-2-72 (12P)	2-5-72(65), 8-4-78(44), 28-4-74(98), 25-3-75(78), 18-1-76(51), 9-1-77(42), 1-9-77(214)	5-7-72(112), 26-8-78(107), 28-7-74(128), 19-6-75(128), 22-4-76(133), 29-4-77(79), 26-12-77(259)	24-9-72(162), 17-1-74(47), 15-1-75(29), 7-9-75(175), 16-8-76(204), 21-7-77(153), 24-4-78(49)	24-8-78 (R.A. 6)	6 5 27
175.	The Bihar Motor Spirit (Taxation on Sales) (Amendment) Ordinance, 1972	1-3-72 (18)	25-4-72(27), 8-4-73(89), 26-8-73(100)	3-7-72(78), 24-9-72(155)	24-9-72(189)	9-4-78 (E)	1 1 8
176.	The Bihar Public Demand Recovery (Amendment) Ordinance, 1972	8-3-72 (14)	25-4-72(26), 8-4-73(89), 26-8-73(100)	3-7-72(88), 26-8-73(100)	24-9-72(155)	17-1-74 (R.A. 7)	1 10 10
177.	The Bihar Shops and Establishments (Amendment) Ordinance, 1972	9-3-72 (15P)	1-5-72(54), 8-4-73(28), 28-4-74(91)	5-7-72(104), 26-8-73(75), 28-7-74(165)	24-9-72(149), 17-1-74(38)	15-1-75 (R.A. 2)	2 10 7
178.	The Bihar Kendu Leaves (Control on Trade) Ordinance, 1972	11-3-72 (17P)	1-5-72(48), 8-4-73(46), 26-8-73(119)	5-7-72(109), 26-8-73(119)	24-9-72(161)	17-1-74 (R.A. 5)	1 10 7

(continued)

RE-PROMULGATION OF ORDINANCES

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
179.	The Bihar State Universities (Bihar, Bhagalpur and Ranchi Universities) (Amendment) Ordinance, 1972	11-3-72 (18)	28-4-72(36), 3-7-72(102), 7-4-73(11), 26-8-73(90), 28-4-74(68), 23-7-74(157), 25-3-75(50), 18-6-75(118), 18-1-76(11), 22-4-76(93), 12-8-76(164)	31-12-76 (R.A. 29)	4 9 21
180.	The Bihar Legislature (Officers' Salaries and Allowances) (Amendment) Ordinance, 1972	12-3-72* (21)	26-4-72(35), 3-7-72(73), 11-11-72(173), 7-4-73(20), 17-1-74(18), 27-4-74(59), 23-7-74(150)	15-1-75 (R.A. 9)	2 10 4
181.	The Bihar State Universities (Patna, Bihar, Bhagalpur, Ranchi and Magadh Universities) (Control and Management) Ordinance, 1972	21-4-72 (23)	3-7-72(100), 24-9-72(131), 26-8-73(88), 17-1-74(34), 23-7-74(156), 15-1-75(46), 25-3-75(54)	31-5-75 (Re.O. 93, 94 and 95)	3 1 10
182.	The Bihar State Universities Laws and Schools Laws (Amendment and Repeal) Ordinance, 1972	28-4-72 (36)	3-7-72(102), 24-9-72(130), 26-8-73(90), 17-1-74(37), 23-7-74(157), 15-1-75(25), 18-6-75(118), 6-9-75(155), 22-4-76(93), 12-8-76(164)	31-12-76 (R.A. 29)	4 8 3
183.	The Bihar Panchayat Raj (Amendment and Validation) Ordinance, 1972	1-5-72 (49)	3-7-72(80), 24-9-72(124), 26-8-73(69), 17-1-74(10), 23-7-74(144), 15-1-75(26), 18-6-75(117), 6-9-75(161), 18-1-76(34)	(C)	9 8 -

* Declared to be in force with effect from 1-3-1972.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
183	(contd.)		22- 4-76(101), 12- 8-76(186), 8- 1-77(16), 29- 4-77(77), 19- 7-77(143), 31- 8-77(171), 26-12-77(245), 25- 2-78(5), 24- 4-78(22), 24- 8-78(86), 5- 2-79(30), 28- 4-79(96), 18- 8-79(161), 5- 3-80(42), 21- 4-80(89), 11- 8-80(154), 19- 1-81(31), 22- 4-81(84), 11- 8-81(153)		
184.	The Mithila University (now the Lalit Narain Mithila University) Ordinance, 1972	12- 5-72 (67)	3- 7-72(97), 24- 9-72(129), 7- 4-73(12), 26- 8-73(84), 17- 1-74(86), 28- 4-74(69), 23- 7-74(158), 15- 1-75(23), 7- 2-75(49), 25- 3-75(52), 18- 6-75(120), 27- 6-75(187), 6- 9-75(156), 18- 1-76(59), 21- 4-76(87), 16- 8-76(207)	31-12-76 (R.A. 23)	4 7 20
185.	The Bihar Health Cess Ordinance, 1972	14- 5-72 (68)	3- 7-72(83), 24- 9-72(147), 7- 4-73(15), 26- 8-73(95), 17- 1-74(20), 28- 4-74(75), 23- 7-74(136), 1-10-74(177), 15- 1-75(4), 25- 3-75(69), 19- 6-75(184), 6- 9-75(172), 18- 1-76(20), 22- 4-76(127), 12- 8-76(154), 8- 1-77(30), 29- 4-77(111), 19- 7-77(126), 31- 8-77(188)	26-12-77 (R.A. 22)	5 7 13
186.	The Bihar Medical Educational Institutions (Regulation and Control) Ordinance, 1972	14- 5-72 (69)	3- 7-72(82), 24- 9-72(146), 7- 4-73(16), 26- 8-73(94), 17- 1-74(25), 28- 4-74(74), 4- 6-74(114), 23- 7-74(135), 15- 1-75(2), 25- 3-75(65), 18- 6-75(108), 6- 9-75(167),	(C)	9 7 18

(continued)

RE-PROMULGATION OF ORDINANCES

Table 8 (continued)	(1)	(2)	(3)	(4)	(5)	(6)
186 (contd.)						
	18- 1-76(25),	22- 4-76(105),	12- 8-76(156),			
	8- 1-77(28),	29- 4-77(103),	19- 7-77(128),			
	31- 8-77(189),	26-12-77(226),	24- 4-78(40),			
	24- 8-78(69),	5- 2-79(9),	28- 4-79(78),			
	18- 8-79(116),	5- 3-80(5),	21- 4-80(95),			
	11- 8-80(113),	19- 1-81(40),	22- 4-81(88),			
	11- 8-81(142)					
187. The Bihar Industrial Area Development Authority Ordinance, 1972		15- 5-72 (70P)	23- 7-74 (R.A.16)	23- 7-74 (R.A.16)		2 2 9
188. The Bihar Contingency Fund (Second Amendment) Ordinance, 1972		19- 7-72 (117)			25- 9-72 (E)	- 2 7
189. The Bihar Irrigation and Lift Irrigation (Amendment) Ordinance, 1972		22- 7-72 (120)		9- 4-73(49),	10- 8-77 (E)	5 - 19
				26- 8-73(115),		
				23- 7-74(137),		
				18- 6-75(102),		
				22- 4-76(113),		
				29- 4-77(75)		
190. The Bihar Ceiling on Urban Property (Temporary Restrictions on Transfer) Ordinance, 1972		6-10-72 (167P)			9- 4-73 (E)	- 6 4

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
191.	The Bihar Money-lenders (Regulation of Transactions) (Amendment) Ordinance, 1972	3-11-72 (170)	18- 6-73 (61*), 26- 8-73 (112*)	17- 1-74 (R.A. 9)	1 2 14
192.	The Bihar Excise (Fourth Amendment) Ordinance, 1972	30-12-72 (174)	8- 4-73 (38), 26- 8-73 (109)	17- 1-74 (R.A. 3)	1 - 18
193.	The Bihar Municipal (Fourth Amendment) Ordinance, 1972	31-12-72 (175)	8- 4-73 (40), 26- 8-73 (99), 28- 4-74 (77), 23- 7-74 (133), 15- 1-75 (7), 25- 3-75 (62), 18- 6-75 (114), 6- 9-75 (168), 18- 1-76 (27), 21- 4-76 (76), 12- 8-76 (155), 8- 1-77 (32), 29- 4-77 (105), 19- 7-77 (125), 31- 8-77 (194), 26-12-77 (229), 24- 4-78 (39), 24- 8-78 (70), 5- 2-79 (12), 28- 4-79 (80), 18- 8-79 (123), 5- 3-80 (12), 21- 4-80 (92), 11- 8-80 (107), 19- 1-81 (2), 22- 4-81 (96), 11- 8-81 (149)	(C)	9 - 1
194.	The Bihar Ceiling on Urban Property (Temporary Restrictions on Transfer) (Amendment) Ordinance, 1973	1- 1-73 (1P)	-	9- 4-73 (E)	- 3 8

* Declared to be in force with effect from 3-11-1972.

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)		
195.	The Rajendra Agricultural University (Amendment) Ordinance, 1973	15-1-73 (2)	8-4-73(29), 29-4-74(108), 25-3-75(68), 28-10-75(196), 12-8-76(171), 19-7-77(121), 24-4-78(13), 28-4-79(67), 21-4-80(59), 22-4-81(98),	26-8-73(66), 23-7-74(125), 18-6-75(106), 18-1-76(9), 8-1-77(1), 31-8-77(186), 24-8-78(79), 18-8-79(151), 11-8-80(143), 11-8-81(161)	17-1-74(42), 15-1-75(9), 6-9-75(165), 21-4-76(74), 29-4-77(66), 26-12-77(235), 5-2-79(15), 5-3-80(28), 19-1-81(26)	(C)	8 11 17
196.	The Bihar Lokayukta Ordinance, 1973	18-1-73 (3P)	11-5-73(54),	8-10-73(123*)		17-1-74 (R.A. 6)	1 - - -
197.	The Bihar Panchayat Raj (Validating) Ordinance, 1973	22-2-73 (5)	7-4-73(26), 28-4-74(94), 25-3-75(82), 18-1-76(34), 8-1-77(16), 31-8-77(171), 24-4-78(22), 28-4-79(96), 21-4-80(89), 22-4-81(84),	26-8-73(68), 23-7-74(147), 18-6-75(117), 22-4-76(101), 29-4-77(77), 26-12-77(245), 24-8-78(86), 18-8-79(161), 11-8-80(154), 11-8-81(153)	17-1-74(7), 15-1-75(28), 6-9-75(161), 12-8-76(186), 19-7-77(143), 25-2-78(5), 5-2-79(30), 5-3-80(42), 19-1-81(31)	(C)	8 10 7

* Declared to be in force with effect from 27-8-1973.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	
198.	The Bihar Panchayat Samitis and Zila Parishads (Amending and Validating) Ordinance, 1973	22-2-73 (6)	10-5-73(53*), 28-4-74(85), 25-3-75(75), 18-1-76(86), 8-1-77(15), 31-8-77(169), 24-4-78(21), 5-2-79(29), 5-3-80(88), 18-9-80(160), 11-8-81(165)	26-8-73(70), 23-7-74(152), 18-6-75(119), 22-4-76(102), 29-4-77(87), 26-12-77(246), 24-8-78(21), 28-4-79(97), 21-4-80(90), 19-1-81(48), 28-8-73(89), 23-7-74(160)	17-1-74(9), 15-1-75(27), 6-9-75(158), 12-8-76(162), 19-7-77(141), 28-2-78(6), 20-10-78(111), 18-8-79(162), 11-8-80(151), 23-4-81(104),	8 10 7
199.	The Patna University (Amendment) Ordinance, 1973	7-4-73 (13)	26-8-73(89), 23-7-74(160)	17-1-74(35), 28-4-74(66),	15-1-75 (R.A. 11)	1 9 8
200.	The Bihar Ceiling on Urban Property (Temporary Restrictions on Transfer) Ordinance, 1973	10-4-73 (50P)	26-8-73(101), 23-7-74(182), 18-6-75(123),	17-1-74(46), 15-1-75(31), 7-9-75(174),	23-4-76 (E)	3 - 13
201.	The Bihar Privileged Persons Homestead Tenancy (Amendment) Ordinance, 1973	26-4-73 (51P)	26-8-73(108)		22-11-73 (R.A. 13)	- 6 26

* Declared to be in force with effect from 8-4-1973.

RE-PROMULGATION OF ORDINANCES

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
202.	The Bihar Taxation on Passengers and Goods (Carried by Public Service Motor Vehicles) (Amendment) Ordinance, 1973	8-5-73* (52P)	26-8-73 (74)	17-1-74 (R.A. 4)	- 8 10
203.	The Bihar Contingency Fund (Amendment) Ordinance, 1973	16-5-73 (55)	30-6-73 (64)	27-8-73 (E)	- 3 12
204.	The Bihar Motor Vehicles Taxation (Amendment) Ordinance, 1973	23-5-73 (56)	26-8-73 (97), 23-7-74 (120)	15-1-75 (R.A. 16)	1 7 23
205.	The Bihar State Universities (Bihar, Bhagalpur and Ranchi Universities) (Second Amendment) Ordinance, 1973	24-5-73 (57)	26-8-73 (87)	18-1-74 (E)	- 7 25
206.	The Bihar Panchayat Samitis and Zilla Parishads (Amendment) Ordinance, 1973	9-6-73 (58)	26-8-73 (72)	16-1-74 (R.A. 2)	- 7 7
207.	The Bihar Public Demand Recovery (Second Amendment) Ordinance, 1973	14-6-73 (59P)	26-8-73 (110)	17-1-74 (R.A. 7)	- 7 3

* Declared to be in force with effect from 9-4-1973.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	
208.	The Bihar Premises and Vehicles (Requisition) Ordinance, 1973	18-6-73 (60P)	26-8-73(81), 28-7-74(142), 19-6-75(130), 22-4-76(121), 29-4-77(92), 28-12-77(265), 17-1-74(49), 15-1-75(42), 7-9-75(185), 16-8-76(194), 21-7-77(151), 24-4-78(16)	29-4-74(105), 25-8-75(88), 18-1-76(40), 9-1-77(44), 1-9-77(198)	24-8-78 (R.A. 10)	5 2 6
209.	The Bihar Panchayat Samitis and Zila Parishads (Second Amendment) Ordinance, 1973	21-6-73 (62)	26-8-73(71)		16-1-74 (R.A. 2)	- 6 25
210.	The Bihar Land Reforms (Amendment) Ordinance, 1973	28-6-73 (63P)	26-8-73(116), 17-1-74(23)	28-4-74(96)	24-7-74 (R.A. 14)	1 - 26
211.	The Bihar Sales Tax (Second Amendment) Ordinance, 1973	26-8-73 (76)	17-1-74(38), 27-4-74(55)		24-7-74 (E)	- 10 29
212.	The Bihar Taxation on Trade, Occupation, Calling and Employment Ordinance, 1973	21-9-73 (120)	17-1-74(5)		29-4-74 (E)	- 7 8
213.	The Bihar Land Rent (Exemption from Payment) (Repeal) Ordinance, 1973	29-9-73* (121)	-		18-1-74 (E)	- 3 19

* Declared to be in force with effect from 1-10-1973.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
214.	The Bihar Khadi and Village Industries (Amendment) Ordinance, 1973	1-10-73 (122)	17- 1-74(1), 28- 4-74(90), 23- 7-74(166), 15- 1-75(11), 25- 3-75(71), 18- 6-75(112), 6- 9-75(171), 18- 1-76(2), 21- 4-76(73), 12- 8-76(177), 8- 1-77(3), 29- 4-77(69), 19- 7-77(120), 31- 8-77(185), 26-12-77(233), 24- 4-78(12), 1- 6-78(58), 24- 8-78(80), 5- 2-79(14), 28- 4-79(64), 18- 8-79(148), 5- 3-80(21), 21- 4-80(55), 11- 8-80(141), 19- 1-81(33), 22- 4-81(87), 11- 8-81(158)	(C)	8 3 -
215.	The Bihar Local Self-government (Amendment) Ordinance, 1973	30-10-73 (124)	17- 1-74(11), 28- 4-74(86), 23- 7-74(145), 15- 1-75(45), 25- 3-75(74), 18- 6-75(100), 6- 9-75(163), 18- 1-76(18), 22- 4-76(95), 12- 8-76(168)	7- 1-77 (R.A. 6)	3 2 8
216.	The Bihar State Laws (Authoritative Text in Hindi) Publication Ordinance, 1973	8-11-73 (126)	17- 1-74(12), 28- 4-74(79), 23- 7-74(143)	15- 1-75 (R.A. 1)	1 2 7
217.	The Bihar Bricks Supply (Control) Ordinance, 1973	6-12-73 (127P)	17- 1-74(40), 29- 4-74(103), 23- 7-74(164)	15- 1-75 (E)	1 1 10
218.	The Indian Electricity (Bihar Amendment) Ordinance, 1974	2- 2-74 (50P)	28- 4-74(83), 23- 7-74(123)	15- 1-75 (R.A. 15)	- 11 11

(continued)

(1)	(2)	(3)	(4)	(5)	(6)
219.	The Bihar Flying Club (Taking Over of Management and Control) Ordinance, 1974	6-2-74 (51P)	29-4-74(100), 23-7-74(118)	15-1-75 (R.A. 14)	- 11 7
220.	The Bihar Weights and Measures (Enforcement) (Amendment) Ordinance, 1974	15-2-74 (52)	28-4-74(72), 23-7-74(126), 25-3-75(73), 18-6-75(113), 18-1-76(10), 22-4-76(85), 8-1-77(8), 29-4-77(71), 31-8-77(181)	15-1-75(1*), 6-9-75(166), 12-8-76(173), 19-7-77(124), 15-1-75(175) (R.A. 28)	3 10 9
221.	The Bihar Motor Vehicles Taxation (Second Amendment) Ordinance, 1974	16-3-74 (53)	27-4-74(62), 23-7-74(121)	15-1-75 (R.A. 17)	- 10 -
222.	The Bihar State Universities Laws (Amendment) Ordinance, 1974	16-3-74 (54)	28-4-74(70), 25-3-75(83)	31-5-75 (Re.O. 98, 94 and 95)	1 2 16
223.	The Bihar State Aid to Industries (Second Amendment) Ordinance, 1974	27-4-74† (56)	23-7-74(140), 15-1-75(15), 18-6-75(109), 6-9-75(164), 22-4-76(80), 12-8-76(176), 29-4-77(68), 19-7-77(119), 26-12-77(281), 24-4-78(8), 5-2-79(16), 28-4-79(68), 5-3-80(20), 21-4-80(53), 19-1-81(29), 23-4-81(80), 11-8-81(156)	(C)	7 8 4

* In the Bihar Gazette, Extraordinary, No. 54, dated January 15, 1975, the number of this Ordinance is wrongly given as 22.

† Declared to be in force with effect from 19-6-1969. (continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)	
224.	The Bihar Motor Vehicles Taxation (Fifth Amendment) Ordinance, 1974	27- 4-74 (67)	23- 7-74(122), 18- 6-75(122),	15- 1-75(16), 25- 3-75(56), 6- 9-75(151)	19- 1-76 (R.A. 1)	1 8 22
225.	The Indian Registration (Bihar Amendment) Ordinance, 1974	28- 4-74 (98P)	-	-	24- 7-74 (E)	- 2 26
226.	The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Ordinance, 1974	29- 4-74* (107P)	23- 7-74(129)	-	15- 1-75 (R.A. 13)	- 8 16
227.	The Bihar Legislature (Removal of Disqualification) (Amendment) Ordinance, 1974	7- 5-74 (109)	23- 7-74(151)	-	15- 1-75 (R.A. 10)	- 8 9
228.	The Bihar Co-operative Societies (Third Amendment) Ordinance, 1974	18- 5-74 (111)	-	-	24- 7-74 (E)	- 2 7
229.	The Bihar Secondary Education Board Ordinance, 1974	21- 5-74 (112)	23- 7-74(153), 18- 6-75(104), 18- 1-76(29),	15- 1-75(43), 6- 9-75(159), 24- 4-76(124),	25- 3-75(55), 9-10-75(190), 12- 8-76(168)	2 7 11
230.	The Bihar Sales Tax (Third Amendment) Ordinance, 1974	4- 6-74 (113)	-	-	23- 7-74 (R.A. 13)	- 1 19

(continued)

* Declared to be in force with effect from 9-9-1970.

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
231.	The Bihar State Universities Laws (Fourth Amendment) Ordinance, 1974	1- 8-74 (167)	15- 1-75 (21), 25- 3-75 (83)	31- 5-75 (Re.O. 98, 94 and 95)	- 10 -
232.	The Wakfs (Bihar Amendment) Ordinance, 1974	16- 8-74 (168)	-	15- 1-75 (R.A. 3)	- 5 -
233.	The Bihar Irrigation Laws (Amendment) Ordinance, 1974	27- 8-74 (169)	15- 1-75 (3), 25- 3-75 (58), 6- 9-75 (145), 10- 1-76 (1), 12- 8-76 (132), 8- 1-77 (12), 19- 7-77 (135), 31- 8-77 (168), 24- 4-78 (43), 24- 8-78 (77), 28- 4-79 (107), 18- 8-79 (128), 21- 4-80 (74), 11- 8-80 (131), 22- 4-81 (77), 11- 8-81 (140)	(C)	7 4 5
234.	The Bihar Irrigation Field Channel (Amendment) Ordinance, 1974	29- 8-74 (170)	15- 1-75 (5), 25- 3-75 (60), 6- 9-75 (144), 18- 1-76 (15), 12- 8-76 (181), 8- 1-77 (13), 19- 7-77 (134), 31- 8-77 (167), 24- 4-78 (42), 24- 8-78 (76), 28- 4-79 (106), 18- 8-79 (129), 21- 4-80 (75), 11- 8-80 (132), 22- 4-81 (78), 11- 8-81 (139)	(C)	7 4 3
235.	The Bihar School Examination Board (Fourth Amendment) Ordinance, 1974	5- 9-74 (171)	15- 1-75 (19), 25- 3-75 (53), 6- 9-75 (160), 18- 1-76 (17), 12- 8-76 (163)	31-12-76 (R.A. 27)	2 3 26

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
236.	The Land Acquisition (Bihar Validation) Ordinance, 1974	5-9-74 (172P)	15-1-75(30), 7-9-75(178), 25-3-75(80), 18-6-75(124),	20-1-76 (R.A. 6)	1 4 15
237.	The Bihar Co-operative Societies (Sixth Amendment) Ordinance, 1974	12-9-74 (173)	15-1-75(35), 7-9-75(187), 16-8-76(192), 21-7-77(164), 24-4-78(32), 28-4-79(87), 21-4-80(98), 23-4-81(119), 25-3-75(70), 18-1-76(46), 9-1-77(39), 1-9-77(206), 24-8-78(102), 18-8-79(114), 11-8-80(117), 12-8-81(190), 19-6-75(132), 22-4-76(128), 29-4-77(102), 26-12-77(255), 5-2-79(40), 5-3-80(3), 19-1-81(11),	(C)	7 3 19
238.	The Bihar Soil and Water Conservation and Land Development (Amendment) Ordinance, 1974	16-9-74 (174)	15-1-75(12), 6-9-75(170), 12-8-76(179), 19-7-77(123), 24-4-78(15), 28-4-79(66), 21-4-80(56), 22-4-81(81), 25-3-75(72), 18-1-76(19), 8-1-77(10), 31-8-77(183), 24-8-78(84), 18-8-79(146), 11-8-80(136), 11-8-81(152), 18-6-75(111), 22-4-76(88), 29-4-77(64), 26-12-77(241), 5-2-79(19), 5-3-80(22), 19-1-81(30),	(C)	7 3 15
239.	The Bihar Regional Development Authority Ordinance, 1974	19-9-74 (175P)	15-1-75(88), 7-9-75(182), 16-8-76(187), 21-7-77(162), 24-4-78(33), 25-3-75(92), 20-1-76(59), 9-1-77(40), 1-9-77(207), 24-8-78(98), 18-6-75(126), 22-4-76(129), 29-4-77(98), 26-12-77(256), 5-2-79(38),	(C)	7 3 12

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
239 (contd.)			28-4-79(86), 18-8-79(113), 5-8-80(2), 21-4-80(96), 11-8-80(116), 19-1-81(10), 23-4-81(120), 12-8-81(191)		
240. The Bihar Cess (Amendment) Ordinance, 1974		1-10-74 (176)	-	15-1-75 (R.A. 12)	- 3 14
241. The Bihar Development of Homoeopathic System of Medicine (Validating) Ordinance, 1974		4-10-74 (179)	-	15-1-75 (R.A. 4)	- 3 12
242. The Bihar Agricultural and Rural Areas Development Agency Ordinance, 1974		21-10-74 (180P)	15-1-75(41), 25-3-75(89), 19-6-75(129), 7-9-75(181), 18-1-76(88), 22-4-76(117), 16-8-76(193), 9-1-77(50), 29-4-77(94), 21-7-77(147), 1-9-77(200), 26-12-77(263), 24-4-78(17), 24-8-78(101)	5-2-79 (R.A. 3)	4 3 15
243. The Bihar Executive Magistrates (Temporary Powers) Ordinance, 1974		1-11-74 (181P)	28-1-75(48*)	26-3-75 (R.A. 23)	- 4 25
244. The Bihar Scheduled Castes, Scheduled Tribes, Backward Classes (Annexure I) and De-notified Tribes Debt Relief Ordinance, 1974		12-11-74 (182)	-	15-1-75 (E)	- 2 3

* Declared to be in force with effect from 15-1-1975.

(continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
245.	The Chota Nagpur Tenancy (Fourth Amendment) Ordinance, 1974	14-11-74 (183)	15- 1-75(22), 25- 3-75(77), 6- 9-75(150), 18- 1-76(12)	22- 4-76 (R.A. 11)	1 5 8
246.	The Industrial Disputes (Bihar Amendment) Ordinance, 1974	16-11-74 (184P)	15- 1-75(39), 25- 3-75(86)	20- 6-75 (E)	- 7 4
247.	The Bihar Sugarcane (Regulation of Supply and Purchase) (Amendment) Ordinance, 1974	28-11-74* (185P)	15- 1-75(86), 7- 9-75(183), 18- 1-76(48), 16- 8-76(195), 9- 1-77(49), 21- 7-77(150), 1- 9-77(197), 24- 4-78(20), 24- 8-78(104), 28- 4-79(76), 18- 8-79(127), 21- 4-80(78), 11- 8-80(127), 23- 4-81(125), 12- 8-81(184)	(C)	7 1 3
1975					
248.	The Bihar Bhoodan Yagna (Amendment) Ordinance, 1975	28- 1-75 (47P)	25- 3-75(79), 19- 6-75(127), 18- 1-76(48), 22- 4-76(137)	16- 8-76 (R.A. 16)	1 6 19
249.	The Patna University (Amendment) Ordinance, 1975	31- 5-75 (98)	6- 9-75(153), 18- 1-76(54), 21- 4-76(88)	11- 5-76 (Re.O.143)	- 11 11
250.	The Magadh University (Amendment) Ordinance, 1975	31- 5-75 (94)	6- 9-75(152), 18- 1-76(55), 21- 4-76(90)	11- 5-76 (Re.O. 145)	- 11 11

(continued)

* Declared to be in force with effect from 1-12-1974.

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
251.	The Bihar State Universities (Bihar, Bhagalpur and Ranchi Universities) (Amendment) Ordinance, 1975	31-5-75 (95)	6-9-75(154), 18-1-76(56), 21-4-76(89)	11-5-76 (Re.O.145)	- 11 11
252.	The District Boards (Re-organisation) Ordinance, 1975	31-5-75* (96)	14-8-75(142), 18-1-76(82), 12-8-76(161), 8-1-77(17), 29-4-77(118)	28-5-77 (WT)	1 11 28
253.	The Santhal Parganas Tenancy (Supplementary Provisions) (Amendment) Ordinance, 1975	20-6-75 (136P)	7-9-75(177), 18-1-76(50), 22-4-76(136)	16-8-76 (R.A.17)	1 1 26
254.	The Bihar Co-operative Societies (Sixth Amendment) Ordinance, 1975	28-6-75 (138)	7-9-75(187), 18-1-76(46), 16-8-76(192), 9-1-77(89), 21-7-77(164), 1-9-77(206), 24-4-78(82), 24-8-78(102), 28-4-79(87), 18-8-79(114), 21-4-80(98), 11-8-80(117), 28-4-81(119), 12-8-81(190)	(C)	6 6 3

* Declared to be in force with effect from 19-5-1975.

† By the Government of Bihar Notification No. Leg-713, dated May 28, 1977, published in the Bihar Gazette, Extraordinary, No. 553, dated May 28, 1977.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
255.	The Bihar Development of Homoeopathic System of Medicine (Amendment) Ordinance, 1975	12-7-75 (189P)	7-9-75(188)	20-1-76 (R.A. 5*)	- 6 0
256.	The Bihar Electricity Supply Undertakings (Acquisition) Ordinance, 1975	17-7-75 (140P)	7-9-75(179), 18-1-76(52), 16-8-76(208), 9-1-77(46), 21-7-77(157), 1-9-77(212), 26-12-77(260), 24-4-78(46), 24-8-78(108)	5-2-79 (R.A. 5)	3 6 19
257.	The Bihar Kolhan Civil Justice (Increase in Pecuniary Jurisdiction) Ordinance, 1975	14-8-75 (141)	18-1-76(18), 22-4-76(110), 8-1-77(20), 29-4-77(82), 31-8-77(177)	26-12-77 (R.A. 24)	2 4 13
258.	The Bihar Lift Irrigation (Amendment) Ordinance, 1975	22-8-75 (143)	18-1-76(14), 22-4-76(113), 8-1-77(14), 29-4-77(75)	10-8-77 (E)	1 9 19
259.	The Bihar Ceiling on Urban Property (Temporary Restrictions on Transfer) (Amendment) Ordinance, 1975	30-9-75 (189P)	20-1-76(60)	23-4-76 (E)	- 6 23

* Sub-section (3) of section 1 of this Act says that it shall come into force on such date as the State Government may, by notification, appoint. No such notification has been issued by the State Government so far. But the Act is being treated by the State Government as having been brought into force with effect from the date of its publication in the Gazette, that is, January 20, 1976. (continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
260.	The Bihar Panchayat Samitis and Zilla Parishads (Amendment) Ordinance, 1975	10-10-75 (191)	18-1-76(16), 22-4-76(100), 12-8-76(162), 8-1-77(15), 29-4-77(87), 19-7-77(141), 31-8-77(169), 26-12-77(246), 28-2-78(6), 24-4-78(21), 24-8-78(96), 20-10-78(111), 5-2-79(29), 28-4-79(97), 18-8-79(162), 5-3-80(38), 21-4-80(90), 11-8-80(151), 18-9-80(160), 19-1-81(48), 23-4-81(104), 11-8-81(165)	(C)	6 2 22
261.	The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Ordinance, 1975	9-10-75 (192P)	20-1-76(61)	22-4-76 (R.A. 12)	- 6 14
262.	The Jharia Water Supply (Amendment) Ordinance, 1975	10-10-75 (193)	18-1-76(26), 22-4-76(104), 12-8-76(148), 8-1-77(25), 29-4-77(107), 19-7-77(188), 31-8-77(191), 26-12-77(227), 24-4-78(87)	24-8-78 (R.A. 11)	2 10 15
263.	The Dowry Prohibition (Bihar Amendment) Ordinance, 1975	20-10-75 (194P)		20-1-76 (R.A. 4)	- 3 1
264.	The Bihar Nursing Homes and Clinical Establishments (Registration and Licensing) Ordinance, 1975	28-10-75 (195P)	18-1-76(45), 22-4-76(130), 16-8-76(188), 9-1-77(35), 29-4-77(100)	10-8-77 (E)	1 9 13

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
265.	The Chota Nagpur and Santhal Parganas Autonomous Development Authority (Fifth Amendment) Ordinance, 1975	29-10-75 (197)	18-1-76(4), 22-4-76(107), 8-1-77(11), 29-4-77(72), 31-8-77(175), 26-12-77(252), 5-6-78(59), 24-8-78(74), 28-4-79(71), 18-8-79(141), 21-4-80(71), 11-8-80(126), 22-4-81(70), 11-8-81(186)	(C)	6 2 3
266.	The Bihar Land (Surcharge on Rent) Ordinance, 1975	31-10-75* (198)	18-1-76(31), 22-4-76(109), 8-1-77(22), 4-11-77(222*), 26-12-77(234)	25-4-78 (E)	2 5 25
267.	The Bihar Contingency Fund (Amendment) Ordinance, 1975	7-11-75 (199)	-	20-1-76 (E)	- 2 13
268.	The Bihar Co-operative Societies (Eighth Amendment) Ordinance, 1975	7-11-75 (200)	-	20-1-76 (E)	- 2 13
269.	The Essential Commodities (Bihar Amendment) Ordinance, 1975	19-11-75 (201P)	18-1-76(41), 22-4-76(123), 9-1-77(43), 29-4-77(90), 1-9-77(202), 26-12-77(267), 24-4-78(19)	24-8-78 (R.A. 9)	2 9 5
270.	The Bihar Application of State Laws to Transferred Territories Ordinance, 1975	27-11-75 (202P)	18-1-76(49), 22-4-76(135), 16-8-76(205)	10-1-77 (R.A. 9)	1 1 13

* Declared to be in force with effect from 1-4-1975.

(continued)

TABLE B

(1)	(2)	(3)	(4)	(5)	(6)
271.	The Bihar Irrigation Development (Acquisition of Land) Ordinance, 1975	28-11-75 (203)	20-1-76(58), 22-4-76(139), 9-1-77(45), 29-4-77(88), 1-9-77(211), 26-12-77(261), 24-4-78(45)	25-8-78 (E)	2 8 27
272.	The Bihar Entertainments Tax (Amendment) Ordinance, 1975	29-11-75 (204)	18-1-76(21), 22-4-76(103), 12-8-76(152)	7-1-77 (R.A. 3)	1 1 8
273.	The Bihar Advertisement Tax Ordinance, 1975	29-11-75 (205)	18-1-76(23), 8-1-77(27)	5-5-77 (E)	1 5 6
274.	The Court Fees (Bihar Amendment) Ordinance, 1975	29-11-75* (206)	18-1-76(22), 8-1-77(31), 31-8-77(190)	26-12-77 (R.A. 20)	2 - 27
275.	The Bihar Motor Vehicles Taxation (Fifth Amendment) Ordinance, 1975	29-11-75* (207)	18-1-76(5), 8-1-77(9), 31-8-77(180), 24-8-78(82), 18-8-79(147), 11-8-80(139), 11-8-81(151)	22-4-76(84), 19-7-77(117), 26-12-77(230), 5-2-79(18), 28-4-79(62), 5-3-80(19), 19-1-81(28), 22-4-81(86)	(C) 6 1 2
276.	The Indian Stamp (Bihar Amendment) Ordinance, 1975	29-11-75* (208)	18-1-76(24), 8-1-77(24), 31-8-77(195)	26-12-77 (R.A. 21)	2 - 27

* Declared to be in force with effect from 1-12-1975.

(continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
277.	The Bihar Cess (Amendment) Ordinance, 1975	2-12-75* (209)	18-1-76(28), 22-4-76(111), 12-8-76(157), 8-1-77(21), 29-4-77(83), 19-7-77(138), 31-8-77(176), 26-12-77(239), 24-4-78(54), 24-8-78(73), 5-2-79(8), 16-3-79(55), 28-4-79(102), 18-8-79(136), 5-3-80(28), 21-4-80(63), 11-8-80(120), 19-1-81(14), 23-4-81(105), 12-8-81(177)	(C)	6 1 -
278.	The Bihar Public Land Encroachment (Amendment) Ordinance, 1975	5-12-75 (210)	18-1-76(33), 22-4-76(108), 12-8-76(159), 8-1-77(19), 29-4-77(81), 19-7-77(139), 31-8-77(178), 26-12-77(232), 24-4-78(48), 24-8-78(72), 5-2-79(7), 28-4-79(104), 18-8-79(138), 5-3-80(30), 21-4-80(64), 11-8-80(122), 19-1-81(16), 23-4-81(110), 11-8-81(134)	(C)	6 - 27
279.	The Bihar Private Irrigation Works (Amendment) Ordinance, 1975	5-12-75 (211)	18-1-76(6), 22-4-76(86), 12-8-76(185), 8-1-77(6)	5-5-77 (E)	1 5 1
280.	The Bihar Motor Vehicles Taxation (Sixth Amendment) Ordinance, 1975	5-12-75 (212)	18-1-76(5), 22-4-76(84), 12-8-76(175), 8-1-77(9), 29-4-77(65), 19-7-77(117), 31-8-77(180), 26-12-77(230), 24-4-78(10), 24-8-78(82), 5-2-79(18), 28-4-79(62), 18-8-79(147), 5-3-80(19), 21-4-80(58), 11-8-80(139), 19-1-81(28), 22-4-81(86), 11-8-81(151)	(C)	6 - 27

(continued)

* Declared to be in force with effect from 1-4-1975.

(1)	(2)	(3)	(4)	(5)	(6)
281.	The Motor Vehicles (Bihar Fifth Amend- ment) Ordinance, 1975	5-12-75 (213P)	18- 1-76 (42), 22- 4-76 (115), 16- 8-76 (201), 9- 1-77 (51), 29- 4-77 (91), 21- 7-77 (166), 1- 9-77 (201), 26-12-77 (266), 24- 4-78 (55), 24- 8-78 (103)	5- 2-79 (R.A. 4)	8 2 1
282.	The Bihar Motor Vehicles Taxation (Seventh Amendment) Ordinance, 1975	5-12-75 (214)	18- 1-76 (5), 22- 4-76 (84), 12- 8-76 (175), 8- 1-77 (9), 29- 4-77 (65), 19- 7-77 (117), 31- 8-77 (180), 26-12-77 (230), 24- 4-78 (10), 24- 8-78 (82), 5- 2-79 (18), 28- 4-79 (62), 18- 8-79 (147), 5- 3-80 (19), 21- 4-80 (58), 11- 8-80 (139), 19- 1-81 (28), 22- 4-81 (86), 11- 8-81 (151)	(C)	6 - 27
283.	The Bihar Sugarcane (Regulation of Supply and Purchase) (Amend- ment) Ordinance, 1975	29-12-75* (215P)	22- 4-76 (119), 16- 8-76 (196), 9- 1-77 (48), 29- 4-77 (98), 21- 7-77 (150), 1- 9-77 (197), 26-12-77 (262), 24- 4-78 (20), 24- 8-78 (104), 5- 2-79 (33), 28- 4-79 (76), 18- 8-79 (127), 5- 3-80 (47), 21- 4-80 (78), 11- 8-80 (127), 19- 1-81 (35), 23- 4-81 (125), 12- 8-81 (184)	(C)	6 - 8
284.	1976 The Bihar Private Primary Schools (Taking Over of Control) Ordinance, 1976	6- 2-76† (62)	22- 4-76 (96), 12- 8-76 (167)	31-12-76 (R.A. 30)	- 10 24
285.	The Ranchi District Tana Bhagat Raiyats' Agricul- tural Lands Restoration (Amendment) Ordinance, 1976	10- 2-76 (63P)	22- 4-76 (134)	16- 8-76 (R.A. 18)	- 6 5

* Declared to be in force with effect from 1-4-1976. † Declared to be in force with effect from 1-1-1971. (continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
286.	The Kameshwar Singh Darbhanga Sanskrit University (Amendment) Ordinance, 1976	18-2-76 (64)	21-4-76(91)	16-8-76 (E)	- 5 27
287.	The Bengal Ferries (Amendment) Ordinance, 1976	19-2-76 (65)	22-4-76(81), 22-8-76(180), 29-4-77(70), 19-7-77(116), 26-12-77(237), 24-4-78(14)	24-8-78 (R.A. 13)	2 6 4
288.	The Bihar State Universities Laws (Amendment) Ordinance, 1976	23-2-76 (66)	22-4-76(98)	11-5-76 (Re.O. 145)	- 2 17
289.	The Bihar Co-operative Societies (Second Amendment) Ordinance, 1976	26-2-76 (67)	22-4-76(128), 22-4-77(102), 26-12-77(255), 5-2-79(40), 5-3-80(3), 19-1-81(11), 16-8-76(192), 21-7-77(164), 24-4-78(32), 28-4-79(87), 21-4-80(98), 23-4-81(119), 9-1-77(39), 1-9-77(206), 24-8-78(102), 18-8-79(114), 11-8-80(117), 12-8-81(190)	(C)	5 10 4
290.	The Bihar Municipal (Second Amendment) Ordinance, 1976	26-2-76 (68)	21-4-76(76), 29-4-77(105), 26-12-77(229), 5-2-79(12), 5-3-80(12), 19-1-81(2), 12-8-76(155), 19-7-77(125), 24-4-78(39), 28-4-79(80), 21-4-80(92), 22-4-81(96), 8-1-77(32), 31-8-77(194), 24-8-78(70), 18-8-79(123), 11-8-80(107), 11-8-81(149)	(C)	5 10 4

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	
295.	The Essential Commodities (Bihar Second Amendment) Ordinance, 1976	22-4-76 (122P)	16-8-76(197), 21-7-77(148), 24-4-78(19)	9-1-77(43), 1-9-77(202), 26-12-77(267),	24-8-78 (R.A. 9)	2 4 2
296.	The Bihar Private Medical Colleges (Taking Over of Management) Ordinance, 1976	22-4-76 (131P)	16-8-76(189), 21-7-77(161), 24-4-78(31),	9-1-77(36), 1-9-77(205), 26-12-77(254), 6-6-78(62)	24-8-78 (R.A. 5)	2 4 2
297.	The Criminal Procedure Code (Bihar Amendment) Ordinance, 1976	22-4-76 (132P)	16-8-76(190)		10-1-77 (R.A. 8)	- 8 18
298.	The Bihar Co-operative Societies (Fifth Amendment) Ordinance, 1976	6-5-76 (140)	16-8-76(192), 21-7-77(164), 24-4-78(32), 28-4-79(89), 21-4-80(98), 23-4-81(119),	9-1-77(39), 1-9-77(206), 24-8-78(102), 18-8-79(114), 11-8-80(117), 12-8-81(190)	(C)	5 7 26
299.	The Bihar Cycle-rickshaws (Licensing Regulation) Ordinance, 1976	8-5-76 (141P)	16-8-76(191), 21-7-77(160), 24-4-78(30),	9-1-77(37), 1-9-77(204), 26-12-77(253), 24-8-78(99)	5-2-79 (R.A. 6)	2 8 28
300.	The Bihar Medical Educational Institutions (Regulation and Control) (Amendment) Ordinance, 1976	10-5-76 (142)	12-8-76(156), 19-7-77(128), 24-4-78(40), 28-4-79(78), 21-4-80(95), 22-4-81(83),	8-1-77(28), 31-8-77(189), 24-8-78(69), 18-8-79(116), 11-8-80(113), 11-8-81(142)	(C)	5 7 22

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
301.	The Patna University Ordinance, 1976	11-5-76 (143)	16-8-76(208)	31-12-76 (R.A. 24)	- 7 21
302.	The Bihar University Service Commission Ordinance, 1976	11-5-76 (144)	12-8-76(170)	31-12-76 (R.A. 26)	- 7 21
303.	The Bihar State Universities Ordinance, 1976	11-5-76 (145)	16-8-76(207)	31-12-76 (R.A. 23)	- 7 21
304.	The Bihar Contingency Fund (Amendment) Ordinance, 1976	1-6-76 (147)	-	16-8-76 (E)	- 2 15
305.	The Bihar Sales Tax Ordinance, 1976	23-8-76 (209P)	9-1-77(88), 29-4-77(101), 21-7-77(163), 1-9-77(208), 26-12-77(257), 24-4-78(84), 24-8-78(97), 5-2-79(39), 28-4-79(85), 18-8-79(112), 5-3-80(1), 21-4-80(103), 11-8-80(116), 19-1-81(9)	22-4-81* (R.A. 5)	4 8 -
306.	The Bihar Application of State Laws to Transferred Territories (Amendment) Ordinance, 1976	24-8-76 (210P)	-	10-1-77 (R.A. 9)	- 4 17
307.	The Bihar Debt Relief Ordinance, 1976	26-8-76 (211P)	-	10-1-77 (R.A. 10)	- 4 15

* Declared to be in force with effect from 1-4-1981.

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
308.	The Bihar Agricultural Credit Operations and Miscellaneous Provisions (Bank) Ordinance, 1976	28-8-76 (212P)	9-1-77(84), 29-4-77(84), 21-7-77(154), 1-9-77(215), 26-12-77(269), 24-4-78(51), 24-8-78(107), 5-2-79(41), 28-4-79(72), 18-8-79(140), 5-3-80(13), 21-4-80(70), 11-8-80(125), 19-1-81(20), 23-4-81(114), 12-8-81(178)	(C)	5 4 4
309.	The Wakfs (Bihar Amendment) Ordinance, 1976	9-9-76 (213P)		10-1-77 (R.A. 7)	- 4 1
310.	The Bihar Co-operative Societies (Seventh Amendment) Ordinance, 1976	9-9-76 (214)	9-1-77(89), 29-4-77(102), 21-7-77(164), 1-9-77(206), 26-12-77(255), 24-4-78(82), 24-8-78(102), 5-2-79(40), 28-4-79(87), 18-8-79(114), 5-3-80(3), 21-4-80(98), 11-8-80(117), 19-1-81(11), 23-4-81(119), 12-8-81(190)	(C)	5 3 22
311.	The Bihar Public Servants (Compulsory Retirement) Ordinance, 1976	9-9-76* (215)	19-9-76(217†), 8-1-77(23), 29-4-77(108)	10-8-77 (E)	- 11 1
312.	The Court Fees (Bihar Fourth Amendment) Ordinance, 1976	16-9-76† (216)	8-1-77(31), 29-4-77(109), 19-7-77(181), 31-8-77(190)	26-12-77 (R.A. 20)	1 3 10
313.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1976	25-9-76 (218)	-	11-1-77 (E)	- 3 16

* Declared to be in force with effect from 18-8-1975.

† Declared to be in force with effect from 1-12-1975.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
314.	The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Ordinance, 1976	2-11-76 (219P)	9-1-77(41), 29-4-77(80), 1-9-77(213), 26-12-77(268), 21-7-77(152), 24-4-78(50)	24-8-78 (R.A. 7)	1 9 22
315.	The Bihar Legislature (Members' Salaries and Allowances) (Amendment) Ordinance, 1976	17-11-76 (220)		7-1-77 (R.A. 4)	- 1 20
316.	The Bihar Contingency Fund (Amendment) Ordinance, 1977	14-1-77 (53)		31-3-77 (S.U.)	- 2 18
317.	The Bihar Municipal Corporations Ordinance, 1977	28-1-77 (55)	29-4-77(110), 19-7-77(127), 26-12-77(224), 24-4-78(35)	24-8-78 (R.A. 12)	1 6 27
318.	The Bihar Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1977	8-2-77 (56)	29-4-77(78), 19-7-77(142), 26-12-77(246), 28-2-78(6), 24-8-78(96), 20-10-78(111), 28-4-79(97), 18-8-79(162), 21-4-80(90), 11-8-80(151), 19-1-81(48), 23-4-81(104), 29-4-77(86), 21-7-77(159)	31-8-77(192), 31-8-77(169), 24-4-78(21), 5-2-79(29), 5-3-80(38), 18-9-80(160), 11-8-81(165), 1-9-77(209)	4 10 21
319.	The Bihar Molasses (Control) (Amendment) Ordinance, 1977	2-3-77 (57P)		26-12-77 (R.A. 25)	- 9 25

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
320.	The Bihar Co-operative Societies (Second Amendment) Ordinance, 1977	14- 3-77 (58)	29- 4-77 (102), 26-12-77 (255), 5- 2-79 (40), 5- 3-80 (3), 19- 1-81 (11), 21- 7-77 (164), 24- 4-78 (32), 28- 4-79 (87), 21- 4-80 (98), 28- 4-81 (119), 1- 9-77 (206), 24- 8-78 (102), 18- 8-79 (114), 11- 8-80 (117), 12- 8-81 (190)	(C)	4 9 18
321.	The Bihar Co-operative Societies (Third Amendment) Ordinance, 1977	7- 4-77 (59)	21- 7-77 (164), 24- 4-78 (32), 28- 4-79 (87), 21- 4-80 (98), 28- 4-81 (119), 1- 9-77 (206), 24- 8-78 (102), 18- 8-79 (114), 11- 8-80 (117), 12- 8-81 (190)	(C)	4 8 24
322.	The Bihar Municipal (Second Amendment) Ordinance, 1977	26- 4-77 (60)	19- 7-77 (125), 24- 4-78 (39), 28- 4-79 (80), 21- 4-80 (92), 22- 4-81 (96), 31- 8-77 (194), 24- 8-78 (70), 18- 8-79 (123), 11- 8-80 (107), 11- 8-81 (149)	(C)	4 8 5
323.	The Patna University (Amendment) Ordinance, 1977	27- 4-77 (61)	19- 7-77 (145), 24- 4-78 (26), 28- 4-79 (89), 5- 3-80 (37), 20- 1-81 (56), 31- 8-77 (172), 24- 8-78 (89), 18- 8-79 (152), 21- 4-80 (80), 22- 4-81 (84), 26-12-77 (244), 5- 2-79 (22), 31-12-79 (169), 11- 8-80 (155), 12- 8-81 (174)	(C)	4 8 4
324.	The Bihar State Universities (Amendment) Ordinance, 1977	27- 4-77 (62)	19- 7-77 (146), 24- 4-78 (28), 28- 4-79 (88), 5- 3-80 (36), 20- 1-81 (56), 31- 8-77 (173), 24- 8-78 (92), 18- 8-79 (158), 21- 4-80 (81), 22- 4-81 (93), 26-12-77 (250), 5- 2-79 (24), 31-12-79 (170), 11- 8-80 (156), 12- 8-81 (175)	(C)	4 8 4

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)	
325.	The Bihar District Boards and Local Boards (Control and Management) (Amendment) Ordinance, 1977	28-5-77 (114)	19-7-77(140), 24-4-78(23), 28-4-79(98), 11-8-80(158), 11-8-81(137)	31-8-77(170), 24-8-78(95), 18-8-79(160), 19-1-81(24), 22-4-81(68), 26-12-77(247), 5-2-79(20), 14-6-80(105*), 22-4-81(68)	(C)	4 7 4
326.	The Bihar Forest Produce (Regulation of Trade) Ordinance, 1977	1-6-77 (115P)	21-7-77(158), 24-4-78(44), 28-4-79(74), 21-4-80(77), 23-4-81(123), 12-8-81(186)	1-9-77(210), 24-8-78(106), 18-8-79(125), 11-8-80(129), 12-8-81(186), 26-12-77(264), 5-2-79(82), 5-8-80(44), 19-1-81(82)	(C)	4 7 -
327.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1977	2-9-77 (217)	-	-	26-12-77 (R.A. 19)	- 8 24
328.	The Bihar Regional Development Authority Ordinance, 1977	17-9-77 (218)	26-12-77(256), 5-2-79(38), 5-8-80(2), 19-1-81(10)	24-4-78(83), 28-4-79(86), 21-4-80(96), 23-4-81(120), 12-8-81(191)	(C)	4 8 14
329.	The Bihar State Universities (Fourth Amendment) Ordinance, 1977	26-9-77 (219)	26-12-77(251), 5-2-79(24), 31-12-79(170), 11-8-80(156), 12-8-81(175)	24-4-78(29), 28-4-79(88), 5-8-80(36), 20-1-81(56), 24-8-78(92), 18-8-79(158), 21-4-80(81), 22-4-81(98)	(C)	4 8 5

* Declared to be in force with effect from 1-1-1980.

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
330.	The Patna University (Fourth Amendment) Ordinance, 1977	26-9-77 (220)	26-12-77(249), 5-2-79(22), 31-12-79(169), 11-8-80(155), 12-8-81(174)	24-4-78(27), 28-4-79(89), 5-3-80(87), 20-1-81(55), 24-8-78(89), 18-8-79(152), 21-4-80(80), 22-4-81(94)	4 3 5 (C)
331.	The Bihar Sales Tax (Amendment) Ordinance, 1977	1-10-77 (221)	26-12-77(257), 5-2-79(39), 5-3-80(1), 19-1-81(9)	24-4-78(34), 28-4-79(85), 21-4-80(103), 11-8-80(116), 24-8-78(97), 18-8-79(112), 11-8-80(116), 22-4-81*	3 6 21 (R.A.5)
332.	The Bihar Excise (Amend- ment and Validation) Ordinance, 1977	4-11-77 (223)	26-12-77(236), 5-2-79(3), 5-3-80(49), 19-1-81(46)	24-4-78(41), 28-4-79(105), 21-4-80(73), 22-4-81(79), 24-8-78(75), 18-8-79(131), 11-8-80(133), 11-8-81(141)	4 1 27 (C)
333.	The Bihar Secondary Edu- cation Board (Amend- ment) Ordinance, 1978	10-2-78 (1)	24-4-78(24), 28-4-79(94), 21-4-80(82)	24-8-78(85), 18-8-79(156), 5-3-80(35)	2 5 29 11-8-80 (Re.O.146)
334.	The Bihar Contingency Fund (Amendment) Ordinance, 1978	16-2-78 (2)	-	-	31-3-78 (S.U.) - 1 13
335.	The Bihar Municipal (Amendment) Ordinance, 1978	17-2-78 (3)	24-4-78(39), 28-4-79(80), 21-4-80(92), 22-4-81(96)	24-8-78(70), 18-8-79(123), 11-8-80(107), 11-8-81(149)	3 10 12 (C)

* Declared to be in force with effect from 1-4-1981.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
336.	The Bihar Land Rent (Exemption from Payment) Ordinance, 1978	17-2-78* (4)	24-4-78(47), 24-8-78(71), 28-4-79(108), 18-8-79(137), 21-4-80(65), 11-8-80(121), 23-4-81(109), 11-8-81(132)	(C)	3 10 12
337.	The Bihar Kolkhan Civil Justice (Regulating and Validating) Ordinance, 1978	15-4-78 (7P)	-	24-8-78 (R.A. 8)	- 4 9
338.	The Patna Municipal Corporation (Second Amendment) Ordinance, 1978	13-5-78 (56)	24-8-78(68), 18-8-79(119), 11-8-80(112), 11-8-81(145)	(C)	3 7 19
339.	The Bihar Panchayat Election Rules and Supplementary Electoral Rolls (Validating) Ordinance, 1978	25-5-78 (57)	24-8-78(91), 18-8-79(159), 11-8-80(152), 12-8-81(169)	(C)	3 7 7
340.	The Bihar University Service Commission (Amendment) Ordinance, 1978	5-6-78 (60)	24-8-78(87), 23-4-79(92), 5-3-80(39), 19-1-81(49), 23-4-81(87), 18-8-79(157), 31-12-79(168), 21-4-80(85), 11-8-80(148), 23-4-81(99), 11-8-81(164)	(C)	3 6 26

* Declared to be in force with effect from 1-4-1978.

(continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
341.	The Bihar Non-Government Physical Training Colleges and Non-Government Teachers' Training Colleges and Non-Government Primary Teachers' Education Colleges (Control and Regulation) Second Ordinance, 1978	5- 6-78 (61)	24- 8-78 (88), 18- 8-79(164), 11- 8-80(147), 11- 8-81(160)	5- 2-79(21), 28- 4-79(90), 5- 3-80(40), 21- 4-80(87), 19- 1-81(50), 23- 4-81(102), 11- 8-81(160)	(C) 3 6 26
342.	The Bihar Inter-universities Board (Amendment) Ordinance, 1978	6- 6-78 (63)	24- 8-78 (94), 18- 8-79(153), 21- 4-80(88), 22- 4-81(72),	5- 2-79(28), 28- 4-79(93), 31-12-79(171), 5- 3-80(52), 11- 8-80(150), 19- 1-81(44), 11- 8-81(166)	(C) 3 6 25
343.	The Patna University (Third Amendment) Ordinance, 1978	6- 6-78 (64)	24- 8-78 (90), 18- 8-79(152), 21- 4-80(80), 22- 4-81(94),	5- 2-79(23), 28- 4-79(89), 31-12-79(169), 5- 3-80(37), 11- 8-80(155), 20- 1-81(55), 12- 8-81(174)	(C) 3 6 25
344.	The Bihar State Universities (Third Amendment) Ordinance, 1978	6- 6-78 (65)	24- 8-78 (93), 18- 8-79(158), 21- 4-80(81), 22- 4-81(93),	5- 2-79(25), 28- 4-79(88), 31-12-79(170), 5- 3-80(36), 11- 8-80(156), 20- 1-81(56), 12- 8-81(175)	(C) 3 6 25
345.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1978	25- 8-78 (66)		25- 8-78 (E)	- 2 -

(continued)

TABLE 8

(1)	(2)	(3)	(4)	(5)	(6)	
346.	The Tana Bhagat Raiyats' Agricultural Lands Restoration (Amendment) Ordinance, 1978	14-9-78 (109P)	5-2-79(37), 5-3-80(32)	19-8-79(111), 18-8-79(135)	11-8-80 (E)	1 10 27
347.	The Bihar Control of Crimes Ordinance, 1978	30-9-78 (110P)	5-2-79(34), 5-3-80(26), 19-1-81(12), 28-4-79(99), 21-4-80(61), 19-1-81(12), 28-4-81(116)	18-8-79(132), 11-8-80(118)	12-8-81 (R.A. 7)	2 10 12
348.	The Bihar Bhodan Yagna (Amendment) Ordinance, 1978	8-11-78 (112P)	5-2-79(36), 5-3-80(27), 19-1-81(18), 28-4-79(100), 21-4-80(62), 28-4-81(116)	18-8-79(133), 11-8-80(119)	12-8-81 (R.A. 9*)	2 9 4
349.	The Bihar Co-operative Societies (Third Amendment) Ordinance, 1978	10-11-78 (113)	5-2-79(40), 5-3-80(3), 19-1-81(11), 28-4-79(87), 21-4-80(98), 23-4-81(119), 12-8-81(190)	18-8-79(114), 11-8-80(117)	(C)	3 1 21
350.	The Land Acquisition (Bihar Amendment) Ordinance, 1978	14-12-78 (114P)	5-2-79(36), 28-4-79(101), 18-8-79(134)	18-8-79(134)	5-3-80 (R.A. 2)	1 2 22
351.	The Minimum Wages (Bihar Amendment) Ordinance, 1979	31-1-79 (1P)	28-4-79(60), 21-4-80(54), 23-4-81(118), 18-8-79(143), 11-8-80(137), 12-8-81(167)	5-3-80(18)	(C)	2 11 1
352.	The Bihar Contingency Fund (Amendment) Ordinance, 1979	2-2-79 (2)	-	-	31-3-79 (S.U.)	- 1 27

* In the Bihar Gazette, Extraordinary, No. 856, dated August 12, 1981, the number of this Act is wrongly given as 8.

(continued)

(1)	(2)	(3)	(4)	(5)	(6)
353.	The Bihar Maintenance of Essential Services (Amendment) Ordinance, 1979	6-2-79 (44)	28-4-79(77), 18-8-79(117), 21-4-80(93), 11-8-80(110), 19-1-81(5), 22-4-81(95), 11-8-81(150)	(C)	2 10 23
354.	The Bihar Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1979	15-2-79 (45)	28-4-79(97), 18-8-79(162), 21-4-80(90), 11-8-80(151), 19-1-81(48), 23-4-81(104), 11-8-81(165)	(C)	2 10 14
355.	The Bihar Municipal (Second Amendment and Validation) Ordinance, 1979	22-2-79 (46)	28-4-79(82), 18-8-79(118), 21-4-80(101)	11-8-80 (E)	1 5 17
356.	The Bihar Agricultural Income-tax (Repeal) Ordinance, 1979	22-2-79* (47)	28-4-79(79), 18-8-79(122), 21-4-80(97), 11-8-80(109), 22-4-81(90), 11-8-81(148)	(C)	2 10 7
357.	The Bihar Cinema (Regulation) (Amendment) Ordinance, 1979	22-2-79 (48)	28-4-79(84), 18-8-79(120), 21-4-80(100), 11-8-80(111), 22-4-81(91), 11-8-81(143)	(C)	2 10 7
358.	The Bihar Legislature (Members' Salaries, Allowances and Pensions) (Amendment) Ordinance, 1979	1-3-79 (49)	28-4-79(70), 18-8-79(115), 21-4-80(94)	31-7-80 (R.A. 4)	1 5 -

(continued)

* Declared to be in force with effect from 1-3-1979.

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
359.	The Bihar Madarsa Education Board Ordinance, 1979	1- 3-79 (50)	28- 4-79(91), 18- 8-79(155), 21- 4-80(83), 11- 8-80(145), 23- 4-81(100), 12- 8-81(172)	(C)	2 10 -
360.	The Chota Nagpur and Santhal Parganas Autonomous Development Authority (Second Amendment) Ordinance, 1979	12- 3-79 (51)	28- 4-79(71), 18- 8-79(141), 21- 4-80(71), 11- 8-80(128), 22- 4-81(70), 11- 8-81(186)	(C)	2 9 20
361.	The Patna University (Third Amendment) Ordinance, 1979	16- 3-79 (52)	28- 4-79(89), 18- 8-79(152), 5- 3-80(37), 21- 4-80(80), 20- 1-81(55), 22- 4-81(94), 12- 8-81(174)	(C)	2 9 16
362.	The Bihar State Universities (Third Amendment) Ordinance, 1979	16- 3-79 (53)	28- 4-79(88), 18- 8-79(158), 5- 3-80(36), 21- 4-80(81), 20- 1-81(56), 22- 4-81(93), 12- 8-81(175)	(C)	2 9 16
363.	The Santhal Parganas Civil Courts (Order Validation and Protection) Ordinance, 1979	16- 3-79 (54)	28- 4-79(105), 18- 8-79(139), 21- 4-80(67), 11- 8-80(124), 23- 4-81(107), 11- 8-81(131)	(C)	2 9 16
364.	The Bihar State Water and Sewage Board Ordinance, 1979	17- 3-79 (56P)	28- 4-79(68), 18- 8-79(145), 21- 4-80(69), 11- 8-80(134), 23- 4-81(113), 12- 8-81(188)	(C)	2 9 15

(continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
365.	The Bihar Sugar Undertakings (Acquisition) (Amendment) Ordinance, 1979	17-3-79 (58P)	23-4-79(73), 18-8-79(126), 21-4-80(79), 11-8-80(130), 23-4-81(124), 12-8-81(183)	5-3-80(46), 19-1-81(47),	(C) 2 9 15
366.	The Bihar Children Ordinance, 1979	17-3-79 (59P)	23-4-79(75), 18-8-79(124), 21-4-80(76), 11-8-80(128), 23-4-81(122), 12-8-81(185)	5-3-80(45), 19-1-81(52),	(C) 2 9 15
367.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1979	18-5-79 (109)	-	20-8-79 (E)	- 3 3
368.	The Bihar Prohibition of Intoxicants Ordinance, 1979	9-6-79* (110)	18-8-79(130), 5-3-80(48),	21-4-80(72)	11-8-80 (E) 1 2 2
369.	The Bihar Co-operative Societies (Fourth Amendment) Ordinance, 1979	24-9-79 (163)	5-3-80(3), 21-4-80(98), 19-1-81(11), 23-4-81(119),	11-8-80(117), 12-8-81(190)	(C) 2 3 7
370.	The Chota Nagpur Tenancy (Amendment) Ordinance, 1979	14-11-79 (165)	5-3-80(29), 21-4-80(66), 19-1-81(17), 23-4-81(108),	11-8-80(123), 11-8-81(133)	(C) 2 1 17
371.	The Bihar Sanskrit Education Board Ordinance, 1979	31-12-79 (166)	5-3-80(33), 21-4-80(84), 19-1-81(43), 22-4-81(73),	11-8-80(144), 12-8-81(173)	(C) 2 - 1
372.	The Bihar Intermediate Education Board Ordinance, 1979	31-12-79 (167)	5-3-80(41), 21-4-80(86), 19-1-81(34), 22-4-81(75),	11-8-80(149), 12-8-81(171)	(C) 2 - 1

* Declared to be in force with effect from 1-4-1979.

(continued)

(1)	(2)	(3)	(4)	(5)	(6)
	1980				
373.	The Bihar Contingency Fund (Amendment) Ordinance, 1980	13-6-80 (104)	-	11-8-80 (E)	- 1 28
374.	The Bihar Ministers', Deputy Ministers' and Officers of Legislature's Salaries and Allowances Laws (Amendment) Ordinance, 1980	14-6-80* (106)	11-8-80(108), 22-4-81(88), 11-8-81(147)	(C)	1 6 17
375.	The Bihar Private Secondary Schools (Management and Control) Ordinance, 1980	11-8-80 (146)	19-1-81(41), 22-4-81(74), 12-8-81(170)	(C)	1 4 21
376.	The Bihar Government Premises (Rent Recovery and Eviction) (Amendment) Ordinance, 1980	30-8-80 (158)	19-1-81(25), 11-8-81(138)	(C)	1 4 2
377.	The Anugrah Narain Sinha Institute of Social Studies (Amendment) Ordinance, 1980	18-9-80 (159)	19-1-81(42), 23-4-81(101), 11-8-81(155)	(C)	1 3 13
378.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1980	24-9-80 (161)	-	20-1-81 (E)	- 3 26
379.	The Bihar Conduct of Examinations Ordinance, 1980	8-10-80 (162)	19-1-81(19), 23-4-81(106), 12-8-81(176)	(C)	1 2 24
380.	The Bihar Co-operative Societies (Fourth Amendment) Ordinance, 1980	14-10-80 (163)	19-1-81(11), 23-4-81(119), 12-8-81(190)	(C)	1 2 18
381.	The Bihar Official Language (Amendment) Ordinance, 1980	19-11-80 (164)	-	19-1-81 (R.A.2)	- 2 -

(continued)

* Declared to be in force with effect from 9-6-1980.

RE-PROMULGATION OF ORDINANCES

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
382.	The Bihar Sales Tax (Amendment) Ordinance, 1980	27-11-80* (165)	19- 1-81 (54)	22- 4-81† (R.A. 5)	- 4 25
383.	The Birsa Agricultural University Ordinance, 1980	29-11-80‡ (166)	19- 1-81 (51), 11- 8-81(162)	(C)	1 1 2
384.	The Bihar Sales Tax (Validation) Ordinance, 1981	8- 1-81 (1P)	23- 4-81(121)	12- 8-81 (R.A. 9)	- 7 5
385.	The Bihar State Engineering and Pharmaceutical Training Institute (Validating and Control) Ordinance, 1981	28- 1-81 (57)	23- 4-81(103), 11- 8-81(154)	(C)	- 11 4
386.	The Bihar Contingency Fund (Amendment) Ordinance, 1981	16- 2-81 (59)	-	31- 3-81 (S.U.)	- 1 13
387.	The Bihar Consolidation of Holdings and Prevention of Fragmentation (Amendment) Ordinance, 1981	27- 2-81 (60P)	23- 4-81(117), 12- 8-81(181)	(C)	- 10 2
388.	The Bihar Agricultural Development (Cess) Ordinance, 1981	28- 2-81§ (61)	23- 4-81(111), 11- 8-81(135)	(C)	- 10 1

* Declared to be in force with effect from 1-4-1979.

† Declared to be in force with effect from 1-4-1981.

‡ Though this Ordinance is supposed to have been promulgated on 29-11-1980, it was not only not promulgated on that date, it was never promulgated and therefore is being wrongly shown in the Government records as having been promulgated and also was wrongly laid before the Legislature of the State on 10-12-1980.

§ Declared to be in force with effect from 1-4-1980.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
389.	The Bihar Sugarcane (Regulation of Supply and Purchase) (Amendment) Ordinance, 1981	5- 3-81 (62)	22- 4-81(76), 12- 8-81(184)	(C)	- 9 27
390.	The Chota Nagpur and Santhal Parganas Autonomous Development Authority (Amendment) Ordinance, 1981	10- 3-81 (68)	22- 4-81(71), 11- 8-81(186)	(C)	- 9 22
391.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1981	31- 3-81 (64)	-	31- 3-81 (S.U.)	- - 1
392.	The Bihar Primary Education (Amendment) Ordinance, 1981	9- 4-81* (65)	11- 8-81(168)	(C)	- 8 22
393.	The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Ordinance, 1981	9- 4-81 (66P)	12- 8-81(182)	(C)	- 8 22
394.	The Bihar Co-operative Societies (Amendment) Ordinance, 1981	15- 4-81 (67)	12- 8-81(190)	(C)	- 8 16
395.	The Bihar Administrative Tribunal Ordinance, 1981	30- 4-81 (127P)	12- 8-81(192)	(C)	- 8 1
396.	The Bihar Municipal Corporations (Amendment) Ordinance, 1981	7- 5-81 (128)	12- 8-81(180)	(C)	- 7 25
397.	The Bihar Collective Fines (Imposition) Ordinance, 1981	7- 5-81† (129)	11- 8-81(144)	(C)	- 7 25

* Declared to be in force with effect from 1-4-1980.

† Declared to be in force with effect from 15-4-1981.

(continued)

RE-PROMULGATION OF ORDINANCES

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
398.	The Bihar Legislature (Members' Salaries, Allowances and Pensions) (Amendment) Ordinance, 1981	27-6-81* (130)	12-8-81(189)	(C)	- 6 4
399.	The Wakfs (Bihar Amendment) Ordinance, 1981	11-8-81 (157P)	-	(C)	- 4 21
400.	The Bihar Contingency Fund (Third Amendment) Ordinance, 1981	12-8-81 (179)	-	(C)	- 4 20
401.	The Tana Bhagat Raiyats' Agricultural Lands Restoration (Amendment) Ordinance, 1981	14-8-81 (198)	-	(C)	- 4 18
402.	The Essential Commodities (Bihar Validation) Ordinance, 1981	14-8-81† (194)	-	(C)	- 4 18
403.	The Bihar Land Rent (Exemption from Payment) (Amendment) Ordinance, 1981	25-8-81† (195)	-	(C)	- 4 7
404.	The Indian Road Tax (Bihar Amendment and Validation) Ordinance, 1981	8-9-81 (196)	-	(C)	- 3 23
405.	The Bihar Relief Undertakings (Special Provisions) Ordinance, 1981	16-9-81 (197)	-	(C)	- 3 15
406.	The Bihar Municipal Corporations (Third Amendment) Ordinance, 1981	23-9-81 (198)	-	(C)	- 3 8

* Declared to be in force with effect from 7-1-1977.

† Declared to be in force with effect from 1-4-1980.

† Declared to be in force with effect from 9-12-1980.

(continued)

Table 8 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
407.	The Bihar Co-operative Societies (Third Amendment) (Amending) Ordinance, 1981	30-9-81 (199)	-	(C)	- 3 1
408.	The Bihar Indigenous Medical Educational Institutions (Regulation and Control) Ordinance, 1981	18-11-81 (200)	-	(C)	- 1 18
409.	The Bihar Preservation and Improvement of Animals (Amendment) Ordinance, 1981	28-11-81 (201P)	-	(C)	- 1 8
410.	The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Third Amendment) Ordinance, 1981	4-12-81* (202P)	-	(C)	- - 28
411.	The Bihar Legislature (Members' Salaries, Allowances and Pensions) (Third Amendment) Ordinance, 1981	10-12-81† (203)	-	(C)	- - 22

* Declared to be in force with effect from 9-4-1981.

† Declared to be in force with effect from 1-11-1981.

TABLE 9

LIVES OF THE ORDINANCES PROMULGATED BY THE GOVERNOR-GENERAL OF INDIA FROM 1861 TO 1915 UNDER THE PROVISIONS OF SECTION 23 OF THE INDIAN COUNCILS ACT, 1861 (24 & 25 VICT., C. 67)

Serial No.	Short title of the Ordinance	Date on which the Ordinance was promulgated with the number of the Ordinance into brackets	Date(s) on which the Ordinance was re-promulgated with the number(s) of the Ordinance(s) by which the Ordinance was re-promulgated into brackets	Date on which the Ordinance expired or got spent up or was replaced by an Act/ repealed or superseded by an Act or Ordinance/ withdrawn	Life of the Ordinance including life upto 31-12-1981 of the Ordinance in force after that date	Y. M. D.
(1)	(2)	(3)	(4)	(5)	(6)	(6)
<i>1861</i>						
1.	The Export of Saltpetre Ordinance, 1861	27-12-61*	-	3-1-62 (S.O.†)	- - -	7
<i>1862</i>						
2.	The Export of Saltpetre Ordinance, 1862	3-1-62*	-	28-2-62 (W†)	- - -	1 26.

* No number was given to this Ordinance.

† The Export of Saltpetre Ordinance, 1862, Central Ordinance dated January 3, 1862 (*vide The Calcutta Gazette, Extraordinary, dated January 3, 1862*). No number was given to this Ordinance.‡ By the Government of India, Home Department, Notification No. 1098, dated February 28, 1862 (*vide The Calcutta Gazette, Extraordinary, dated February 28, 1862*).

(continued)

Table 9 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
1869					
3.	The Agror Valley Ordinance, 1869	9-10-69*	-	14-1-70 (R.A. 3)	- 3 6
4.	The Duty on Salt; Madras and Bombay Presidencies Ordinance, 1869	9-10-69*	-	10-12-69 (R.A. 24)	- 2 2
1876					
5.	The Dramatic Performances Ordinance, 1876	4-3-76*	-	31-5-76 (S.U.)	- 2 28
1907					
6.	The Regulation of Meetings Ordinance, 1907	18-5-07 (1)	-	1-11-07 (S.A. 6)	- 5 14
1912					
7.	The Bengal Cotton Gambling Ordinance, 1912	14-12-12 (1)	-	14-5-13 (S.A. 4†)	- 5 1
1914					
8.	The Indian Naval and Military News (Emergency) Ordinance, 1914	7-8-14 (1)	-	1-3-22 (E)	7 6 25
9.	The Impressment of Vessels Ordinance, 1914	14-8-14 (2)	-	1-3-22 (E)	7 6 18
10.	The Foreigners Ordinance, 1914	20-8-14 (3)	-	1-3-22 (E)	7 6 12

* No number was given to this Ordinance.

† Bengal Act.

(continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
11.	The Indian Volunteers Ordinance, 1914	22-8-14 (4)	-	1-3-22 (E)	7 6 10
12.	The Ingress into India Ordinance, 1914	5-9-14 (5)	-	1-3-22 (E)	7 5 26
13.	The Commercial Intercourse with Enemies Ordinance, 1914	14-10-14 (6)	-	1-3-22 (E)	7 4 18
14.	The Foreigners (Amendment) Ordinance, 1914	14-10-14 (7)	-	1-3-22 (E)	7 4 18
15.	The Foreigners (Further Amendment) Ordinance, 1914	14-11-14 (8)	-	1-3-22 (E)	7 3 17
16.	The Articles of Commerce Ordinance, 1914	30-11-14 (9)	-	1-3-22 (E)	7 3 1
<i>1915</i>					
17.	The Indian Paper Currency (Amendment) Ordinance, 1915	16-1-15 (1)	-	22-3-15 (R.A. 5)	- 2 7
18.	The Indian Soldiers (Litigation) Ordinance, 1915	5-5-15 (2)	-	22-9-15 (R.A. 12)	- 4 18
19.	The Defence of India Ordinance, 1915	10-11-15 (3)	-	15-2-16 (R.A. 2)	- 3 5

TABLE 10

LIVES OF THE ORDINANCES PROMULGATED BY THE GOVERNOR-GENERAL OF INDIA FROM 1916 TO 1935 UNDER THE PROVISIONS OF SECTION 72 OF THE GOVERNMENT OF INDIA ACT (5 & 6 GEO. 5, C. 61 AS AMENDED BY 6 & 7 GEO. 5, C. 37 and 8 & 10 GEO. 5, C. 101)

Serial No.	Short title of the Ordinance	Date on which the Ordinance was promulgated with the number of the Ordinance into brackets	Date(s) on which the Ordinance was re-promulgated with the number (s) of the Ordinance (s) by which the Ordinance was re-promulgated into brackets	Date on which the Ordinance expired or got spent up or was replaced by an Act/ repealed or superseded by an Act or Ordinance/ withdrawn	Life of the Ordinance including life upto 31-12-1981 of the Ordinance in force after that date	Y. M. D.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1916						
1.	The Indian Paper Currency (Amendment) Ordinance, 1916	11- 1-16 (1)	-	21- 3-16 (R.A. 9)	-	2 11
2.	The Dutiable Goods and Salt Ordinance, 1916	19- 1-16 (2)	-	19- 7-16 (E)	-	6 -
3.	The Foreigners (Trial by Court Martial) Ordinance, 1916	26- 1-16 (3)	-	8- 3-16 (R.A. 3)	-	1 13

(continued)

RE-PROMULGATION OF ORDINANCES

Table 10 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
4.	The Import and Export of Goods Ordinance, 1916	14-6-16 (4)	-	5-9-16 (R.A. 11)	- 2 21
5.	The Enemy Trading Ordinance, 1916	27-6-16 (5)	-	5-9-16 (R.A. 10)	- 2 8
6.	The Indian Paper Currency (Further Amendment) Ordinance, 1916	13-11-16 (6)	-	13-12-16 (R.O. 7)	- 1 -
7.	The Second Indian Paper Currency (Further Amendment) Ordinance, 1916	14-12-16 (7)	-	21-3-17 (R.A. 11)	- 3 8
8.	The Indian Legislative Council (Election Enquiries) Ordinance, 1916	27-12-16 (8)	-	27-6-17 (E)	- 6 -
<i>1917</i>					
9.	The Registration Ordinance, 1917	2-2-17 (1)	-	1-3-22 (E)	5 - 27
10.	The Indian Paper Currency (Amendment) Ordinance, 1917	18-4-17 (2)	-	19-9-17 (R.A. 19)	- 5 1
11.	The Gold (Import) Ordinance, 1917	29-6-17 (3)	-	27-9-17 (R.A. 22)	- 2 28
12.	The Silver (Import) Ordinance, 1917	11-7-17 (4)	-	11-1-18 (E)	- 6 -
<i>1918</i>					
13.	The Indian Paper Currency Ordinance, 1918	15-4-18 (1)	-	12-9-18 (R.A. 13)	- 4 27

(continued)

TABLE 10

Table 10 (continued)	(1)	(2)	(3)	(4)	(5)	(6)
14. The Gold Coinage Ordinance, 1918			14- 6-18 (2)	-	12- 9-18 (R.A. 14)	- 2 28
15. The Indian Paper Currency (Amendment) Ordinance, 1918			7-12-18 (3)	-	12- 8-19 (R.A. 2)	- 3 6
<i>1919</i>			14- 4-19 (1)	-	14-10-19 (E)	- 6 -
16. The Martial Law Ordinance, 1919			16- 4-19 (2)	-	16-10-19 (E)	- 6 -
17. The Martial Law (Extension) Ordinance, 1919			18- 4-19 (8)	-	18-10-19 (E)	- 6 -
18. The Martial Law (Sentences) Ordinance, 1919			21- 4-19 (4)	-	21-10-19 (E)	- 6 -
19. The Martial Law (Further Extension) Ordinance, 1919			6- 5-19 (6)	-	6-11-19 (E)	- 6 -
20. The Bombay District Police Ordinance, 1919			27- 5-19 (6)	-	27-11-19 (E)	- 6 -
21. The Martial Law (Trials Continuance) Ordinance, 1919			6-12-19 (7)	-	5- 6-20 (S.O. 2)	- 6 -
<i>1920</i>			7- 1-20 (1)	-	7- 7-20 (E)	- 6 -
23. The Treaty of Peace Ordinance, 1920				-		- 6 -

(continued)

RE-PROMULGATION OF ORDINANCES

Table 10 (continued)	(1)	(2)	(3)	(4)	(5)	(6)	
	24.	The Rouble Note Ordinance, 1920	5- 6-20 (2)	-	2- 9-20 (R.A. 30)	- 2 27	
	25.	The Gold Ordinance, 1920	21- 6-20 (3)	-	9- 9-20 (R.A. 36)	- 2 18	
	26.	The Treaty of Peace (Austria) Ordinance, 1920	31- 7-20 (4)	-	31- 1-21 (E)	- 6 -	
	<i>1921</i>						
	27.	The Treaty of Peace (Hungary) Ordinance, 1921	12- 7-21 (1)	-	12- 1-22 (E)	- 6 -	
	28.	The Martial Law Ordinance, 1921	26- 8-21 (2)	-	25- 2-22 (Re.O.1)	- 6 -	
	29.	The Martial Law (Supplementary) Ordinance, 1921	5- 9-21 (3)	-	25- 2-22 (Re.O.1)	- 5 20	
	30.	The Martial Law (Military Courts) Ordinance, 1921	15-10-21 (4)	-	25- 2-22 (Re.O.1)	- 4 11	
	31.	The Martial Law (Special Magistrates) Ordinance, 1921	11-11-21 (5)	-	25- 2-22 (Re.O.1)	- 3 14	
	<i>1922</i>						
	32.	The Malabar (Restoration of Order) Ordinance, 1922	25- 2-22 (1)	-	25- 8-22 (E)	- 6 -	
	33.	The Malabar (Restoration of Order) Amendment Ordinance, 1922	30- 9-22 (2)	-	30- 9-22 (E)	- 6 -	

(continued)

Table 10 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
34.	The Malabar (Completion of Trials) Ordinance, 1922	19- 8-22 (8)	-	19- 2-28 (E)	- 6 -
1924					
35.	The Bengal Criminal Law Amendment Ordinance, 1924	25-10-24 (1)	-	16- 4-25 (S.A. *)	- 5 22
1925					
36.	The Cotton Excise Duty (Suspension) Ordinance, 1925	1-12-25 (1)	-	1- 6-26 (E)	- 6 -
1929					
37.	The Public Safety Ordinance, 1929	18- 4-29 (1)	-	18-10-29 (E)	- 6 -
1930					
38.	The Bengal Criminal Law (Amendment) Ordinance, 1930	19- 4-30 (1)	-	19-10-30 (E)	- 6 -
1930					
39.	The Indian Press Ordinance, 1930	27- 4-30 (2)	-	27-10-30 (E)	- 6 -
1930					
40.	The Lahore Conspiracy Case Ordinance, 1930	1- 5-30 (8)	-	1-11-30 (E)	- 6 -
1930					
41.	The Sholapur Martial Law Ordinance, 1930	15- 5-30 (4)	-	15-11-30 (E)	- 6 -

* The Bengal Criminal Law (Amendment) Act, 1925, made by the Governor of Bengal under the provisions of section 72E of the Government of India Act (vide *The Calcutta Gazette* dated April 16, 1925, Part 1A, pp. 163-169). No number was given to this Act.

(continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
42.	The Prevention of Intimidation Ordinance, 1930	30-5-30 (5)	-	30-11-30 (E)	- 6
43.	The Unlawful Instigation Ordinance, 1930	30-5-30 (6)	-	30-11-30 (E)	- 6
44.	The Unauthorised News-sheets and Newspapers Ordinance, 1930	2-7-30 (7)	-	2-1-31 (E)	- 6
45.	The Martial Law Ordinance, 1930	15-8-30 (8)	-	15-2-31 (E)	- 6
46.	The Unlawful Association Ordinance, 1930	10-10-30 (9)	-	6-3-31 (Re.O. 2)	- 4 27
47.	The Indian Press and Unauthorised News-sheets and Newspapers Ordinance, 1930	23-12-30 (10)	-	6-3-31 (Re.O. 2)	- 2 14
48.	The Unlawful Instigation (Second) Ordinance, 1930	23-12-30 (11)	-	6-3-31 (Re.O. 2)	- 2 14
<i>1931</i>					
49.	The Burma Criminal Law Amendment Ordinance, 1931	31-1-31 (1)	-	28-7-31 (R.A. *)	- 5 28
50.	The Repealing Ordinance, 1931	6-3-31 (2)	-	6-9-31 (E)	- 6
51.	The Burma Rebellian (Trials) Ordinance, 1931	12-3-31 (3)	-	7-9-31 (Re.A. 4†)	- 5 26

* The Burma Criminal Law (Amendment) Act, 1931 (vide *The Gazette of India*, Extraordinary, dated July 28, 1931). No number was given to this Act.

† Burma Act.

(continued)

Table 10 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
52.	The Foreign Relations Ordinance, 1931	6-4-31 (4)	-	6-10-31 (E)	- 6 -
53.	The Burma Emergency Powers Ordinance, 1931	1-8-31 (5)	-	1-2-32 (E)	- 6 -
54.	The Currency Ordinance, 1931	21-9-31 (6)	-	24-9-31 (Re.O. 7)	- 8 -
55.	The Gold and Sterling Sales Regulation Ordinance, 1931	24-9-31 (7)	-	30-1-32 (Re.O. 6)	- 4 6
56.	The Criminal Procedure (Delhi Amendment) Ordinance, 1931	16-10-31 (8)	-	16-4-32 (E)	- 6 -
57.	The Bengal Criminal Law Amendment Ordinance, 1931	29-10-31 (9)	-	29-4-32 (E)	- 6 -
58.	The Kashmir State (Protection against Disorders) Ordinance, 1931	4-11-31 (10)	-	4-5-32 (E)	- 6 -
59.	The Bengal Emergency Powers Ordinance, 1931	30-11-31 (11)	-	30-5-32 (E)	- 6 -
60.	The United Provinces Emergency Powers Ordinance, 1931	14-12-31 (12)	-	14-6-32 (E)	- 6 -
61.	The North-West Frontier Province Emergency Powers Ordinance, 1931	24-12-31 (13)	-	24-6-32 (E)	- 6 -
62.	The Unlawful Instigation (North-West Frontier Province) Ordinance, 1931	24-12-31 (14)	-	24-6-32 (E)	- 6 -

(continued)

RE-PROMULGATION OF ORDINANCES

Table 10 (continued)	(1)	(2)	(3)	(4)	(5)	(6)
	63.	The Unlawful Association (North-West Frontier Province) Ordinance, 1931	24-12-31 (15)	-	24-6-32 (E)	- 6 -
		1932				
	64.	The Bengal Emergency Powers (Supplementary) Ordinance, 1932	2-1-32 (1)	-	2-7-32 (E)	- 6 -
	65.	The Emergency Powers Ordinance, 1932	4-1-32 (2)	-	4-7-32 (E)	- 6 -
	66.	The Unlawful Instigation Ordinance, 1932	4-1-32 (3)	-	4-7-32 (E)	- 6 -
	67.	The Unlawful Association Ordinance, 1932	4-1-32 (4)	-	4-7-32 (E)	- 6 -
	68.	The Prevention of Molestation and Boycotting Ordinance, 1932	4-1-32 (5)	-	4-7-32 (E)	- 6 -
	69.	The Repealing Ordinance, 1932	30-1-32 (6)	-	30-7-32 (E)	- 6 -
	70.	The Amending Ordinance, 1932	6-2-32 (7)	-	6-8-32 (E)	- 6 -
	71.	The Supplementing Ordinance, 1932	29-3-32 (8)	-	29-9-32 (E)	- 6 -
	72.	The Bengal Emergency Powers Ordinance, 1932	28-5-32 (9)	-	28-11-32 (E)	- 6 -

(continued)

Table 10 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
73.	The Special Powers Ordinance, 1932	30-6-32 (10)	-	30-12-32 (E)	- 6 -
74.	The Bengal Emergency Powers (Amendment) Ordinance, 1932	30-6-32 (11)	-	30-12-32 (E)	- 6 -
75.	The Bengal Emergency Powers (Second Amendment) Ordinance, 1932	20-7-32 (12)	-	20-1-33 (E)	- 6 -
<i>1935</i>					
76.	The Indian Post-office (Amendment) Ordinance, 1935	30-3-35 (1)	-	30-9-35 (E)	- 6 -
77.	The Indian Taxes on Income (Deduction at Source) Ordinance, 1935	1-4-35 (2)	-	22-4-35 (S.U.)	- - 21
78.	The Italian Loans and Credits Prohibition Ordinance, 1935	18-11-35 (3)	-	21-4-36 (R.A. 1)	- 5 3

TABLE 11

LIVES OF THE ORDINANCES PROMULGATED BY THE GOVERNOR-GENERAL OF INDIA FROM 1939 TO AUGUST 14, 1947, UNDER THE PROVISIONS OF SECTION 72 AS SET OUT IN THE NINTH SCHEDULE TO THE GOVERNMENT OF INDIA ACT, 1935 (26 GEO. 5, C. 2)

Serial No.	Short title of the Ordinance	Date on which the Ordinance was promulgated with the number of the Ordinance into brackets	Date(s) on which the Ordinance was re-promulgated with the number(s) of the Ordinance(s) by which the Ordinance was re-promulgated into brackets	Date on which the Ordinance expired or got spent up or was replaced by an Act/ repealed or superseded by an Act or Ordinance/with-drawn	Life of the Ordinance including life upto 31-12-1981 of the Ordinance in force after that date	Y. M. D.
(1)	(2)	(3)	(4)	(5)	(6)	(6)
<i>1939</i>						
1.	The Foreigners Ordinance, 1939	26- 8-39 (1)	-	23- 2-40 (R.A. 2)	-	5 28
2.	The Registration Ordinance, 1939	30- 8-39 (2)	-	23- 2-40 (R.A. 1)	-	5 24
3.	The Requisitioning of Vessels Ordinance, 1939	30- 8-39 (3)	-	28- 2-40 (E)	-	6 -

(continued)

TABLE 11

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
4.	The Transfer of Aircraft and Vessels Restriction Ordinance, 1939	1- 9-39 (4)	-	1- 3-40 (E)	- 6 -
5.	The Defence of India Ordinance, 1939	3- 9-39 (5)	-	29- 9-39 (R.A. 35)	- - 23
6.	The Detention of Enemy Shipping Ordinance, 1939	5- 9-39 (6)	-	5- 3-40 (E)	- 6 -
7.	The Indian Air Force Volunteer Reserve (Discipline) Ordinance, 1939	6- 9-39 (7)	-	29- 9-39 (R.A. 36)	- - 23
8.	The Defence of India (Amendment) Ordinance, 1939	13- 9-39 (8)	-	29- 9-39 (R.A. 35)	- - 16
9.	The Income-tax (Removal of Difficulties and Validating) Ordinance, 1939	30-12-39 (9)	-	26- 3-40 (R.A. 12)	- 2 27
10.	The Indian Post-office (Amendment) Ordinance, 1940	30- 3-40 (1)	-	30- 9-40 (E)	- 6 -
11.	The National Service (Technical Personnel) Ordinance, 1940	29- 6-40 (2)	-	5- 1-48 (Re.A. 2)	7 6 6
12.	The Payment of Wages (Amendment) Ordinance, 1940	2- 7-40 (3)	-	16- 4-45 (Re.A. 6)	4 9 15
13.	The Currency Ordinance, 1940	24- 7-40 (4)	-	(C)	41 5 8

(continued)

RE-PROMULGATION OF ORDINANCES

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
14.	The National Service (European British Subjects) Amendment Ordinance, 1940	25- 7-40 (5)	-	16- 4-45 (Re.A. 6)	4 8 22
15.	The Indian Coinage (Amendment) Ordinance, 1940	26- 7-40 (6)	-	16- 4-45 (Re.A. 6)	4 8 21
16.	The Indian Tea Control (Amendment) Ordinance, 1940	6- 8-40 (7)	-	16- 4-45 (Re.A. 6)	4 8 11
17.	The Civic Guards Ordinance, 1940	16- 8-40 (8)	-	5- 1-48 (Re.A. 2)	7 4 20
18.	The War Risks (Goods) Insurance Ordinance, 1940	26- 8-40 (9)	-	17- 9-57 (Re.A. 36)	17 - 22
19.	The Indian Forces (Transfer) Ordinance, 1940	30- 8-40 (10)	-	17- 9-57 (Re.A. 36)	17 - 18
20.	The National Service (Technical Personnel) Amendment Ordinance, 1940	5- 9-40 (11)	-	16- 4-45 (Re.A. 6)	4 7 11
21.	The Indian Coinage (Second Amendment) Ordinance, 1940	11-10-40 (12)	-	16- 4-45 (Re.A. 6)	4 6 6
22.	The Coffee Market Expansion Ordinance, 1940	14-12-40 (13)	-	2- 3-42 (R.A. 7)	1 2 19
23.	The Indian Coinage (Third Amendment) Ordinance, 1940	23-12-40 (14)	-	16- 4-45 (Re.A. 6)	4 3 24

(continued)

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
	1941				
24.	The Coffee Market Expansion Amendment Ordinance, 1941	4- 2-41 (1)	-	2- 3-42 (Re.A. 7)	1 - 26
25.	The Civic Guards (Amendment) Ordinance, 1941	4- 2-41 (2)	-	16- 4-45 (Re.A. 6)	4 2 10
26.	The Reserve Bank of India (Amendment) Ordinance, 1941	8- 2-41 (3)	-	16- 4-45 (Re.A. 6)	4 2 6
27.	The Air-raid Precautions Services Ordinance, 1941	10- 5-41 (4)	-	5- 1-46 (Re.O. 1)	4 7 26
28.	The State Prisoners (Detention of Lunatics) Ordinance, 1941	28- 6-41 (5)	-	17- 9-57 (Re.A.36)	16 2 21
29.	The National Service (European British Subjects) Amendment Ordinance, 1941	30- 6-41 (6)	-	16- 4-45 (Re.A. 6)	3 9 16
30.	The War Injuries Ordinance, 1941	25- 7-41 (7)	-	(C)	40 5 7
31.	The Coffee Market Expansion (Second Amendment) Ordinance, 1941	28- 8-41 (8)	-	2- 3-42 (R.A. 7)	- 6 5
32.	The Indian Navy (Discipline) Amendment Ordinance, 1941	2-10-41 (9)	-	16- 4-45 (Re.A. 6)	3 6 15
33.	The Active Service Ordinance, 1941	6-12-41 (10)	-	20- 5-50 (Re.A. 46)	8 5 15

(continued)

RE-PROMULGATION OF ORDINANCES

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
34.	The Essential Services (Maintenance) Ordinance, 1941	20-12-41 (11)	-	7- 8-57 (S.O. 5)	15 7 18
35.	The War Risks (Goods) Insurance Amendment Ordinance, 1941	20-12-41 (12)	-	16- 4-45 (Re.A. 6)	8 3 27
36.	The Coffee Market Expansion (Third Amendment) Ordinance, 1941	22-12-41 (13)	-	2- 3-42 (Re.A. 7)	- 2 11
<i>1942</i>					
37.	The War Injuries (Amendment) Ordinance, 1942	1- 1-42 (1)	-	5- 1-46 (Re.O. 1)	4 - 4
38.	The Special Criminal Courts Ordinance, 1942	2- 1-42 (2)	-	5- 6-43 (Re.O. 19)	1 5 4
39.	The Penalties (Enhancement) Ordinance, 1942	2- 1-42 (3)	-	17- 9-57 (Re.A. 36)	15 8 16
40.	The Indian Coinage (Amendment) Ordinance, 1942	24- 1-42 (4)	-	5- 1-46 (Re.O. 1)	3 11 12
41.	The Motor Vehicles (Drivers) Ordinance, 1942	27- 1-42 (5)	-	1- 5-49 (Re.A. 40)	7 3 5
42.	The National Service (Technical Personnel) Amendment Ordinance, 1942	29- 1-42 (6)	-	5- 1-46 (Re.O. 1)	3 11 7
43.	The Penalties (Enhancement) Amendment Ordinance, 1942	29- 1-42 (7)	-	5- 1-46 (Re.O. 1)	3 11 7

(continued)

TABLE 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
44.	The Cotton Fund Ordinance, 1942	29- 1-42 (8)	-	80- 3-46* (Re.A. 7)	4 2 2
45.	The Reserve Bank of India (Temporary Amendment) Ordinance, 1942	9- 2-42 (9)	-	17- 3-47† (R.A. 11)	5 1 6
46.	The Civil Pioneer Force Ordinance, 1942	7- 3-42 (10)	-	5- 1-48 (Re.A. 2)	5 9 29
47.	The Police (Resignation of Office) Ordinance, 1942	7- 4-42 (11)	-	27-12-60 (Re.A. 58)	18 8 20
48.	The War Risks (Factories) Insurance Ordinance, 1942	8- 4-42 (12)	-	17- 9-57 (Re.A. 36)	15 5 9
49.	The Women's Auxiliary Corps Ordinance, 1942	9- 4-42 (13)	-	5- 1-48 (Re.A. 2)	5 8 26
50.	The War Risks (Goods) Insurance (Amendment) Ordinance, 1942	11- 4-42 (14)	-	5- 1-46 (Re.O. 1)	3 8 24
51.	The Prisoners (Amendment) Ordinance, 1942	21- 4-42 (15)	-	5- 1-48 (Re.A. 2)	5 8 14
52.	The Registration of Foreigners Act (Extending) Ordinance, 1942	21- 4-42 (16)	-	5- 1-46 (Re.O. 1)	3 8 14
53.	The United Provinces Special Armed Constabulary Act (Extension) Ordinance, 1942	21- 4-42 (17)	-	8-11-48 (Re.O. 30)	6 6 12
54.	The Indian Army (Amendment) Ordinance, 1942	5- 5-42 (18)	-	5- 1-46 (Re.O. 1)	3 8 1

* Declared to be in force with effect from 1-4-1946. † Declared to be in force with effect from 1-4-1947.

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
55.	The War Risks (Goods) Insurance (Second Amendment) Ordinance, 1942	13- 5-42 (19)	-	5- 1-46 (Re.O. 1)	3 7 23
56.	The Collective Fines Ordinance, 1942	13- 5-42 (20)	-	(C)	39 7 19
57.	The Railway Air-raid Precautions Services Ordinance, 1942	16- 5-42 (21)	-	5- 1-46 (Re.O. 1)	3 7 20
58.	The Deputy Commander-in-Chief (Powers) Ordinance, 1942	22- 5-42 (22)	-	5- 1-48 (Re.A. 2)	5 7 14
59.	The Defence of India (Amendment) Ordinance, 1942	22- 5-42 (23)	-	5- 1-46 (Re.O. 1)	3 7 14
60.	The Special Criminal Courts (Amendment) Ordinance, 1942	22- 5-42 (24)	-	5- 1-46 (Re.O. 1)	3 7 14
61.	The Coal Mines Safety (Stowing) Amendment Ordinance, 1942	22- 5-42 (25)	-	5- 1-46 (Re.O. 1)	3 7 14
62.	The Essential Services (Maintenance) Amendment Ordinance, 1942	28- 5-42 (26)	-	5- 1-46 (Re.O. 1)	3 7 8
63.	The Auxiliary Force (Amendment) Ordinance, 1942	30- 5-42 (27)	-	5- 1-46 (Re.O. 1)	3 7 6
64.	The Barma Notes Ordinance, 1942	6- 6-42 (28)	-	17- 3-47* (Re.A. 11)	4 9 11
65.	The Penalties (Enhancement) Second Amendment Ordinance, 1942	10- 6-42 (29)	-	5- 1-46 (Re.O. 1)	3 6 25

* Declared to be in force with effect from 1-4-1947.

(continued)

(1)	(2)	(3)	(4)	(5)	(6)
66.	The Hellenic Naval Court Ordinance, 1942	10- 6-42 (80)	-	5- 1-46 (Re.O. 1)	3 6 25
67.	The Indian Army Act (Application) Ordinance, 1942	20- 6-42 (81)	-	5- 1-46 (Re.O. 1)	3 6 15
68.	The War Risks (Factories) Insurance (Amendment) Ordinance, 1942	1- 7-42 (82)	-	5- 1-46 (Re.O. 1)	3 6 4
69.	The Civil Services (Conditions of Services) Ordinance, 1942	9- 7-42 (83)	-	5- 1-48 (Re.A. 2)	5 5 27
70.	The Hellenic Naval Court (Extension) Ordinance, 1942	21- 7-42 (84)	-	5- 1-46 (Re.O. 1)	3 5 15
71.	The Crown Representative's Commission of Enquiry (Summonses) Ordinance, 1942	24- 7-42 (85)	-	5- 1-46 (Re.O. 1)	3 5 12
72.	The War Risks (Goods) Insurance (Third Amendment) Ordinance, 1942	28- 7-42 (86)	-	5- 1-46 (Re.O. 1)	3 5 8
73.	The Women's Auxiliary Corps (Amendment) Ordinance, 1942	28- 7-42 (87)	-	5- 1-46 (Re.O. 1)	3 5 8
74.	The Essential Services (Maintenance) Second Amendment Ordinance, 1942	28- 7-42 (88)	-	5- 1-46 (Re.O. 1)	3 5 8
75.	The War Injuries (Second Amendment) Ordinance, 1942	8- 8-42 (89)	-	5- 1-46 (Re.O. 1)	3 4 28
76.	The War Risks (Factories) Insurance (Second Amendment) Ordinance, 1942	8- 8-42 (40)	-	5- 1-46 (Re.O. 1)	3 4 28

(continued)

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
77.	The Armed Forces (Special Powers) Ordinance, 1942	15- 8-42 (41)	-	(C)	39 4 17
78.	The Special Criminal Courts (Second Amendment) Ordinance, 1942	19- 8-42 (42)	-	5- 1-46 (Re.O. 1)	3 4 17
79.	The Collective Fines (Amendment) Ordinance, 1942	19- 8-42 (48)	-	5- 1-46 (Re.O. 1)	3 4 17
80.	The Reserve Bank of India (Bangoon Register) Ordinance, 1942	21- 8-42 (44)	-	17- 3-47* (Re.A. 11)	4 6 27
81.	The Railways (Hours of Employment) Ordinance, 1942	21- 8-42 (45)	-	5- 1-46 (Re.O. 1)	3 4 15
82.	The Penalties (Enhancement) Third Amendment Ordinance, 1942	26- 8-42 (46)	-	5- 1-46 (Re.O. 1)	3 4 10
83.	The Indian Tea Control (Amendment) Ordinance, 1942	1- 9-42 (47)	-	5- 1-46 (Re.O. 1)	3 4 4
84.	The Defence of India (Second Amendment) Ordinance, 1942	5- 9-42 (48)	-	5- 1-46 (Re.O. 1)	3 4 -
85.	The Collective Fines (Second Amendment) Ordinance, 1942	12- 9-42 (49)	-	5- 1-46 (Re.O. 1)	3 3 23
86.	The Indian Navy (Discipline) Amendment Ordinance, 1942	3-10-42 (50)	-	5- 1-46 (Re.O. 1)	3 3 3
87.	The National Service (Technical Personnel) Second Amendment Ordinance, 1942	3-10-42 (51)	-	5- 1-46 (Re.O. 1)	3 3 3

* Declared to be in force with effect from 1-4-1947.

(continued)

TABLE 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
88.	The Indian Press (Emergency Powers) Amendment Ordinance, 1942	8-10-42 (52)	-	5- 1-46 (Re.O. 1)	3 2 28
89.	The Indian Railways (Employment of Military Personnel) Ordinance, 1942	8-10-42 (53)	-	5- 1-48 (Re.A. 2)	5 2 28
90.	The Registration of Transferred Companies Ordinance, 1942	8-10-42 (54)	-	18- 1-56 (Re.A. 1)	18 3 11
91.	The Women's Auxiliary Corps (Second Amendment) Ordinance, 1942	17-10-42 (55)	-	5- 1-46 (Re.O. 1)	3 2 19
92.	The Allied Forces Ordinance, 1942	26-10-42 (56)	-	5- 1-48 (Re.A. 2)	5 2 10
93.	The Allied Forces (United States of America) Ordinance, 1942	26-10-42 (57)	-	5- 1-48 (Re.A. 2)	5 2 10
94.	The Army and Air Force (Enrolment) Ordinance, 1942	26-10-42 (58)	-	5- 1-46 (Re.O. 1)	3 2 10
95.	The Legal Tender (Inscribed Notes) Ordinance, 1942	31-10-42 (59)	-	30- 9-64 (Re.A. 28)	21 11 -
96.	The Income-tax and Excess Profits Tax (Emergency) Ordinance, 1942	14-11-42 (60)	-	(C)	39 1 17
97.	The Special Criminal Courts (Third Amendment) Ordinance, 1942	21-11-42 (61)	-	5- 1-46 (Re.O. 1)	3 1 14
98.	The Indian Legislature (Prevention of Disqualification) Ordinance, 1942	28-11-42 (62)	-	5- 1-48 (Re.A. 2)	5 1 7

(continued)

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
99.	The Collective Fines (Third Amendment) Ordinance, 1942	5-12-42 (63)	-	5-1-46 (Re.O. 1)	3 1 1
100.	The Indian Soldiers (Litigation) Amendment Ordinance, 1942	12-12-42 (64)	-	5-1-46 (Re.O. 1)	3 - 24
101.	The Civil Pioneer Force (Amendment) Ordinance, 1942	22-12-42 (65)	-	5-1-46 (Re.O. 1)	3 - 14
102.	The Armed Forces (Special Powers) Extension Ordinance, 1942	24-12-42 (66)	-	26-12-60 (Re.A. 58)	18 - 3
103.	The Bengal and North-Western and Rohilkhand and Kumaon Railway Companies (Transferred Liabilities) Ordinance, 1942	29-12-42 (67)	-	5-1-46 (Re.O. 1)	3 - 7
104.	The Commissioner of Ajmer-Merwara (Construction of References) Ordinance, 1942	31-12-42 (68)	-	5-1-46 (Re.O. 1)	3 - 5
<i>1943</i>					
105.	The Enemy Agents Ordinance, 1943	9-1-43 (1)	-	5-1-48 (Re.A. 2)	4 11 27
106.	The Essential Services (Maintenance) Amendment Ordinance, 1943	9-1-43 (2)	-	5-1-46 (Re.O. 1)	2 11 27
107.	The Penalties (Enhancement) Amendment Ordinance, 1943	16-1-43 (3)	-	5-1-46 (Re.O. 1)	2 11 20
108.	The Income-tax Proceedings Validity Ordinance, 1943	16-1-43 (4)	-	(C)	38 11 16

(continued)

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
109.	The Collective Fines (Amendment) Ordinance, 1943	20- 1-43 (5)	-	5- 1-46 (Re.O. 1)	2 11 16
110.	The Indian Standard Time (Interpretation of References) Ordinance, 1943	20- 1-43 (6)	-	5- 1-48 (Re.A. 2)	4 11 16
111.	The Civil Pioneer Force (Amendment) Ordinance, 1943	27- 1-43 (7)	-	5- 1-46 (Re.O. 1)	2 11 9
112.	The War Risks (Goods) Insurance (Amendment) Ordinance, 1943	27- 1-43 (8)	-	5- 1-46 (Re.O. 1)	2 11 9
113.	The War Risks (Factories) Insurance (Amendment) Ordinance, 1943	27- 1-43 (9)	-	5- 1-46 (Re.O. 1)	2 11 9
114.	The Special Criminal Courts (Amendment) Ordinance, 1943	30- 1-43 (10)	-	5- 1-46 (Re.O. 1)	2 11 6
115.	The Indian Navy (Discipline) Amendment Ordinance, 1943	3- 2-43 (11)	-	5- 1-46 (Re.O. 1)	2 11 -
116.	The Reserve Bank of India (Governor's Powers and Functions) Ordinance, 1943	22- 2-43 (12)	-	5- 1-46 (Re.O. 1)	2 10 11
117.	The Essential Services (Telephone Employees) Ordinance, 1943	16- 3-43 (13)	-	5- 1-48 (Re.A. 2)	4 9 20
118.	The Defence of India (Amendment) Ordinance, 1943	28- 4-43 (14)	-	5- 1-46 (Re.O. 1)	2 8 7
119.	The Enemy Agents (Amendment) Ordinance, 1943	1- 5-43 (15)	-	5- 1-46 (Re.O. 1)	2 8 4

(continued)

RE-PROMULGATION OF ORDINANCES

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
120.	The Excess Profits Tax Ordinance, 1943	17- 5-43 (16)	-	(C)	38 7 15
121.	The Royal Indian Navy (Powers of Command) Ordinance, 1943	20- 5-43 (17)	-	5- 1-48 (Re.A. 2)	4 7 16
122.	The Martial Law (Indemnity) Ordinance, 1943	31- 5-43 (18)	-	17- 9-57 (Re.A. 36)	14 3 17
123.	The Special Criminal Courts (Repeal) Ordinance, 1943	5- 6-43 (19)	-	17- 9-57 (Re.A. 36)	14 3 12
124.	The Reserve Bank of India (Limitation of Dividend) Ordinance, 1943	30- 6-43 (20)	-	1- 5-49 (Re.A. 40)	5 10 1
125.	The Parole Centres Ordinance, 1943	2- 7-43 (21)	-	5- 1-48 (Re.A. 2)	4 6 4
126.	The Special Police Establishment (War Department) Ordinance, 1943	12- 7-43 (22)	-	5- 1-48 (Re.A. 2)	4 5 24
127.	The Civil Pioneer Force (Amendment) Ordinance, 1943	15- 7-43 (23)	-	5- 1-46 (Re.O. 1)	2 5 21
128.	The Discipline of Seamen Ordinance, 1943	15- 7-43 (24)	-	5- 1-48 (Re.A. 2)	4 5 21
129.	The War Risks (Inland Vessels) Insurance Ordinance, 1943	17- 7-43 (25)	-	5- 1-46 (Re.O. 1)	2 5 19
130.	The Special Criminal Courts (Repeal) Amendment Ordinance, 1943	17- 7-43 (26)	-	5- 1-46 (Re.O. 1)	2 5 19

(continued)

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
131.	The National Service (Technical Personnel) Amendment Ordinance, 1943	17- 7-43 (27)	-	5- 1-46 (Re.O. 1)	2 5 19
132.	The Allied Forces (Exemption from Local Taxation) Ordinance, 1943	4- 9-43 (28)	-	5- 1-48 (Re.A. 2)	4 4 1
133.	The Criminal Law (Amendment) Ordinance, 1943	11- 9-43 (29)	-	17- 9-57 (Re.A. 36)	14 - 6
134.	The Indian Military Nursing Service Ordinance, 1943	15- 9-43 (30)	-	(C)	38 3 16
135.	The Factories (Control of Dismantling) Ordinance, 1943	15- 9-43 (31)	-	5- 1-48 (Re.A. 2)	4 3 20
136.	The Special Criminal Courts (Repeal) Second Amendment Ordinance, 1943	29- 9-43 (32)	-	5- 1-46 (Re.O. 1)	2 3 6
137.	The Military Stores (Unlawful Possession) Ordinance, 1943	11-10-43 (33)	-	5- 1-48 (Re.A. 2)	4 2 25
138.	The Subversive Activities Ordinance, 1943	16-10-43 (34)	-	5- 1-46 (Re.O. 1)	2 2 20
139.	The Hoarding and Profiteering Prevention Ordinance, 1943	16-10-43 (35)	-	5- 1-48 (Re.A. 2)	4 - 2 20
140.	The Prisoners of War (Forfeiture of Emoluments) Ordinance, 1943	16-10-43 (36)	-	20- 5-50 (Re.A. 46)	6 7 5
141.	The Military Operational Area (Special Powers) Ordinance, 1943	19-10-43 (37)	-	5- 1-46 (Re.O. 1)	2 2 17

(continued)

RE-PROMULGATION OF ORDINANCES

Table 11 (continued)	(1)	(2)	(3)	(4)	(5)	(6)
142. The Civil Pioneer Force (Third Amendment) Ordinance, 1943			23-10-43 (38)	-	5- 1-46 (Re.O. 1)	2 2 13
143. The Criminal Law Amendment (Amending) Ordinance, 1943			25-10-43 (39)	-	5- 1-46 (Re.O. 1)	2 2 11
144. The Criminal Law Amendment (Second Amending) Ordinance, 1943			2-11-43 (40)	-	5- 1-46 (Re.O. 1)	2 2 3
145. The Sugar (Temporary Excise Duty) Ordinance, 1943			10-11-43 (41)	-	5- 1-48 (Re.A. 2)	4 1 25
146. The North-West Frontier Constabulary (Amendment) Ordinance, 1943			2-12-43 (42)	-	5- 1-46 (Re.O. 1)	2 1 4
147. The Penal Deductions Ordinance, 1943			2-12-43 (43)	-	1- 5-49 (Re.A. 40)	5 5 -
148. The Defence of India (Second Amendment) Ordinance, 1943			2-12-43 (44)	-	5- 1-46 (Re.O. 1)	2 1 4
1944						
149. The Allied Forces (Exemption from Local Taxation) Amendment Ordinance, 1944			13- 1-44 (1)	-	5- 1-46 (Re.O. 1)	1 11 23
150. The Cotton Cloth and Yarn (Contracts) Ordinance, 1944			13- 1-44 (2)	-	17- 9-57 (Re.A. 36)	13 8 5
151. The Restriction and Detention Ordinance, 1944			15- 1-44 (3)	-	19- 4-50 (Re.A. 35)	6 3 5

(continued)

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
152.	The Military Safety (Powers of Detention) Ordinance, 1944	15- 1-44 (4)	-	5- 1-48 (Re.A. 2)	8 11 21
153.	The Indian Army (Amendment) Ordinance, 1944	31- 1-44 (5)	-	5- 1-46 (Re.O. 1)	1 11 5
154.	The Criminal Law Amendment (Amending) Ordinance, 1944	31- 1-44 (6)	-	5- 1-46 (Re.O. 1)	1 11 5
155.	The Coal Mines Labour Welfare Fund Ordinance, 1944	31- 1-44 (7)	-	18- 4-47* (R.A. 32)	3 2 18
156.	The Excess Profits Tax (Amendment) Ordinance, 1944	31- 1-44 (8)	-	5- 1-46 (Re.O. 1)	1 11 5
157.	The War Risks Insurance (Extending) Ordinance, 1944	11- 3-44 (9)	-	5- 1-46 (Re.O. 1)	1 9 25
158.	The Railways (Coal Contracts Extension) Ordinance, 1944	11- 3-44 (10)	-	5- 1-46 (Re.O. 1)	1 9 25
159.	The Enemy Agents (Amendment) Ordinance, 1944	8- 4-44 (11)	-	5- 1-46 (Re.O. 1)	1 8 27
160.	The Hoarding and Profiteering Prevention (Amendment) Ordinance, 1944	8- 4-44 (12)	-	5- 1-46 (Re.O. 1)	1 8 27
161.	The Burma Police Force (Discipline Enforcement) Ordinance, 1944	15- 4-44 (13)	-	5- 1-46 (Re.O. 1)	1 8 20
162.	The Indian Soldiers (Litigation) Amendment Ordinance, 1944	29- 4-44 (14)	-	5- 1-46 (Re.O. 1)	1 8 6

(continued)

* Declared to be in force with effect from 14-6-1947.

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
163.	The Bombay Commission of Enquiry Ordinance, 1944	6-5-44 (15)	-	5-1-46 (Re.O. 1)	1 8 -
164.	The Criminal Law Amendment (Second Amending) Ordinance, 1944	13-5-44 (16)	-	5-1-46 (Re.O. 1)	1 7 23
165.	The Indian Navy (Discipline) Amendment Ordinance, 1944	13-5-44 (17)	-	5-1-46 (Re.O. 1)	1 7 23
166.	The Railways (Employment of Military Personnel) Amendment Ordinance, 1944	13-5-44 (18)	-	5-1-46 (Re.O. 1)	1 7 23
167.	The Railway Stores (Unlawful Possession) Ordinance, 1944	13-5-44 (19)	-	24-12-55* (R.A. 51)	11 7 12
168.	The Service in Ships (Requisition) Ordinance, 1944	20-5-44 (20)	-	5-1-48 (Re.A. 2)	3 7 16
169.	The Public Health (Emergency Provisions) Ordinance, 1944	20-5-44 (21)	-	(C)	37 7 12
170.	The Restriction and Detention (Amendment) Ordinance, 1944	27-5-44 (22)	-	5-1-46 (Re.O. 1)	1 7 9
171.	The Discipline of Seamen (Amendment) Ordinance, 1944	27-5-44 (23)	-	5-1-46 (Re.O. 1)	1 7 9
172.	The Criminal Law Amendment (Third Amending) Ordinance, 1944	27-5-44 (24)	-	5-1-46 (Re.O. 1)	1 7 9
173.	The Delhi Rent Control Ordinance, 1944	3-6-44 (25)	-	24-3-47 (Re.A. 19)	2 9 21

* Declared to be in force with effect from 5-4-1956.

(continued)

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
174.	The Defence of India (Amendment) Ordinance, 1944	24- 6-44 (26)	-	5- 1-46 (Re.O. 1)	1 6 11
175.	The Coal Mines Labour Welfare Fund (Amendment) Ordinance, 1944	24- 6-44 (27)	-	5- 1-46 (Re.O. 1)	1 6 11
176.	The Famine Enquiry Commission Ordinance, 1944	24- 6-44 (28)	-	5- 1-46 (Re.O. 1)	1 6 11
177.	The War Risks (Goods) Insurance (Amendment) Ordinance, 1944	1- 7-44 (29)	-	5- 1-46 (Re.O. 1)	1 6 4
178.	The Army (Provision for Dependents) Ordinance, 1944	1- 7-44 (30)	-	19- 4-50 (Re.A. 35)	5 9 18
179.	The Indian Army (Second Amendment) Ordinance, 1944	1- 7-44 (31)	-	5- 1-48 (Re.A. 2)	3 6 4
180.	The Bombay Explosion (Compensation) Ordinance, 1944	1- 7-44 (32)	-	17- 9-57 (Re.A. 36)	13 2 16
181.	The Indian Finance (Amendment) Ordinance, 1944	8- 7-44 (33)	-	5- 1-46 (Re.O. 1)	1 5 28
182.	The Cotton Textiles Fund Ordinance, 1944	8- 7-44 (34)	-	3-12-63* (Re.A. 41)	19 4 26
183.	The Defence of India (Second Amendment) Ordinance, 1944	29- 7-44 (35)	-	5- 1-48 (Re.A. 2)	3 5 7
184.	The Criminal Law Amendment (Fourth Amending) Ordinance, 1944	29- 7-44 (36)	-	5- 1-46 (Re.O. 1)	1 5 7

* Declared to be in force with effect from 22-8-1964.

(continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
185.	The Civilian Personnel (War Department) Transfer Ordinance, 1944	19- 8-44 (37)	-	17- 9-57 (Re.A. 36)	13 - 29
186.	The Criminal Law Amendment Ordinance, 1944	23- 8-44 (38)	-	(C)	37 4 9
187.	The Coal Production Fund Ordinance, 1944	26- 8-44 (39)	-	26- 4-47* (Re.O. 6)	2 8 1
188.	The Criminal Law Amendment (Fifth Amending) Ordinance, 1944	26- 8-44 (40)	-	5- 1-46 (Re.O. 1)	1 4 10
189.	The Allied Forces (Exemption from Local Taxation) Second Amendment Ordinance, 1944	9- 9-44 (41)	-	5- 1-46 (Re.O. 1)	1 3 26
190.	The Post-office National Savings Certificates Ordinance, 1944	9- 9-44 (42)	-	18- 9-59 (Re.A. 46)	15 - 9
191.	The Cotton Textiles Fund (Amendment) Ordinance, 1944	16- 9-44 (43)	-	5- 1-46 (Re.O. 1)	1 3 19
192.	The Indian Army (Third Amendment) Ordinance, 1944	30- 9-44 (44)	-	5- 1-46 (Re.O. 1)	1 3 5
193.	The Indian Income-tax and Excess Profits (Validity of Notices) Ordinance, 1944	3-10-44 (45)	-	17- 9-57 (Re.A. 36)	12 11 15
194.	The Registration (Emergency Powers) Ordinance, 1944	7-10-44 (46)	-	5- 1-46 (Re.O. 1)	1 2 29
195.	The National Service (Technical Personnel) Amendment Ordinance, 1944	7-10-44 (47)	-	5- 1-46 (Re.O. 1)	1 2 29

* Declared to be in force with effect from 1-5-1947.

(continued)

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
196.	The Code of Criminal Procedure (Amendment) Ordinance, 1944	21-10-44 (48)	-	5- 1-46 (Re.O. 1)	1 2 15
197.	The Criminal Law Amendment (Sixth Amending) Ordinance, 1944	21-10-44 (49)	-	5- 1-46 (Re.O. 1)	1 2 15
198.	The Sugar (Temporary Excise Duty) Ordinance, 1944	21-10-44 (50)	-	5- 1-48 (Re.A. 2)	3 2 15
199.	The Bombay Explosion (Compensation) Amendment Ordinance, 1944	25-10-44 (51)	-	5- 1-46 (Re.O. 1)	1 2 11
200.	The Criminal Law Amendment (Seventh Amending) Ordinance, 1944	2-12-44 (52)	-	5- 1-46 (Re.O. 1)	1 1 4
201.	The Hoarding and Profiteering Prevention (Second Amendment) Ordinance, 1944	13-12-44 (53)	-	5- 1-46 (Re.O. 1)	1 - 23
202.	The War Injuries (Compensation Insurance) Amendment Ordinance 1944	18-12-44 (54)	-	5- 1-46 (Re.O. 1)	1 - 18
203.	The Women's Auxiliary Corps (Amendment) Ordinance, 1944	23-12-44 (55)	-	5- 1-46 (Re.O. 1)	1 - 13
204.	The Cotton Textile Fund (Second Amendment) Ordinance, 1944	30-12-44 (56)	-	5- 1-46 (Re.O. 1)	1 - 6
1945					
205.	The Factories (Control of Dismantling) Amendment Ordinance, 1945	13- 1-45 (1)	-	5- 1-48 (Re.A. 2)	2 11 23

(continued)

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
206.	The National Service (European British Subjects) Amendment Ordinance, 1945	30-1-45 (2)	-	5-1-48 (Re.A. 2)	2 11 6
207.	The Delhi Rent Control (Amendment) Ordinance, 1945	30-1-45 (3)	-	5-1-48 (Re.A. 2)	2 11 6
208.	The Military Safety (Powers of Detention) Amendment Ordinance 1945	30-1-45 (4)	-	5-1-48 (Re.A. 2)	2 11 6
209.	The Canteen Stores (Exemption from Local Taxation) Ordinance, 1945	30-1-45 (5)	-	17-9-57 (Re.A. 36)	12 7 18
210.	The Defence of India Reserve Ordinance, 1945	3-2-45 (6)	-	24-11-45 (Re.O. 44)	- 9 19
211.	The Naval Discipline Ordinance, 1945	3-2-45 (7)	-	26-1-50 (Re. Ad.)	4 11 21
212.	The Essential Services (Dibru Sadiya and Colliery Branch Railways) Ordinance, 1945	17-3-45 (8)	-	5-1-48 (Re.A. 2)	2 9 19
213.	The Indian Income-tax (Amendment) Ordinance, 1945	28-4-45 (9)	-	5-1-48 (Re.A. 2)	2 8 7
214.	The War Injuries (Amendment) Ordinance, 1945	28-4-45 (10)	-	5-1-46 (Re.O. 1)	- 8 7
215.	The Provincial Debt Laws (Temporary Validation) Ordinance, 1945	5-5-45 (11)	-	5-1-48 (Re.A. 2)	2 8 1
216.	The Criminal Law (1943 Amendment) Amending Ordinance, 1945	12-5-45 (12)	-	5-1-48 (Re.A. 2)	2 7 24

(continued)

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
217.	The War Risks (Factories) Insurance (Amendment) Ordinance, 1945	16- 5-45 (18)	-	5- 1-46 (Re.O. 1)	- 7 20
218.	The Criminal Law (1944 Amendment) Amending Ordinance, 1945	16- 5-45 (14)	-	5- 1-48 (Re.A. 2)	2 7 20
219.	The Civil Affairs (Malaya) Police Force (Discipline) Ordinance, 1945	19- 5-45 (15)	-	5- 1-46 (Re.O. 1)	- 7 17
220.	The Income-tax and Excess Profits Tax (Validity of Notices) Amendment Ordinance, 1945	19- 5-45 (16)	-	5- 1-48 (Re.A. 2)	2 7 17
221.	The Mines (Amendment) Ordinance, 1945	26- 5-45 (17)	-	5- 1-48 (Re.A. 2)	2 7 10
222.	The Explosives (Amendment) Ordinance, 1945	2- 6-45 (18)	-	5- 1-48 (Re.A. 2)	2 7 3
223.	The Reserve Bank of India (Temporary Amendment) Ordinance, 1945	9- 6-45 (19)	-	17- 3-47* (Re.A. 11)	1 9 8
224.	The Excess Profits Tax (Amendment) Ordinance, 1945	30- 6-45 (20)	-	5- 1-48 (Re.A. 2)	2 6 5
225.	The Refugee Camps Ordinance, 1945	4- 7-45 (21)	-	5- 1-48 (Re.A. 2)	2 6 2
226.	The Criminal Law (1943 Amendment) Second Amending Ordinance, 1945	4- 7-45 (22)	-	5- 1-48 (Re.A. 2)	2 6 2
227.	The Present War (Definition) Ordinance, 1945	14- 7-45 (23)	-	17- 9-57 (Re.A. 36)	12 2 4

* Declared to be in force with effect from 1-4-1947. (continued)

RE-PROMULGATION OF ORDINANCES

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
228.	The War Gratuities (Income-tax Exemption) Ordinance, 1945	14-7-45 (24)	-	(C)	36 5 18
229.	The Defence of India (Amendment) Ordinance, 1945	14-7-45 (25)	-	5-1-48 (Re.A. 2)	2 5 22
230.	The Andaman and Nicobar Islands Police Force (Temporary Provisions) Ordinance, 1945	21-7-45 (26)	-	5-1-46 (Re.O. 1)	- 5 15
231.	The Civil Pioneer Force (Amendment) Ordinance, 1945	4-8-45 (27)	-	5-1-48 (Re.A. 2)	2 5 2
232.	The Military Operational Area (Special Powers) Amendment Ordinance, 1945	23-8-45 (28)	-	5-1-46 (Re.O. 1)	- 4 13
233.	The War Risks (Factories) Insurance (Termination) Ordinance, 1945	31-8-45 (29)	-	17-9-57 (Re.A. 36)	12 - 17
234.	The Secunderabad Marriage Validating Ordinance, 1945	1-9-45 (30)	-	(C)	36 4 -
235.	The Defence of India (Second Amendment) Ordinance, 1945	1-9-45 (31)	-	5-1-48 (Re.A. 2)	2 4 4
236.	The Bengal Textiles Association Ordinance, 1945	8-9-45 (32)	-	1-5-49 (Re.A. 40)	3 7 23
237.	The Limitation (War Conditions) Ordinance, 1945	8-9-45 (33)	-	17-9-57 (Re.A. 36)	12 - 9
238.	The War Risks (Goods) Insurance (Termination) Ordinance, 1945	14-9-45 (34)	-	17-9-57 (Re.A. 36)	12 - 3

(continued)

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
239.	The Defence of India (Third Amendment) Ordinance, 1945	14-9-45 (35)	-	5-1-48 (Re.A. 2)	2 3 21
240.	The Armed Forces (Special Powers) Amendment Ordinance, 1945	18-9-45 (36)	-	5-1-48 (Re.A. 2)	2 3 17
241.	The Indian Army (Amendment) Ordinance, 1945	29-9-45 (37)	-	5-1-48 (Re.A. 2)	2 3 6
242.	The National Service (European British Subjects) Amendment Ordinance, 1945	6-10-45 (38)	-	5-1-48 (Re.A. 2)	2 3 -
243.	The Bills of Exchange Ordinance, 1945	20-10-45 (39)	-	5-1-48 (Re.A. 2)	2 2 16
244.	The Army (Forfeiture of Emoluments) Ordinance, 1945	27-10-45 (40)	-	19-4-50 (Re.A. 35)	4 5 23
245.	The War Injuries (Compensation Insurance) Amendment Ordinance, 1945	27-10-45 (41)	-	5-1-48 (Re.A. 2)	2 2 9
246.	The Indian Army and Indian Air Force (Amendment) Ordinance, 1945	31-10-45 (42)	-	5-1-48 (Re.A. 2)	2 2 5
247.	The Hoarding and Profiteering Prevention (Amendment) Ordinance, 1945	17-11-45 (43)	-	5-1-48 (Re.A. 2)	2 1 18
248.	The Defence of India Reserve (Disbandment) Ordinance, 1945	24-11-45 (44)	-	5-1-48 (Re.A. 2)	2 1 11
249.	The Defence of India (Fourth Amendment) Ordinance, 1945	11-12-45 (45)	-	5-1-48 (Re.A. 2)	2 - 25

(continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
250.	The Pensions Appeal Tribunals (Powers) Ordinance, 1945	22-12-45 (46)	-	17- 9-57 (Re.A. 36)	11 8 26
251.	The International Monetary Fund and Bank Ordinance, 1945	24-12-45 (47)	-	28- 8-59 (R.A. 25)	13 8 5
252.	The Indian Army (Second Amendment) Ordinance, 1945	24-12-45 (48)	-	5- 1-48 (Re.A. 2)	2 - 12
253.	1946 The Repealing Ordinance, 1946	5- 1-46 (1)	-	19- 4-50 (Re.A. 36)	4 3 15
254.	The Bank Notes (Declaration of Holdings) Ordinance, 1946	12- 1-46 (2)	-	(C)	35 11 20
255.	The High Denomination Bank Notes (Demonetisation) Ordinance, 1946	12- 1-46 (3)	-	(C)	35 11 20
256.	The Banking Companies (Inspection) Ordinance, 1946	15- 1-46 (4)	-	10- 3-49 (Re.A. 10)	3 1 26
257.	The National Service (European British Subjects) Termination of Calling-up Ordinance, 1946	17- 1-46 (5)	-	17- 9-57 (Re.A. 36)	11 8 1
258.	The Criminal Law Amendment Ordinance, 1946	17- 1-46 (6)	-	(C)	35 11 15
259.	The Criminal Law (1943 Amendment) Amending Ordinance, 1946	17- 1-46 (7)	-	19- 4-50 (Re.A. 35)	4 3 3
260.	The Allied Forces (China) Ordinance, 1946	19- 1-46 (8)	-	19- 4-50 (Re.A. 35)	4 3 1

(continued)

(1)	(2)	(3)	(4)	(5)	(6)
261.	The National Service (Technical Personnel) Amendment Ordinance, 1946	19- 1-46 (9)	-	19- 4-50 (Re.A. 35)	4 3 1
262.	The Termination of War (Definition) Ordinance, 1946	5- 2-46 (10)	-	(C)	35 10 24
263.	The Defence of India (Amendment) Ordinance, 1946	23- 2-46 (11)	-	5- 1-48 (Re.A. 2)	1 10 10
264.	The Defence of India (Second Amendment) Ordinance, 1946	30- 3-46 (12)	-	5- 1-48 (Re.A. 2)	1 9 6
265.	The Army (Forfeiture of Emoluments) Amendment Ordinance, 1946	30- 3-46 (13)	-	19- 4-50 (Re.A. 35)	4 - 20
266.	The Active Service (Amendment) Ordinance, 1946	30- 3-46 (14)	-	20- 5-50 (Re.A. 46)	4 1 21
267.	The Royal Indian Navy Commission of Enquiry Ordinance, 1946	13- 4-46 (15)	-	13-10-46 (E)	- 6 -
268.	The Royal Indian Navy Commission of Enquiry (Amendment) Ordinance, 1946	1- 5-46 (16)	-	1-11-46 (E)	- 6 -
269.	The Bearer Promissory Notes (Prohibition of Issue) Ordinance, 1946	18- 5-46 (17)	-	16-11-46 (Re.A. 23)	- 5 29
270.	The Essential Supplies (Temporary Powers) Ordinance, 1946	25- 9-46* (18)	-	19-11-46 (R.A. 24)	- 1 24
271.	The Requisitioned Land (Continuance of Powers) Ordinance, 1946	25- 9-46* (19)	-	24- 8-47 (R.A. 17)	- 5 29

* Declared to be in force with effect from 1-10-1946.

RE-PROMULGATION OF ORDINANCES

Table 11 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
272.	The Emergency Provisions (Continuance) Ordinance, 1946	25-9-46* (20)	-	25-3-47 (E)	- 6 -
273.	The Foreigners Act (Amendment) Ordinance, 1946	25-9-46 (21)	-	23-11-46 (R.A. 31)	- 1 23
274.	The Delhi Special Police Establishment Ordinance, 1946	25-9-46 (22)	-	19-11-46 (R.A. 25)	- 1 24
275.	The Special Tribunals (Supplementary Provisions) Ordinance, 1946	30-9-46 (23)	-	22-11-46 (R.A. 26)	- 1 22
276.	The Indian Navy (Discipline) Amendment Ordinance, 1946	10-10-46 (24)	-	10-4-47 (E)	- 6 -
277.	The Sugar (Temporary Excise Duty) Ordinance, 1946	23-10-46 (25)	-	23-4-47 (E)	- 6 -
278.	The Indian Tariff Act (Amendment) Ordinance, 1946	23-10-46 (26)	-	31-3-47 (R.A. 20)	- 5 9
279.	The Indian Tariff Act (Second Amendment) Ordinance, 1946	26-10-46 (27)	-	31-3-47 (R.A. 20)	- 5 6
280.	The Railways (Emergency Provisions) Ordinance, 1946	14-12-46 (28)	-	14-6-47 (E)	- 6 -
1947					
281.	The Argentine (Jute and Cereals) Agreement Ordinance, 1947	7-1-47 (1)	-	7-7-47 (E)	- 6 -
282.	The Indian Tariff (Amendment) Ordinance, 1947	16-1-47 (2)	-	31-3-47 (R.A. 20)	- 2 16

(continued)

* Declared to be in force with effect from 1-10-1946.

TABLE 11

(1)	(2)	(3)	(4)	(5)	(6)
283.	The Press (Special Powers) Ordinance, 1947	29-1-47 (3)	-	29-7-47 (E)	- 6 -
284.	The Punjab Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947	19-8-47 (4)	-	19-9-47 (E)	- 6 -
285.	The Capital Issues (Continuance of Control) Ordinance, 1947	22-3-47* (5)	-	22-9-47 (E)	- 6 -
286.	The Coal Production Fund (Repealing) Ordinance, 1947	26-4-47† (6)	-	26-10-47 (E)	- 6 -
287.	The Indian Patents and Designs (Extension of Time) Amendment Ordinance, 1947	22-5-47 (7)	-	22-11-47 (R.A. 37)	- 6 -
288.	The Tea (Export Licences) Ordinance, 1947	24-5-47 (8)	-	24-11-47 (E)	- 6 -
289.	The North-West Frontier Province Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947	2-7-47 (9)	-	2-1-48 (E)	- 6 -
290.	The Press (Special Powers) (No. 2) Ordinance, 1947	28-7-47 (10)	-	18-12-47 (R.A. 39)	- 4 21
291.	The Bengal Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947	11-8-47 (11)	-	5-1-48 (R.A. 3)	- 4 25
292.	The Delhi Premises (Requisition and Eviction) Ordinance, 1947	13-8-47 (12)	-	31-12-47 (R.A. 49)	- 4 19
293.	The Central Nursing Council Ordinance, 1947	13-8-47 (13)	-	31-12-47 (R.A. 48)	- 4 19
294.	The Assam Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947	13-8-47 (14)	-	5-1-48 (R.A. 3)	- 4 23

* Declared to be in force with effect from 25-3-1947. † Declared to be in force with effect from 1-5-1947.

TABLE 12

LIVES OF THE ORDINANCES PROMULGATED BY THE GOVERNOR-GENERAL OF INDIA FROM AUGUST 15, 1947, TO JANUARY 25, 1950, UNDER THE PROVISIONS OF SECTION 42 OF THE GOVERNMENT OF INDIA ACT, 1935 (26 GEO. 5, C. 2), AS ADAPTED BY THE INDIA (PROVISIONAL CONSTITUTION) ORDER, 1947

Serial No.	Short title of the Ordinance	Date on which the Ordinance was promulgated with the number of the Ordinance into brackets	Date(s) on which the Ordinance was re-promulgated with the number (s) of the Ordinance(s) by which the Ordinance was re-promulgated into brackets	Date on which the Ordinance expired or got spent up or was replaced by an Act/ repeated or superseded by an Act or Ordinance/ withdrawn	Life of the Ordinance including life upto 31-12-1981 of the Ordinance in force after that date
(1)	(2)	(3)	(4)	(5)	(6)
1947					
1.	The Extra Provincial Jurisdiction Ordinance, 1947	27- 8-47 (15)	-	24-12-47 (R.A. 47)	- 3 28
2.	The Railways (Protection by Armed Forces) Ordinance, 1947	10- 9-47 (16)	-	10- 3-48 (E)	- 6 -
3.	The East Punjab and Delhi Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947	18- 9-47 (17)	-	5- 1-48 (R.A. 3)	- 3 17

(continued)

Y. M. D.

Table 12 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
4.	The Delhi and Ajmer-Merwara Rent Control (Amendment) Ordinance, 1947	20-9-47 (18)	-	31-12-47 (R.A. 50)	- 3 11
5.	The Reserve Bank of India (Temporary Amendment) Ordinance, 1947	20-9-47 (19)	-	20-3-48 (E)	- 6 -
6.	The Banking Companies (East Punjab and Delhi) Ordinance, 1947	27-9-47 (20)	-	27-3-48 (E)	- 6 -
7.	The Delhi Premises (Requisition and Eviction) Amendment Ordinance, 1947	29-9-47 (21)	-	31-12-47 (R.A. 49)	- 3 2
8.	The United Provinces Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947	3-10-47 (22)	-	5-1-48 (R.A. 3)	- 3 3
9.	The Delhi Evacuee Property (Supplementary) Ordinance, 1947	4-10-47 (23)	-	4-4-48 (E)	- 6 -
10.	The Delhi Refugees Registration Ordinance, 1947	11-10-47 (24)	-	11-4-48 (E)	- 6 -
11.	The Banking Companies (East Punjab and Delhi) Amendment Ordinance, 1947	27-10-47 (25)	-	27-4-48 (E)	- 6 -
12.	The Delhi Refugees Registration (Amendment) Ordinance, 1947	28-10-47 (26)	-	28-4-48 (E)	- 6 -
13.	The Indian Merchant Shipping (Restriction of Transfer of Registry) Ordinance, 1947	31-10-47 (27)	-	18-12-47 (R.A. 41)	- 1 18
14.	The Cotton Textile Equalisation Fund Ordinance, 1947	4-12-47 (28)	-	4-6-48 (E)	- 6 -

(continued)

Table 12 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
15.	The Banking Companies (East Punjab and Delhi) Second Amendment Ordinance, 1947	13-12-47 (29)	-	13-6-48 (E)	- 6 -
16.	The Junagadh Administration (Property) Ordinance, 1947	24-12-47 (30)	-	13-4-48 (R.A. 26)	- 3 20
17.	The Negotiable Instruments Act and the Indian Limitation Act (Temporary Amendment) Ordinance, 1947	27-12-47 (31)	-	27-6-48 (E)	- 6 -
1948					
18.	The Pakistan Military Personnel Amnesty Ordinance, 1948	19-1-48 (1)	-	19-7-48 (E)	- 6 -
19.	The Indian Army Act (Application) Ordinance, 1948	23-1-48 (2)	-	23-7-48 (E)	- 6 -
20.	The Transfer of Property (India) Ordinance, 1948	7-2-48 (3)	-	7-8-48 (E)	- 6 -
21.	The Delhi Improvement Trust (Amendment) Ordinance, 1948	13-2-48 (4)	-	13-8-48 (E)	- 6 -
22.	The Indian Navy (Discipline) Amendment Ordinance, 1948	1-4-48 (5)	-	10-9-48 (R.A. 57)	- 5 9
23.	The Exchange of Prisoners Ordinance, 1948	20-4-48 (6)	-	10-9-48 (R.A. 58)	- 4 20
24.	The Coal Mines Provident Fund and Bonus Schemes Ordinance, 1948	23-4-48 (7)	-	3-9-48 (R.A. 46)	- 4 10
25.	The Delhi Water Supply (Emergency Provisions) Ordinance, 1948	24-4-48 (8)	-	24-10-48 (E)	- 6 -

(continued)

Table 12 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
26.	The Arbitral Tribunal (Dissolution) Ordinance, 1948	3- 5-48 (9)	-	3-11-48 (E)	- 6 -
27.	The Dargah Khawaja Saheb (Amendment) Ordinance, 1948	11- 5-48 (10)	-	3- 9-48 (R.A. 44)	- 3 23
28.	The Transfer of Property (India) (Amendment) Ordinance, 1948	25- 5-48 (11)	-	25-11-48 (E)	- 6 -
29.	The Continuance of Legal Proceedings Ordinance, 1948	28- 5-48 (12)	-	3- 9-48 (R.A. 38)	- 3 6
30.	The Indian Income-tax (Amendment) Ordinance, 1948	31- 5-48 (13)	-	10- 9-48 (R.A. 55)	- 3 10
31.	The Bombay Public Security Measures Act (Delhi Amendment) Ordinance, 1948	14- 6-48 (14)	-	8- 9-48 (R.A. 52)	- 2 24
32.	The Taxation on Income (Investigation Commission) Amendment Ordinance, 1948	30- 6-48 (15)	-	8- 9-48 (R.A. 49)	- 2 8
33.	The Securities (Hyderabad) Ordinance, 1948	1- 7-48 (16)	-	1- 1-49 (E)	- 6 -
34.	The Influx from West Pakistan (Control) Ordinance, 1948	19- 7-48 (17)	-	10-11-48 (Re.O. 34)	- 3 22
35.	The Displaced Persons (Institution of Suits) Ordinance, 1948	21- 7-48 (18)	-	4- 9-48 (R.A. 47)	- 1 14
36.	The Indian Army (Amendment) Ordinance, 1948	21- 7-48 (19)	-	3- 9-48 (R.A. 43)	- 1 13

RE-PROMULGATION OF ORDINANCES

Table 12 (continued)	(1)	(2)	(3)	(4)	(5)	(6)
37. The Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1948		2-8-48 (20)	-	20-9-48 (R.A. 60)	-	1 19
38. The Payment of Taxes (Transfer of Property) Ordinance, 1948		6-8-48 (21)	-	6-2-49 (E)	-	6 -
39. The Mangrol and Manavadar (Administration of Property) Ordinance, 1948		16-8-48 (22)	-	14-2-49 (R.A. 2)	-	5 29
40. The National Service (Temporary and Released Persons) Ordinance, 1948		11-9-48 (23)	-	11-3-49 (E)	-	6 -
41. The Public Safety Ordinance, 1948		14-9-48 (24)	-	14-3-49 (E)	-	6 -
42. The Banking Companies (Control) Ordinance, 1948		18-9-48 (25)	-	10-3-49 (R.A. 10)	-	5 22
43. The Patents (Extension of Term) Ordinance, 1948		1-10-48 (26)	-	1-4-49 (E)	-	6 -
44. The Excess Profits Tax Ordinance (Amendment) Ordinance, 1948		9-10-48 (27)	-	9-4-49 (E)	-	6 -
45. The Merchant Shipping (Acceding States) Ordinance, 1948		11-10-48 (28)	-	9-4-49 (R.A. 18)	-	5 29
46. The Public Companies (Limitation of Dividends) Ordinance, 1948		29-10-48* (29)	-	26-4-49 (R.A. 30)	-	5 28
47. The United Provinces Provincial Armed Constabulary (Extension of Laws) Ordinance, 1948		3-11-48 (30)	-	16-2-49 (R.A. 4)	-	3 13

(continued)

Table 12 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
48.	The Essential Supplies (Temporary Powers) (Amendment) Ordinance, 1948	8-11-48 (31)	-	14-4-49 (R.A. 19)	- 5 6
49.	The Code of Criminal Procedure (Amendment) Ordinance, 1948	9-11-48 (32)	-	1-4-49 (R.A. 15)	- 4 22
50.	The Indian Tariff (Amendment) Ordinance, 1948	9-11-48 (33)	-	31-3-49 (R.A. 14)	- 4 22
51.	The Influx from Pakistan (Control) Ordinance, 1948	10-11-48 (34)	-	22-4-49 (R.A. 23)	- 5 12
52.	The Taxation on Income (Investigation Commission) (Amendment) Ordinance, 1948	19-11-48 (35)	-	19-5-49 (E)	- 6 -
53.	The Gandhi National Memorial Fund Donations (Companies) Amendment Ordinance, 1948	14-12-48 (36)	-	14-6-49 (E)	- 6 -
54.	The Scheduled Securities (Hyderabad) Ordinance, 1948	31-12-48 (37)	-	16-2-49 (R.A. 7)	- 1 16
55.	The Indian Income-tax (Amendment) Ordinance, 1948	31-12-48 (38)	-	10-6-49 (Re.O. 9)	- 5 10
1949					
56.	The Central Excises and Salt (Amendment) Ordinance, 1949	1-1-49 (1)	-	31-3-49 (R.A. 14)	- 3 -
57.	The East Punjab Evacuees (Administration of Property) Delhi and Ajmer-Merwara Amendment Ordinance, 1949	25-1-49 (2)	-	25-7-49 (E)	- 6 -
58.	The Durgah Khawaja Saheb Committee of Enquiry Ordinance, 1949	26-1-49 (3)	-	26-7-49 (E)	- 6 -

(continued)

RE-PROMULGATION OF ORDINANCES

Table 12 (continued)	(1)	(2)	(3)	(4)	(5)	(6)
59. The Governor-General's Salary (Exemption from Taxation) Ordinance, 1949	26-1-49	(4) (R.A. 16)	-	-	1-4-49	2
60. The Recovery of Abducted Persons Ordinance, 1949	31-1-49	(5)	-	-	31-7-49 (E)	6
61. The Industrial Disputes (Banking and Insurance Companies) Ordinance, 1949	30-4-49	(6)	-	-	30-10-49 (E)	6
62. The Delhi Water Supply (Emergency Provisions) Ordinance, 1949	2-5-49	(7)	-	-	2-11-49 (E)	6
63. The Ajmer-Merwara Agrarian Relief Ordinance, 1949	17-5-49	(8)	-	-	17-11-49 (E)	6
64. The Taxation Laws Amendment Ordinance, 1949	10-6-49	(9)	-	-	10-12-49 (E)	6
65. The Foreign Exchange Regulation (Amendment) Ordinance, 1949	11-6-49	(10)	-	-	11-12-49 (E)	6
66. The Industrial Tribunals Payment of Bonus (National Savings Certificates) Ordinance, 1949	11-6-49	(11)	-	-	11-12-49 (E)	6
67. The Administration of Evacuee Property Ordinance, 1949	13-6-49	(12)	-	-	13-12-49 (E)	6
68. The Industrial Tribunals Payment of Bonus (National Savings Certificates) Amendment Ordinance, 1949	25-6-49	(13)	-	-	25-12-49 (E)	6
69. The Essential Supplies (Temporary Powers) Amendment Ordinance, 1949	27-6-49	(14)	-	-	8-12-49 (R.A. 49)	5

(continued)

Table 12 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
70.	The Chartered Accountants (Amendment) Ordinance, 1949	1- 7-49 (15)	-	1- 1-50 (E)	- 6 -
71.	The Transfer of Detained Persons Ordinance, 1949	19- 7-49 (16)	-	8-12-49 (R.A. 48)	- 4 20
72.	The Professions Tax Limitation (Amendment and Validation) Ordinance, 1949	21- 7-49 (17)	-	26-12-49 (R.A. 61)	- 5 6
73.	The Abducted Persons (Recovery and Restoration) Ordinance, 1949	30- 7-49 (18)	-	28-12-49 (R.A. 65)	- 4 29
74.	The Reserve Bank of India (Amendment) Ordinance, 1949	30- 7-49 (19)	-	8-12-49 (R.A. 44)	- 4 9
75.	The Administration of Evacuee Property (Amendment) Ordinance, 1949	23- 8-49 (20)	-	23- 2-50 (E)	- 6 -
76.	The Taxation Laws (Extension to Merged States) Ordinance, 1949	26- 8-49 (21)	-	31-12-49 (R.A. 67)	- 4 6
77.	The Requisitioned Land (Apportionment of Compensation) Ordinance, 1949	13- 9-49 (22)	-	10-12-49 (R.A. 51)	- 2 27
78.	The Banking Companies (Amendment) Ordinance, 1949	19- 9-49 (23)	-	18- 3-50 (R.A. 20)	- 5 29
79.	The Durgah Khawaja Saheb (Emergency Provisions) Ordinance, 1949	19- 9-49 (24)	-	10- 3-50 (R.A. 17)	- 5 21
80.	The Export Duties (Emergency Provisions) Ordinance, 1949	22- 9-49 (25)	-	22- 3-50 (E)	- 6 -

(continued)

RE-PROMULGATION OF ORDINANCES

Table 12 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
81.	The Drugs (Control) Ordinance, 1949	3-10-49 (26)	-	3-4-50 (E)	- 6 -
82.	The Administration of Evacuee Property Ordinance, 1949	18-10-49 (27)	-	17-4-50 (R.A. 81)	- 6 -
83.	The Industrial Disputes (Banking and Insurance Companies) Second Amendment Ordinance, 1949	29-10-49 (28)	-	14-12-49 (R.A. 54)	- 1 16
84.	The Nawab Salar Jung Bahadur (Administration of Assets) Ordinance, 1949	12-11-49 (29)	-	19-4-50 (R.A. 36)	- 5 7
85.	The Ajmer-Merwara Agrarian Relief (Second) Ordinance, 1949	17-11-49 (30)	-	10-5-50 (R.A. 42)	- 5 23
86.	The Export Duties (Emergency Provisions) Amendment Ordinance, 1949	18-11-49 (31)	-	18-5-50 (E)	- 6 -
87.	The Voluntary Surrender of Salaries (Exemption from Taxation) Ordinance, 1949	25-11-49 (32)	-	25-5-50 (E)	- 6 -
88.	The Taxation Laws Amendment (Second) Ordinance, 1949	10-12-49 (33)	-	31-12-49 (R.A. 67)	- - 21
89.	The Undesirable Immigrants (Expulsion from Assam) Ordinance, 1950	6-1-50 (1)	-	1-3-50 (R.A. 10)	- 1 26
90.	The Sholapur Spinning and Weaving Company (Emergency Provisions) Ordinance, 1950	9-1-50 (2)	-	10-4-50 (R.A. 28)	- 3 2
91.	The Criminal Law Amendment Ordinance, 1950	16-1-50 (3)	-	9-3-50 (R.A. 14)	- 1 24

(continued)

Table 12 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
92.	The Administration of Evacuee Property (Amendment) Ordinance, 1950	19- 1-50 (4)	-	19- 7-50 (E)	- 6 -
93.	The Displaced Persons (Claims) Ordinance, 1950	19- 1-50 (5)	-	18- 5-50 (R.A. 44)	- 4 -
94.	The Insurance (Amendment) Ordinance, 1950	19- 1-50 (6)	-	20- 5-50 (R.A. 47)	- 4 2
95.	The Special Criminal Courts (Jurisdiction) Ordinance, 1950	21- 1-50 (7)	-	10- 3-50 (R.A. 18)	- 1 20
96.	The Armed Forces (Miscellaneous Provisions) Ordinance, 1950	23- 1-50 (8)	-	23- 7-50 (E)	- 6 -
97.	The United Provinces Terminal Tax on Railway Passengers Ordinance, 1950	23- 1-50 (9)	-	23- 7-50 (E)	- 6 -
98.	The Vindhya Pradesh (Judicial Commissioner's Court) Ordinance, 1950	25- 1-50 (10)	-	10- 5-50 (R.A. 41)	- 3 16
99.	The Bhopal (Courts) Ordinance, 1950	25- 1-50 (11)	-	10- 5-50 (R.A. 41)	- 3 16

TABLE 13

LIVES OF THE ORDINANCES PROMULGATED BY THE PRESIDENT OF INDIA FROM JANUARY 26, 1950, TO DECEMBER 31, 1981, UNDER THE PROVISIONS OF ARTICLE 123 OF THE CONSTITUTION OF INDIA

Serial No.	Short title of the Ordinance	Date on which the Ordinance was promulgated with the number of the Ordinance into brackets	Date(s) on which the Ordinance was re-promulgated with the number (s) of the Ordinance (s) by which the Ordinance was re-promulgated into brackets	Date on which the Ordinance expired or got spent up or was replaced by an Act/ repealed or superseded by an Act or Ordinance/ withdrawn,	Life of the Ordinance including life upto 31-12-1981 of the Ordinance in force after that date	Y. M. D.
(1)	(2)	(3)	(4)	(5)	(6)	(6)
1950						
1.	The Parliament (Prevention of Disqualification) Ordinance, 1950	26-1-50 (12)	-	11-3-50 (E)	-	1 16
2.	The High Courts (Seals) Ordinance, 1950	26-1-50 (13)	-	27-2-50 (R.A. 7)	-	1 2
3.	The Judicial Commissioners' Courts (Declaration as High Courts) Ordinance, 1950	26-1-50 (14)	-	11-3-50 (E)	-	1 16

(continued)

(1)	(2)	(3)	(4)	(5)	(6)
4.	The Voluntary Surrender of Salaries (Exemption from Taxation) Ordinance, 1950	28-5-50 (15)	-	24-8-50 (R.A. 61)	- 2 29
5.	The Dentists (Extension of Time) Ordinance, 1950	29-5-50 (16)	-	22-8-50 (R.A. 58)	- 2 24
6.	The Minimum Wages (Extension of Time) Ordinance, 1950	16-6-50 (17)	-	22-8-50 (R.A. 56)	- 2 6
7.	The Cantonment Laws (Extension and Amendment) Ordinance, 1950	19-6-50 (18)	-	18-8-50 (R.A. 53)	- 1 29
8.	The Preventive Detention (Amendment) Ordinance, 1950	23-6-50 (19)	-	14-8-50 (R.A. 50)	- 1 21
9.	The Salaries of Ministers (Amendment) Ordinance, 1950	29-6-50 (20)	-	22-8-50 (R.A. 59)	- 1 23
10.	The Naval Forces (Miscellaneous Provisions) Ordinance, 1950	23-7-50 (21)	-	22-8-50 (R.A. 57)	- 1 -
11.	The Influx from Pakistan (Control) Amendment Ordinance, 1950	24-7-50 (22)	-	22-8-50 (R.A. 55)	- - 29
12.	The Ajmer Tenancy and Land Records (Amendment) Ordinance, 1950	28-8-50 (23)	-	1-12-50 (R.A. 63)	- 3 4
13.	The Allianz Und Stuttgarter Life Insurance Bank (Transfer) Ordinance, 1950	1-9-50 (24)	-	1-12-50 (R.A. 62)	- 3 -
14.	The Sugar Crisis Enquiring Authority Ordinance, 1950	1-9-50 (25)	-	26-12-50 (E)	- 3 25

(continued)

RE-PROMULGATION OF ORDINANCES

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
15.	The Supply and Prices of Goods Ordinance, 1950	2- 9-50 (26)	-	23-12-50 (R.A. 70)	- 3 21
16.	The Administration of Evacuee Property (Amendment) Ordinance, 1950	6- 9-50 (27)	-	7-12-50 (R.A. 66)	- 3 1
17.	The Indian Income-tax (Amendment) Ordinance, 1950	7-10-50 (28)	-	23-12-50 (R.A. 71)	- 2 17
18.	The Representation of People (Amendment) Ordinance, 1950	14-10-50 (29)	-	23-12-50 (R.A. 73)	- 2 10
19.	The Indian Tariff (Second Amendment) Ordinance, 1950	21-10-50 (30)	-	20-12-50 (R.A. 69)	- 2 -
20.	The Essential Supplies (Temporary Powers) Amendment Ordinance, 1950	8-11-50 (31)	-	23-12-50 (R.A. 72)	- 1 15
21.	The Indian Tariff (Second Amendment) Ordinance, 1950	8-11-50 (32)	-	20-12-50 (R.A. 69)	- 1 12
22.	The Essential Services (Prevention of Strikes) Ordinance, 1951	11- 7-51 (1)	-	17- 9-51 (E)	- 2 7
23.	The Railway Companies (Emergency Provisions) Ordinance, 1951	14- 7-51 (2)	-	14- 9-51 (R.A. 51)	- 2 1
24.	The Indian Companies (Amendment) Ordinance, 1951	21- 7-51 (3)	-	14- 9-51 (R.A. 52)	- 1 24
25.	The Punjab Requisitioning of Immovable Property (Amendment and Validation) Ordinance, 1951	3- 8-51 (4)	-	15- 9-51 (R.A. 2*)	- 1 18

* President's Act.

(continued)

TABLE 18

(1)	(2)	(3)	(4)	(5)	(6)
26.	The East Punjab Public Safety (Amendment) Ordinance, 1951	8-8-51 (5)	-	12-9-51 (R.A. 1*)	- 1 10
27.	The Indian Independence Pakistan Courts (Pending Proceedings) Ordinance, 1951	29-10-51 (6)	-	23-2-52 (R.A. 9)	- 3 25
28.	The Abducted Persons (Recovery and Restoration) Amendment Ordinance, 1951	30-10-51 (7)	-	23-2-52 (R.A. 7)	- 3 24
29.	The Employees' Provident Funds Ordinance, 1951	15-11-51 (8)	-	4-3-52 (R.A. 19)	- 3 19
30.	The Industrial Disputes (Amendment) Ordinance, 1951	5-12-51 (9)	-	4-3-52 (R.A. 18)	- 3 -
31.	The Foreign Exchange Regulation (Amendment) Ordinance, 1951	27-12-51 (10)	-	23-2-52 (R.A. 8)	- 1 27
1952					
32.	The Coal Mines (Conservation and Safety) Ordinance, 1952	8-1-52 (1)	-	4-3-52 (R.A. 12)	- 1 27
33.	The Uttar Pradesh Cantonments (Control of Rent and Eviction) Ordinance, 1952	16-1-52 (2)	-	27-2-52 (R.A. 10)	- 1 12
34.	The Requisitioning and Acquisition of Immovable Property Ordinance, 1952	25-1-52 (3)	-	14-3-52 (R.A. 30)	- 1 20
35.	The Saurashtra (Abolition of Local Sea Custom Duties and Imposition of) Port Development Levy Repealing Ordinance, 1952	2-4-52 (4)	-	10-6-52 (R.A. 35)	- 2 8
36.	The Displaced Persons (Claims) Continuance Ordinance, 1952	5-5-52 (5)	-	10-6-52 (R.A. 40)	- 1 6

* President's Act.

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
37.	The West Bengal Evacuee Property (Tripura Amendment) Ordinance, 1952	6-10-52 (6)	-	26-12-52 (R.A. 75)	- 2 21
38.	The Influx from Pakistan (Control) Repealing Ordinance, 1952	15-10-52 (7)	-	26-12-52 (R.A. 76)	- 2 12
39.	The Iron and Steel Companies Amalgamation Ordinance, 1952	29-10-52 (8)	-	29-12-52 (R.A. 79)	- 2 1
40.	The Abducted Persons (Recovery and Restoration) Amendment Ordinance, 1952	29-10-52 (9)	-	26-12-52 (R.A. 77)	- 1 28
	1953				
41.	The Employees' Provident Funds (Amendment) Ordinance, 1953	14-10-53 (1)	-	12-12-53 (R.A. 87)	- 1 29
42.	The Rehabilitation Finance Administration (Amendment) Ordinance, 1953	22-10-53 (2)	-	10-12-53 (R.A. 86)	- 1 19
43.	The Sea Customs (Amendment) Ordinance, 1953	24-10-53 (3)	-	7-12-53 (R.A. 85)	- 1 14
44.	The Banking Companies (Amendment) Ordinance, 1953	24-10-53 (4)	-	30-12-53 (R.A. 52)	- 2 7
45.	The Industrial Disputes (Amendment) Ordinance, 1953	24-10-53 (5)	-	23-12-53 (R.A. 43)	- 2 -
46.	The Dhooties (Additional Excise Duty) Ordinance, 1953	26-10-53 (6)	-	16-12-53 (R.A. 89)	- 1 21
47.	The Barsi Light Railway Company (Transferred Liabilities) Ordinance, 1953	31-12-53 (7)	-	26-3-54 (R.A. 14)	- 2 26

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
	1954				
48.	The Uttar Pradesh Terminal Tax on Railway Passengers Ordinance, 1954	4-1-54 (1)	-	29-3-54 (E)	- 2 26
49.	The Uttar Pradesh Terminal Tax on Railway Passengers (Amendment) Ordinance, 1954	12-1-54 (2)	-	29-3-54 (E)	- 2 18
50.	The Displaced Persons (Claims) Supplementary Ordinance, 1954	18-1-54 (3)	-	18-3-54 (R.A. 12)	- 2 1
51.	The Press (Objectionable Matter) Amendment Ordinance, 1954	29-1-54 (4)	-	25-3-54 (R.A. 13)	- 1 27
52.	The Air Corporations (Amendment) Ordinance, 1954	30-1-54 (5)	-	18-3-54 (R.A. 10)	- 1 19
53.	The Transfer of Evacuee Deposits Ordinance, 1954	30-1-54* (6)	-	26-3-54 (R.A. 15)	- 1 27
54.	The Industrial Disputes (Banking Companies) Commencement of Decision Ordinance, 1954	24-5-54 (7)	-	4-10-54 (E)	- 4 11
55.	The Indian Income-tax (Amendment) Ordinance, 1954	17-7-54 (8)	-	25-9-54 (R.A. 33)	- 2 9
56.	The Central Excises and Salt (Amendment) Ordinance, 1954	30-7-54 (9)	-	28-9-54 (R.A. 34)	- 1 29
	1955				
57.	The Essential Commodities Ordinance, 1955	21-1-55 (1)	-	1-4-55 (R.A. 10)	- 2 11

* Declared to be in force with effect from 1-2-1954.

(continued)

RE-PROMULGATION OF ORDINANCES

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
58.	The Abducted Persons (Recovery and Restoration) Continuance Ordinance, 1955	30-5-55 (2)	-	17-9-55 (R.A. 30)	- 3 18
59.	The Industrial Disputes (Appellate Tribunal) Amendment Ordinance, 1955	21-6-55 (3)	-	12-9-55 (R.A. 29)	- 2 21
60.	The State Bank of India (Amendment) Ordinance, 1955	23-6-55 (4)	-	21-9-55 (R.A. 33)	- 2 28
61.	The Delhi (Control of Building Operations) Ordinance, 1955	22-10-55 (5)	-	28-12-55 (R.A. 53)	- 2 7
62.	The Insurance (Amendment) Ordinance, 1955	1-11-55 (6)	-	29-12-55 (R.A. 54)	- 1 28
63.	The Representation of the People (Amendment) Ordinance, 1955	30-12-55 (7)	-	1-3-56 (R.A. 2)	- 2 2
<i>1956</i>					
64.	The Life Insurance (Emergency Provisions) Ordinance, 1956	19-1-56 (1)	-	21-3-56 (R.A. 9)	- 2 3
65.	The Madras Terminal Tax on Railway Passengers Ordinance, 1956	25-1-56 (2)	-	28-3-56 (E)	- 2 4
66.	The Sales Tax Laws Validation Ordinance, 1956	30-1-56 (3)	-	21-3-56 (R.A. 7)	- 1 22
67.	The Travancore-Cochin Appropriation (Vote on Account) Ordinance, 1956	31-3-56 (4)	-	10-5-56 (R.A. 20)	- 1 10
68.	The State Bank of Hyderabad Ordinance, 1956	26-9-56 (5)	-	22-12-56 (R.A. 79)	- 2 26

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
69.	The Administration of Evacuee Property (Amendment) Ordinance, 1956	22-10-56 (6)	-	28-12-56 (R.A. 91)	- 2 7
70.	The Displaced Persons (Compensation and Rehabilitation) Amendment Ordinance, 1956	22-10-56 (7)	-	27-12-56 (R.A. 86)	- 2 6
71.	The Road Transport Corporations (Amendment) Ordinance, 1956	1-11-56 (8)	-	28-12-56 (R.A. 87)	- 1 27
72.	The Representation of the People (Amendment) Ordinance, 1956	8-11-56 (9)	-	15-12-56 (R.A. 72)	- 1 7
1957					
73.	The Foreigners Laws (Amendment) Ordinance, 1957	19- 1-57 (1)	-	2- 4-57 (R.A. 11)	- 2 14
74.	The Prevention of Corruption (Amendment) Ordinance, 1957	4- 3-57 (2)	-	29- 3-57 (R.A. 7)	- - 25
75.	The Life Insurance Corporation (Amendment) Ordinance, 1957	20- 4-57 (3)	-	6- 6-57 (R.A. 17)	- 1 16
76.	The Industrial Disputes (Amendment) Ordinance, 1957	27- 4-57 (4)	-	6- 6-57 (R.A. 18)	- 1 9
77.	The Essential Services Maintenance Ordinance, 1957	7- 8-57 (5)	-	12- 8-57 (W*)	- - 5
78.	The Reserve Bank of India (Amendment) Ordinance, 1957	31-10-57 (6)	-	19-12-57 (R.A. 48)	- 1 19

* By the Government of India Notification No. 13/1/57-Ests. (B), dated August 12, 1957, published in *The Gazette of India, Extraordinary, Part II, Section 1, p. 299.*

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
	<i>1960</i>				
89.	The Essential Services Maintenance Ordinance, 1960	8-7-60 (1)	-	19-9-60 (E)	- 2 12
	<i>1961</i>				
90.	The U.P. Sugarcane Cess (Validation) Ordinance, 1961	31-1-61* (1)	-	21-3-61 (R.A. 4)	- 1 21
91.	The Banking Companies (Amendment) Ordinance, 1961	4-2-61 (2)	-	24-3-61 (R.A. 7)	- 1 18
92.	The Sugar (Regulation of Production) Ordinance, 1961	29-9-61 (3)	-	17-12-61 (R.A. 55)	- 2 18
	<i>1962</i>				
93.	The Advocates (Amendment) Ordinance, 1962	24-1-62 (1)	-	30-3-62 (R.A. 14)	- 2 7
94.	The Goa, Daman and Diu (Administration) Ordinance, 1962	5-3-62 (2)	-	27-3-62 (R.A. 1)	- - 22
95.	The Land Acquisition (Amendment) Ordinance, 1962	20-7-62 (3)	-	12-9-62 (R.A. 31)	- 1 23
96.	The Defence of India Ordinance, 1962	26-10-62 (4)	-	12-12-62 (R.A. 51)	- 1 17
97.	The Foreigners Law (Application and Amendment) Ordinance, 1962	30-10-62 (5)	-	24-11-62 (R.A. 42)	- - 25
98.	The Defence of India (Amendment) Ordinance, 1962	3-11-62 (6)	-	12-12-62 (R.A. 51)	- 1 9

* Declared to be in force with effect from 3-2-1961.

RE-PROMULGATION OF ORDINANCES

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
99.	The Companies (Amendment) Ordinance, 1962	3-11-62 (7)	-	28-11-62 (R.A. 43)	- - 25
100.	The Pondicherry (Administration) Ordinance, 1962	6-11-62 (8)	-	5-12-62 (R.A. 49)	- - 29
	1964				
101.	The Armed Forces (Special Powers) Continuance Ordinance, 1964	2-4-64 (1)	-	9-5-64 (R.A. 9)	- 1 7
102.	The Companies (Amendment) Ordinance, 1964	5-7-64 (2)	-	9-10-64 (R.A. 32)	- 3 5
103.	The Essential Commodities (Amendment) Ordinance, 1964	5-11-64 (3)	-	24-12-64 (R.A. 47)	- 1 19
	1965				
104.	The Income-tax (Amendment) Ordinance, 1965	6-1-65 (1)	-	12-3-65 (R.A. 1)	- 2 7
105.	The Aligarh Muslim University (Amendment) Ordinance, 1965	20-5-65 (2)	-	22-9-65 (R.A. 19)	- 4 3
106.	The Payment of Bonus Ordinance, 1965	29-5-65 (3)	-	25-9-65 (R.A. 21)	- 3 27
107.	The Railways (Employment of Members of the Armed Forces) Ordinance, 1965	29-9-65 (4)	-	3-12-65 (R.A. 40)	- 2 4
108.	The Taxation Laws (Amendment) and Miscellaneous Provisions Ordinance, 1965	19-10-65 (5)	-	4-12-65 (R.A. 41)	- 1 16
109.	The Metal Corporation of India (Acquisition of Undertaking) Ordinance, 1965	22-10-65 (6)	-	12-12-65 (R.A. 44)	- 1 21

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
110.	The Indian Tariff (Amendment) Ordinance, 1965 1966	31-12-66 (7)	-	19-3-66 (R.A. 3)	- 2 19
111.	The Indian Tariff (Amendment) Ordinance, 1966	1-2-66 (1)	-	19-3-66 (R.A. 3)	- 1 18
112.	The Delhi Land Reforms (Amendment) Ordinance, 1966	5-2-66 (2)	-	18-3-66 (R.A. 1)	- 1 11
113.	The Merchant Shipping (Amendment) Ordinance, 1966	6-6-66 (3)	-	31-8-66 (R.A. 21)	- 2 25
114.	The Jayanti Shipping Company (Taking Over of Management) Ordinance, 1966	10-6-66 (4)	-	3-9-66 (R.A. 24)	- 2 23
115.	The Advocates (Amendment) Ordinance, 1966	14-6-66 (5)	-	3-9-66 (R.A. 23)	- 2 19
116.	The Unlawful Activities (Prevention) Ordinance, 1966	17-6-66 (6)	-	5-9-66 (E)	- 2 13
117.	The Criminal Law Amendment (Amending) Ordinance, 1966	30-6-66 (7)	-	3-9-66 (R.A. 22)	- 2 3
118.	The Customs (Amendment) Ordinance, 1966	7-7-66 (8)	-	31-8-66 (R.A. 20)	- 1 25
119.	The Essential Commodities (Amendment) Ordinance, 1966	12-7-66 (9)	-	3-9-66 (R.A. 25)	- 1 22
120.	The Metal Corporation of India (Acquisition of Undertaking) Ordinance, 1966	13-9-66 (10)	-	3-12-66 (R.A. 36)	- 2 20

(continued)

RE-PROMULGATION OF ORDINANCES

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
121.	The Companies (Amendment) Ordinance, 1966	21- 9-66 (11)	-	4-12-66 (R.A. 37)	- 2 13
122.	The Mineral Products (Additional Duties of Excise and Customs) Amendment Ordinance, 1966	15-12-66 (12)	-	12- 4-67 (R.A. 11)	- 3 28
123.	The Essential Commodities (Second Amendment) Ordinance, 1966	28-12-66 (13)	-	16- 4-67 (R.A. 14)	- 3 24
	1967				
124.	The Land Acquisition (Amendment and Validation) Ordinance, 1967	20- 1-67 (1)	-	12- 4-67 (R.A. 13)	- 2 23
125.	The Representation of the People (Amendment) Ordinance, 1967	28- 2-67 (2)	-	11- 4-67 (R.A. 10)	- 1 11
126.	The Anti-corruption Laws (Amendment) Ordinance, 1967	8- 5-67 (3)	-	25- 6-67 (R.A. 16)	- 1 23
127.	The Passports Ordinance, 1967	5- 5-67 (4)	-	24- 6-67 (R.A. 15)	- 1 20
128.	The Taxation Laws (Amendment) Ordinance, 1967	14- 9-67 (5)	-	15-12-67 (R.A. 27)	- 3 1
129.	The Essential Commodities (Amendment) Ordinance, 1967	16- 9-67 (6)	-	30-12-67 (R.A. 36)	- 3 14
130.	The Court-fee (Delhi Amendment) Ordinance, 1967	7-10-67 (7)	-	16-12-67 (R.A. 28)	- 2 10
131.	The Essential Commodities (Second Amendment) Ordinance, 1967	21-10-67 (8)	-	30-12-67 (R.A. 36)	- 2 10

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
132.	The Mahe (Stay of Eviction Proceedings) Regulation (Amendment) Ordinance, 1967	30-12-67 (9)	-	25-3-68 (E)	- 2 26
133.	<i>1968</i> The Delhi Municipal Corporation (Amendment) Ordinance, 1968	3-2-68 (1)	-	23-3-68 (R.A. 2)	- 1 19
134.	The Jammu and Kashmir Representation of the People (Supplementary) Ordinance, 1968	9-2-68 (2)	-	23-3-68 (R.A. 3)	- 1 13
135.	The Advocates (Amendment) Ordinance, 1968	5-6-68 (3)	-	16-8-68 (R.A. 33)	- 2 11
136.	The Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1968	17-6-68 (4)	-	9-8-68 (R.A. 31)	- 1 22
137.	The Public Premises (Eviction of Unauthorised Occupants) Amendment Ordinance, 1968	17-6-68 (5)	-	16-8-68 (R.A. 32)	- 1 29
138.	The Gold (Control) Ordinance, 1968	29-6-68 (6)	-	1-9-68 (R.A. 45)	- 2 2
139.	The Enemy Property Ordinance, 1968	6-7-68* (7)	-	20-8-68 (R.A. 34)	- 1 15
140.	The Indian Patents and Designs (Amendment) Ordinance, 1968	6-7-68* (8)	-	31-8-68 (R.A. 44)	- 1 26
141.	The Essential Services Maintenance Ordinance, 1968	13-9-68 (9)	-	28-12-68 (R.A. 59)	- 3 15
142.	The Indian Railways (Amendment) Ordinance, 1968	14-9-68 (10)	-	20-12-68 (R.A. 52)	- 3 6

* Declared to be in force with effect from 10-7-1968.

(continued)

RE-PROMULGATION OF ORDINANCES

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
143.	The Pondicherry Municipal Decree (Amendment) Ordinance, 1968	20-10-68 (11)	-	30-12-68 (E)	- 2 11
144.	The Limitation (Amendment) Ordinance, 1968	31-12-68 (12)	-	26-3-69 (R.A.10)	- 2 26
145.	The Public Wakfs (Extension of Limitation Amendment) Ordinance, 1968	31-12-68 (13)	-	26-3-69 (R.A.9)	- 2 26
146.	The Customs (Amendment) Ordinance, 1969	1-1-69* (1)	-	28-3-69 (R.A.12)	- 2 27
147.	The Payment of Bonus (Amendment) Ordinance, 1969	10-1-69 (2)	-	26-3-69 (R.A.8)	- 2 17
148.	The Indian Railways (Amendment) Ordinance, 1969	4-6-69 (3)	-	8-8-69 (R.A.21)	- 2 4
149.	The Central Sales Tax (Amendment) Ordinance, 1969	9-6-69 (4)	-	30-8-69 (R.A.28)	- 2 21
150.	The Press Council (Amendment) Ordinance, 1969	30-6-69 (5)	-	29-8-69 (R.A.27)	- 1 29
151.	The Gold Control (Amendment) Ordinance, 1969	3-7-69 (6)	-	29-8-69 (R.A.26)	- 1 27
152.	The Banaras Hindu University (Amendment) Ordinance, 1969	17-7-69 (7)	-	1-9-69 (E)	- 1 15
153.	The Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1969	19-7-69 (8)	-	9-8-69 (R.A.22)	- - 21

* Declared to be in force with effect from 3-1-1969.

(continued)

TABLE 13

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
154.	The Foreign Exchange Regulation (Amendment) Ordinance, 1969	13-11-69 (9)	-	26-12-69 (R.A. 40)	- 1 13
155.	The Essential Commodities (Amendment) Continuance Ordinance, 1969	30-12-69 (10)	-	31- 3-70 (R.A. 14)	- 8 2
	1970				
156.	The Haryana and Punjab Agricultural Universities Ordinance, 1970	2- 2-70 (1)	-	2- 4-70 (R.A. 16)	- 1 28
157.	The Calcutta Port (Amendment) Ordinance, 1970	2- 2-70 (2)	-	31- 3-70 (R.A. 15)	- 1 27
158.	The Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1970	14- 2-70 (3)	-	31- 8-70 (R.A. 5)	- 1 15
159.	The Delhi University (Amendment) Ordinance, 1970	20- 6-70 (4)	-	4- 9-70 (R.A. 35)	- 2 14
160.	The Foreign Exchange Regulation (Amendment) Ordinance, 1970	20- 9-70 (5)	-	18-12-70 (R.A. 43)	- 2 28
	1971				
161.	The State of Himachal Pradesh (Amendment) Ordinance, 1971	5- 1-71 (1)	-	19- 4-71 (R.A. 15)	- 3 15
162.	The West Bengal Security (Tripura Re-enacting) Amendment Ordinance, 1971	24- 1-71 (2)	-	3- 5-71 (R.A. 3*)	- 3 10
163.	The Labour Provident Fund Laws (Amendment) Ordinance, 1971	13- 3-71 (3)	-	23- 4-71 (R.A. 16)	- 1 11
164.	The West Bengal Security (Tripura Re-enacting) Second Amendment Ordinance, 1971	3- 5-71 (4)	-	4- 7-71 (R.A. 5*)	- 2 2

* Tripura Act.

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
165.	The Maintenance of Internal Security Ordinance, 1971	7-5-71 (5)	-	2-7-71 (R.A. 26)	- 1 26
166.	The General Insurance (Emergency Provisions) Ordinance, 1971	13-5-71 (6)	-	17-6-71 (R.A. 17)	- 1 5
167.	The Bengal Finance (Sales Tax) Delhi Validation of Appointments and Proceedings Ordinance, 1971	18-5-71 (7)	-	23-6-71 (R.A. 20)	- 1 6
168.	The Gold (Control) Amendment Ordinance, 1971	20-5-71 (8)	-	24-6-71 (R.A. 21)	- 1 5
169.	The Delhi Sikh Gurudwaras (Management) Ordinance, 1971	20-5-71 (9)	-	26-6-71 (R.A. 24)	- 1 7
170.	The Calcutta Tramways (Taking Over of Management) Ordinance, 1971	17-7-71 (10)	-	27-12-71 (E)	- 5 12
171.	The Forward Contracts (Regulation) Amendment Ordinance, 1971	11-10-71 (11)	-	11-12-71 (R.A. 58)	- 2 1
172.	The Coking Coal Mines (Emergency Provisions) Ordinance, 1971	16-10-71 (12)	-	23-12-71 (R.A. 64)	- 2 8
173.	The Asian Refractories Limited (Acquisition of Undertaking) Ordinance, 1971	17-10-71 (13)	-	23-12-71 (R.A. 65)	- 2 7
174.	The Jayanti Shipping Company (Acquisition of Shares) Ordinance, 1971	17-10-71 (14)	-	23-12-71 (R.A. 63)	- 2 7
175.	The Small Coins (Offences) Ordinance, 1971	22-10-71 (15)	-	11-12-71 (R.A. 52)	- 1 20

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
176.	The Stamp and Excise Duties (Amendment) Ordinance, 1971;	22-10-71* (16)	-	8-12-71 (R.A. 44)	- 1 17
177.	The Railway Passenger Fares Ordinance, 1971	22-10-71 (17)	-	9-12-71 (R.A. 46)	- 1 18
178.	The Tax on Postal Articles Ordinance, 1971	22-10-71* (18)	-	9-12-71 (R.A. 47)	- 1 18
179.	The Inland Air Travel Tax Ordinance, 1971	30-10-71 (19)	-	9-12-71 (R.A. 48)	- 1 10
180.	The Industries (Development and Regulation) Amendment Ordinance, 1971	1-11-71 (20)	-	24-12-71 (R.A. 72)	- 1 23
181.	The Delhi Road Transport Laws (Amendment) Ordinance, 1971	3-11-71 (21)	-	24-12-71 (R.A. 71)	- 1 21
182.	The Visva Bharati (Amendment) Ordinance, 1971	3-11-71 (22)	-	15-12-71 (R.A. 57)	- 1 12
183.	The Motor Vehicles (Requisitioning and Control) Ordinance, 1971 1972	9-11-71 (23)	-	27-12-71 (E)	- 1 18
184.	The Contingency Fund of India (Amendment) Ordinance, 1972	9- 2-72 (1)	-	12- 4-72 (R.A. 10)	- 2 2
185.	The Administrator-General (Amendment) Ordinance, 1972	25- 2-72 (2)	-	12- 4-72 (R.A. 8)	- 1 16
186.	The Public Wakfs (Extension of Limitation) (Delhi Amendment) Ordinance, 1972	8- 3-72 (3)	-	12- 4-72 (R.A. 9)	- 1 5

* Declared to be in force with effect from 15-11-1971.

(continued)

RE-PROMULGATION OF ORDINANCES

Table 13 (continued)	(1)	(2)	(3)	(4)	(5)	(6)
187.	The Indian Copper Corporation (Taking Over of Management) Ordinance, 1972	10-3-72 (4)	-	20-4-72 (R.A. 11)	-	1 11
188.	The Delhi University (Amendment) Ordinance, 1972	22-6-72 (5)	-	3-9-72 (R.A. 48)	-	2 11
189.	The Indian Iron and Steel Company (Taking Over of Management) Ordinance, 1972	14-7-72 (6)	-	3-9-72 (R.A. 50)	-	1 20
190.	The Income-tax (Amendment) Ordinance, 1972	15-7-72 (7)	-	26-8-72 (R.A. 41)	-	1 12
191.	The Payment of Bonus (Amendment) Ordinance, 1972	23-9-72 (8)	-	19-12-72 (R.A. 68)	-	2 26
192.	The Sick Textile Undertakings (Taking Over of Management) Ordinance, 1972	31-10-72 (9)	-	23-12-72 (R.A. 72)	-	1 23
193.	The Coal Mines (Taking Over of Management) Ordinance, 1973	30-1-73 (1)	-	31-3-73 (R.A. 15)	-	2 2
194.	The Press Council (Amendment) Ordinance, 1973	27-9-73 (2)	-	14-12-73 (R.A. 53)	-	2 17
195.	The Central Excises and Salt (Amendment) Ordinance, 1973	2-11-73 (3)	-	19-12-73 (R.A. 58)	-	1 17
196.	The Konkan Passenger Ships (Acquisition) Ordinance, 1973	7-11-73 (4)	-	22-12-73 (R.A. 62)	-	1 15
197.	The North-Eastern Areas (Reorganisation) (Amendment) Ordinance, 1974	19-1-74 (1)	-	27-3-74 (R.A. 8)	-	2 9

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
198.	The Essential Commodities (Amendment) Ordinance, 1974	22-6-74 (2)	-	29-8-74 (R.A. 30)	- 2 7
199.	The Press Council (Amendment) Ordinance, 1974	28-6-74 (3)	-	31-8-74 (R.A. 34)	- 2 3
200.	The Indian Iron and Steel Company (Taking Over of Management) Amendment Ordinance, 1974	28-6-74 (4)	-	31-8-74 (R.A. 36)	- 2 3
201.	The Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Ordinance, 1974	28-6-74* (5)	-	31-8-74 (R.A. 38)	- 2 3
202.	The Industries (Development and Regulation) Amendment Ordinance, 1974	29-6-74 (6)	-	31-8-74 (R.A. 32)	- 2 2
203.	The Companies (Temporary Restrictions on Dividends) Ordinance, 1974	6-7-74 (7)	-	31-8-74 (R.A. 35)	- 1 26
204.	The Additional Emoluments (Compulsory Deposit) Ordinance, 1974	6-7-74 (8)	-	1-9-74 (R.A. 37)	- 1 26
205.	The Companies (Temporary Restrictions on Dividends) Amendment Ordinance, 1974	15-7-74† (9)	-	31-8-74 (R.A. 35)	- 1 17
206.	The Compulsory Deposit Scheme (Income-tax Payers) Ordinance, 1974	17-7-74 (10)	-	1-9-74 (R.A. 38)	- 1 15
207.	The Maintenance of Internal Security (Amendment) Ordinance, 1974	17-9-74 (11)	-	13-12-74 (Re.A. 52)	- 2 26
208.	The Sick Textile Undertakings (Nationalisation) Ordinance, 1974	21-9-74 (12)	-	21-12-74 (R.A. 57)	- 3 -

* Declared to be in force with effect from 14-12-1973.

† Declared to be in force with effect from 6-7-1974. (continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
209.	The Representation of the People (Amendment) Ordinance, 1974	19-10-74 (13)	-	21-12-74 (R.A. 58)	- 2 3
210.	The Press Council (Second Amendment) Ordinance, 1974	27-12-74* (14)	-	29- 3-75 (R.A. 12)	- 3 3
211.	The Indian Tariff (Amendment) Ordinance, 1974	28-12-74† (15)	-	6- 3-75 (R.A. 1)	- 2 9
212.	The Trust Laws (Amendment) Ordinance, 1975	7- 1-75 (1)	-	29- 3-75 (R.A. 16)	- 2 23
213.	The North-Eastern Areas (Reorganisation) Amendment Ordinance, 1975	20- 1-75 (2)	-	19- 3-75 (R.A. 8)	- 2 -
214.	The Air Force and Army Laws (Amendment) Ordinance, 1975	25- 1-75 (3)	-	29- 3-75 (R.A. 13)	- 2 5
215.	The Maintenance of Internal Security (Amendment) Ordinance, 1975	29- 6-75 (4)	-	5- 8-75 (R.A. 39)	- 1 6
216.	The Defence of India (Amendment) Ordinance, 1975	30- 6-75 (5)	-	31- 7-75 (R.A. 32)	- 1 1
217.	The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1975	1- 7-75 (6)	-	1- 8-75 (R.A. 35)	- 1 -
218.	The Maintenance of Internal Security (Second Amendment) Ordinance, 1975	15- 7-75 (7)	-	5- 8-75 (R.A. 39)	- - 21
219.	The Income-tax (Amendment) Ordinance, 1975	9- 9-75 (8)	-	22- 1-76 (R.A. 1)	- 4 13

(continued)

† Declared to be in force with effect from 1-1-1975.

† Declared to be in force with effect from 30-12-1974.

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
220.	The Election Laws (Extension to Sikkim) Ordinance, 1975	9-9-75 (9)	-	25-1-76 (R.A. 10)	- 4 16
221.	The Indian Railways (Amendment) Ordinance, 1975	25-9-75 (10)	-	25-1-76 (R.A. 9)	- 4 -
222.	The Payment of Bonus (Amendment) Ordinance, 1975	25-9-75 (11)	-	11-2-76 (R.A. 23)	- 4 16
223.	The Equal Remuneration Ordinance, 1975	26-9-75* (12)	-	11-2-76 (R.A. 25)	- 4 15
224.	The Regional Rural Banks Ordinance, 1975	26-9-75 (13)	-	9-2-76 (R.A. 21)	- 4 13
225.	The Motor Vehicles (Amendment) Ordinance, 1975	26-9-75 (14)	-	11-2-76 (R.A. 26)	- 4 15
226.	The Voluntary Disclosure of Income and Wealth Ordinance, 1975	8-10-75 (15)	-	25-1-76 (R.A. 8)	- 3 18
227.	The Maintenance of Internal Security (Third Amendment) Ordinance, 1975	17-10-75 (16)	-	25-1-76 (R.A. 14)	- 3 9
228.	The Bonded Labour System (Abolition) Ordinance, 1975	24-10-75 (17)	-	9-2-76 (R.A. 19)	- 3 16
229.	The Unit Trust of India (Amendment) Ordinance, 1975	31-10-75 (18)	-	24-1-76 (R.A. 3)	- 2 24
230.	The Imports and Exports (Control) Amendment Ordinance, 1975	4-11-75 (19)	-	25-1-76 (R.A. 12)	- 2 21

* Declared to be in force with effect from 1-1-1976.

(continued)

RE-PROMULGATION OF ORDINANCES

Table 13 (continued)	(1)	(2)	(3)	(4)	(5)	(6)
231. The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Ordinance, 1975			5-11-75 (20)	-	25- 1-76 (R.A. 13)	- 2 20
232. The Payment of Wages (Amendment) Ordinance, 1975			12-11-75 (21)	-	11- 2-76 (R.A. 29)	- 2 29
233. The Maintenance of Internal Security (Fourth Amendment) Ordinance, 1975			16-11-75 (22)	-	25- 1-76 (R.A. 14)	- 2 9
234. The Voluntary Disclosure of Income and Wealth (Amendment) Ordinance, 1975			29-11-75 (23)	-	25- 1-76 (R.A. 8)	- 1 26
235. The Delhi Rent Control (Amendment) Ordinance, 1975			1-12-75 (24)	-	9- 2-76 (R.A. 18)	- 2 8
236. The Parliamentary Proceedings (Protection of Publication) Repeal Ordinance, 1975			8-12-75 (25)	-	11- 2-76 (R.A. 28)	- 2 4
237. The Press Council (Repeal) Ordinance, 1975			8-12-75 (26)	-	11- 2-76 (R.A. 24)	- 2 4
238. The Delhi Land Holdings (Ceiling) Amendment Ordinance, 1975			8-12-75 (27)	-	9- 2-76 (R.A. 15)	- 2 2
239. The Prevention of Publication of Objectionable Matter Ordinance, 1975			8-12-75 (28)	-	11- 2-76 (R.A. 27)	- 2 4
240. The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Second Amendment) Ordinance, 1975			12-12-75 (29)	-	9- 2-76 (R.A. 20)	- 1 28
241. The Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Ordinance, 1976			1- 3-76 (1)	-	8- 4-76 (R.A. 58)	- 1 7

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
242.	The Departmentalisation of Union Accounts (Transfer of Personnel) Ordinance, 1976	1- 3-76 (2)	-	8- 4-76 (R.A. 59)	- 1 7
243.	The Coal Mines (Nationalisation) Amendment Ordinance, 1976	29- 4-76 (3)	-	27- 5-76 (R.A. 67)	- 28
244.	The Antiquities and Art Treasures (Amendment) Ordinance, 1976	4- 6-76 (4)	-	28- 8-76 (R.A. 82)	- 2 24
245.	The Maintenance of Internal Security (Amendment) Ordinance, 1976	16- 6-76 (5)	-	25- 8-76 (R.A. 78)	- 2 9
246.	The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1976	16- 6-76 (6)	-	2- 9-76 (R.A. 90)	- 2 16
247.	The Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Ordinance, 1976	23- 6-76 (7)	-	5- 9-76 (R.A. 96)	- 2 12
248.	The Burn and Indian Standard Wagon Company (Nationalisation) Ordinance, 1976	23- 6-76 (8)	-	5- 9-76 (R.A. 97)	- 2 12
249.	The Labour Provident Fund Laws (Amendment) Ordinance, 1976	17- 7-76* (9)	-	7- 9-76 (R.A. 99)	- 1 21
250.	The Indian Iron and Steel Company (Acquisition of Shares) Ordinance, 1976	17- 7-76 (10)	-	2- 9-76 (R.A. 89)	- 1 16
251.	The Laxmirattan and Atherton West Cotton Mills (Taking Over of Management) Ordinance, 1976	19- 7-76 (11)	-	5- 9-76 (R.A. 98)	- 1 17
252.	The Metal Corporation and Miscellaneous Provisions Ordinance, 1976	2- 8-76 (12)	-	7- 9-76 (R.A. 100)	- 1 6

* Declared to be in force with effect from 1-8-1976.

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
253.	The Electricity (Supply) Amendment Ordinance, 1976	8-10-76 (13)	-	30-11-76 (R.A. 115)	- 1 23
254.	The East Punjab Urban Rent Restriction (Chandigarh Amendment) Ordinance, 1976	17-12-76 (14)	-	6-5-77 (E)	- 4 20
255.	The Caltex [Acquisition of Shares of Caltex Oil Refining (India) Limited and of the Undertakings in India of Caltex (India) Limited] Ordinance, 1976	30-12-76 (15)	-	23-4-77 (R.A. 17)	- 3 24
256.	The Food Corporation (Amendment) Ordinance, 1976	31-12-76 (16)	-	11-4-77 (R.A. 12)	- 3 11
	1977				
257.	The Representation of the People (Amendment) Ordinance, 1977	2-2-77 (1)	-	6-5-77 (E)	- 3 2
258.	The Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Ordinance, 1977	3-2-77 (2)	-	18-4-77 (R.A. 13)	- 2 13
259.	The Presidential and Vice-Presidential Elections (Amendment) Ordinance, 1977	3-2-77 (3)	-	6-5-77 (E)	- 3 1
260.	The Disputed Elections (Prime Minister and Speaker) Ordinance, 1977	3-2-77 (4)	-	18-4-77 (R.A. 16)	- 2 13
261.	The Government of Union Territories (Amendment) Ordinance, 1977	7-2-77 (5)	-	6-5-77 (E)	- 2 27
262.	The Delhi Administration (Amendment) Ordinance, 1977	7-2-77 (6)	-	6-5-77 (E)	- 2 27

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
263.	The Additional Emoluments (Compulsory Deposit) Amendment Ordinance, 1977	9-5-77 (7)	-	23-7-77 (E)	- 2 15
264.	The Yoga Undertakings (Taking Over of Management) Ordinance, 1977	24-5-77 (8)	-	5-7-77 (R.A. 21)	- 1 12
265.	The Payment of Bonus (Amendment) Ordinance, 1977	3-9-77 (9)	-	24-12-77 (R.A. 43)	- 3 21
266.	The Banking Service Commission (Repeal) Ordinance, 1977	19-9-77 (10)	-	26-12-77 (E)	- 3 7
267.	The Enemy Property (Amendment) Ordinance, 1977	23-9-77* (11)	-	15-12-77 (R.A. 40)	- 2 22
268.	The Requisition and Acquisition of Immovable Property (Amendment) Ordinance, 1977	23-9-77 (12)	-	24-12-77 (R.A. 44)	- 3 1
269.	The Smith Stanistreet and Company Limited (Acquisition and Transfer of Undertakings) Ordinance, 1977	30-9-77† (13)	-	17-12-77 (R.A. 41)	- 2 17
270.	The Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Ordinance, 1977	30-9-77 (14)	-	20-12-77 (R.A. 42)	- 2 20
271.	The Indian Iron and Steel Company (Acquisition of Shares) Amendment Ordinance, 1977	13-10-77 (15)	-	13-12-77 (R.A. 39)	- 2 1
272.	The Advocates (Amendment) Ordinance, 1977	31-10-77 (16)	-	13-12-77 (R.A. 38)	- 1 13
1978					
273.	The High Denomination Bank Notes (Demonetisation) Ordinance, 1978	16-1-78 (1)	-	30-3-78 (R.A. 11)	- 2 15

* Declared to be in force with effect from 27-9-1977.

† Declared to be in force with effect from 1-10-1977.

(continued)

RE-PROMULGATION OF ORDINANCES

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
274.	The Delhi Police Ordinance, 1978	1- 7-78 (2)	-	27- 8-78 (R.A. 34)	- 1 26
275.	The Payment of Bonus (Amendment) Ordinance, 1978	8- 9-78 (3)	-	30-12-78 (R.A. 48)	- 3 22
276.	The Additional Duties of Excise (Textiles and Textile Articles) Ordinance, 1978	3-10-78* (4)	-	6-12-78 (R.A. 40)	- 2 4
277.	The Sugar Undertakings (Taking Over of Management) Ordinance, 1978	9-11-78 (5)	-	30-12-78 (R.A. 49)	- 1 21
278.	The Industries (Development and Regulation) Amendment Ordinance, 1978	30-12-78 (6)	-	31- 3-79 (R.A. 17)	- 3 2
279.	The Punjab Excise (Delhi Amendment) Ordinance, 1979	20- 1-79 (1)	-	29- 3-79 (R.A. 12)	- 2 10
280.	The Sugar Undertakings (Taking Over of Management) Amendment Ordinance, 1979	31- 1-79 (2)	-	31- 3-79 (R.A. 18)	- 2 1
281.	The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Ordinance, 1979	31- 1-79 (3)	-	19- 3-79 (R.A. 6)	- 1 19
282.	The Reserve Bank of India (Maintenance of Services) Ordinance, 1979	4- 7-79 (4)	-	1-10-79 (E)	- 2 28
283.	The Additional Emoluments (Compulsory Deposit) Amendment Ordinance, 1979	4- 7-79 (5)	-	1-10-79 (E)	- 2 28

* Declared to be in force with effect from 4-10-1978.

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
284.	The Payment of Bonus (Amendment) Ordinance, 1979	30-8-79 (6)	-	12-2-80 (R.A. 5)	- 5 18
285.	The Representation of the People (Amendment) Ordinance, 1979	1-9-79 (7)	-	12-2-80 (R.A. 8)	- 5 11
286.	The Government of Union Territories (Amendment) Ordinance, 1979	25-9-79 (8)	-	8-2-80 (R.A. 1)	- 4 18
287.	The Companies (Amendment) Ordinance, 1979	25-9-79 (9)	-	5-8-80 (E)	- 5 10
288.	The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Ordinance, 1979	5-10-79 (10)	-	12-2-80 (R.A. 7)	- 4 8
289.	The Contingency Fund of India (Amendment) Ordinance, 1979	22-10-79 (11)	-	12-2-80 (R.A. 4)	- 3 21
290.	The Central Excises and Salt and Additional Duties of Excise (Amendment) Ordinance, 1979	24-11-79 (12)	-	12-2-80 (R.A. 6)	- 2 18
1980					
291.	The Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1980	7-3-80 (1)	-	5-4-80 (R.A. 35)	- - 29
292.	The Essential Services Maintenance (Assam) Ordinance, 1980	6-4-80 (2)	-	19-7-80 (R.A. 41)	- 3 13
293.	The Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1980	15-4-80 (3)	-	11-7-80 (R.A. 40)	- 2 26
294.	The National Company Limited (Acquisition and Transfer of Undertakings) Ordinance, 1980	27-4-80 (4)	-	19-7-80 (R.A. 42)	- 2 22

(continued)

RE-PROMULGATION OF ORDINANCES

(1)	(2)	(3)	(4)	(5)	(6)
295.	The Police (Incitement of Disaffection) Gujarat Second Amendment Ordinance, 1980	1- 5-80 (5)	-	21- 7-80 (E)	- 2 20
296.	The Essential Services Maintenance (Maharashtra) Ordinance, 1980	12- 5-80 (6)	-	21- 7-80 (E)	- 2 10
297.	The Gujarat Essential Services Maintenance (Amendment) Ordinance, 1980	12- 5-80 (7)	-	21- 7-80 (E)	- 2 10
298.	The Essential Services Maintenance (Orissa) Ordinance, 1980	24- 5-80 (8)	-	21- 7-80 (E)	- 1 28
299.	The Code of Criminal Procedure (Assam) Amendment Ordinance, 1980	5- 6-80 (9)	-	19- 7-80 (R.A. 3*)	- 1 14
300.	The Payment of Bonus (Amendment) Ordinance, 1980	21- 8-80 (10)	-	27-12-80 (R.A. 66)	- 4 7
301.	The National Security Ordinance, 1980	22- 9-80 (11)	-	27-12-80 (R.A. 65)	- 3 5
302.	The Code of Criminal Procedure (Amendment) Ordinance, 1980	23- 9-80 (12)	-	26-12-80 (R.A. 63)	- 3 3
303.	The Maruti Limited (Acquisition and Transfer of Undertakings) Ordinance, 1980	13-10-80 (13)	-	27-12-80 (R.A. 64)	- 2 15
304.	The Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1980	13-10-80 (14)	-	19-12-80 (R.A. 60)	- 2 7
305.	The Tea (Amendment) Ordinance, 1980	13-10-80 (15)	-	27-12-80 (R.A. 68)	- 2 15

* President's Act.

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
306.	The Hind Cycles Limited and Sen-Raleigh Limited (Nationalisation) Ordinance, 1980	15-10-80 (16)	-	27-12-80 (R.A. 70)	- 2 13
307.	The Forest (Conservation) Ordinance, 1980	25-10-80 (17)	-	27-12-80 (R.A. 69)	- 2 3
308.	The Bird and Company Limited (Acquisition and Transfer of Undertakings and Other Properties) Ordinance, 1980	25-10-80 (18)	-	27-12-80 (R.A. 67)	- 2 3
309.	The Auroville (Emergency Provisions) Ordinance, 1980	10-11-80 (19)	-	17-12-80 (R.A. 59)	- 1 7
<i>1981</i>					
310.	The Special Bearer Bonds (Immunities and Exemptions) Ordinance, 1981	12- 1-81 (1)	-	27- 3-81 (R.A. 7)	- 2 16
311.	The Delhi Sikh Gurudwaras (Amendment) Ordinance, 1981	21- 1-81 (2)	-	25- 3-81 (R.A. 6)	- 2 5
312.	The Life Insurance Corporation (Amendment) Ordinance, 1981	31- 1-81 (3)	-	17- 3-81 (R.A. 1)	- 1 17
313.	The Delhi University (Amendment) Ordinance, 1981	9- 6-81 (4)	-	11- 9-81 (R.A. 27)	- 3 2
314.	The British India Corporation (Acquisition of Shares) Ordinance, 1981	11- 6-81 (5)	-	11- 9-81 (R.A. 29)	- 3 -
315.	The Dalmia Dabri Cement Limited (Acquisition and Transfer of Undertakings) Ordinance, 1981	23- 6-81 (6)	-	15- 9-81 (R.A. 31)	- 2 22

(continued)

Table 13 (continued)

(1)	(2)	(3)	(4)	(5)	(6)
316.	The Compulsory Deposit Scheme (Income-tax Payers) Amendment Ordinance, 1981	11- 7-81 (7)	-	4- 9-81 (R.A. 23)	- 1 24
317.	The Income-tax (Amendment) Ordinance, 1981	11- 7-81 (8)	-	19- 9-81 (R.A. 38)	- 2 9
318.	The Customs Tariff (Amendment) Ordinance, 1981	26- 7-81 (9)	-	4- 9-81 (R.A. 24)	- 1 9
319.	The Essential Services Maintenance Ordinance, 1981	26- 7-81 (10)	-	23- 9-81 (R.A. 40)	- 1 28
320.	The State of Nagaland (Amendment) Ordinance, 1981	26- 7-81 (11)	-	18- 9-81 (R.A. 35)	- 1 23
321.	The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Ordinance, 1981	26- 7-81 (12)	-	18- 9-81 (R.A. 36)	- 1 23

Index

- Abdication of power by Bihar Legislature, 34-35, 80
- Colourable legislation (see also Fraud on the Constitution)
- by Governor of Bihar, 78, 81
 - by President, 78
 - fraud on Constitution, 78
 - meaning of, 77
 - Privy Council on, 73-76
 - Supreme Court on, 77-78
- Constitution of India
- amendments
 - 27th, 42
 - 38th, 42
 - 44th, 42
 - Articles
 - 74—21
 - 123—20, 42, 43, 60, 62, 64
 - 124—73
 - 141—48
 - 163—21
 - 168—34
 - 174—3, 4, 29, 50, 51, 80
 - Patna High Court on, 29-30
 - 212—34
 - 213—1, 2, 3, 4, 10, 13, 15, 16, 17, 19,
 - 20, 22, 27, 30, 34, 38, 42, 47
 - 50, 51, 52, 64, 78, 80, 81
 - Patna High Court on, 27-30
 - Supreme Court on, 81-82
 - 239B—42
- 245—34
- 356—11
- 357—10
- 395—73
- Date of promulgation and date of signing of Ordinances—see under Ordinances
- Disallowance of Ordinances—see under Ordinances
- Doctrine of
- colourable legislation—see under Colourable legislation
 - pith and substance, 75, 77
 - separation of powers—see under Separation of powers
- Draft Constitution of India
- Articles
 - 69—60, 62
 - 102—7, 60, 61, 62, 64
 - 153—4
 - 187—4, 5, 6, 7, 8
- Duration of all Central Ordinances—see under Ordinances
- Duration of Ordinances—see under Ordinances
- Duration of Ordinances during middle ages—see under Ordinances
- Duration of sessions of Bihar Legislature
- from 1950-1981—11

- Evasion of Statutes
 construction to prevent, 66-68
 decisions against, by
 English Courts, 69-73
 Privy Council, 73-77
 meaning of, 68
 Supreme Court on, 77-78
- Expiry of Ordinances—see under Ordinances
- Federal Court
 transfer of jurisdiction of, 73
- Force or effect of Ordinances—see under Ordinances
- Fraud on the Constitution (see also Colourable legislation)
 by Governor of Bihar, 28, 30
 by Bihar Legislature, 35-36
 by President, 78
 Supreme Court on, 30-31, 81
- Government of India Act
 mistake in citation of, 53
- Interpretation of Constitution
 Preamble, relevancy of, 40
- Interpretation of Statutes
 decisions against evasion, 69-77
 intention of legislature, relevancy of,
 American courts on, 39
 English courts on, 38-39, 66
 Supreme Court of India on, 39
 legislative history, relevancy of,
 English courts on, 64-65
 Supreme Court of India on, 65
 Supreme Court of United States of
 America on, 65
 rule against evasion, 66-68
- Interval between two sessions of State Legislature
 under Government of India Act, 1935—50-51
 under Constitution, 3, 4, 50-51
 Parliament, 60
- Invalidity of Ordinances—see under Ordinances
- Judicial review of Ordinance-making power—see under Ordinance-making power
- Laying of Governor's Ordinances before Legislature—see under Ordinances
- Legal maxims
animus imponentis, 38
contra legem facit, quid id facit quod lex prohibet, in fraudem uero, qui saluis uerbis legis sententiam eius circumuenit, 68
expressio unius est exclusio alterius, 64
pacta privata jure publico derogare non possunt, 68
pro bono publico, 66
pro privato commodo, 66
quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud, 68
qui haeret in litera, haeret in cortice, 38
- Legality of Governor's Ordinances—see under Ordinances
- Legislature
 its control over Ordinances, 32
 Patna High Court on, 29
 its lack of power to extend lives of Ordinances
 Dacca High Court on, 25
 its responsibility to make laws, 34
 legality of approval or disapproval of an executive act, by, 33
- Meaning of an Ordinance—see under Ordinances
- Non-extensibility of lives of Ordinances—see under Ordinances
- Ordinances
 date of promulgation and date of signing of, distinguished, 27-28
 disallowance of, promulgated by Governor:
 under Government of India Act, 1935—50
 Governor-General of India:
 under Indian Councils Act, 1861—52
 under Government of India Act, —54
 duration of, all Central, 62, 63
 duration of, during middle ages, 47-48

- duration of, promulgated by
 Governor:
 discussion in Constituent Assembly, on, 4-5
 Kunzru, Pandit Hriday Nath, amendment moved by, 4-5
 in case of disapproval by Legislature
 under Government of India Act, 1935—50
 under Constitution, 3, 22
 in case of disapproval by Houses of Legislature on different dates
 under Government of India Act, 1935—50
 under Constitution, 3
 in case of prorogation of Legislature, 32
 in case of re-assembly of Legislature after promulgation
 under Government of India Act, 1935—50
 under Constitution, 3, 22, 30
 in case of re-assembly of Houses of Legislature on different dates
 under Constitution, 3, 4
 under Government of India Act, 1935—22, 50, 51
 under Constitution, 3, 7, 22, 51
 Governor of Bihar:
 from 1946-1949—51
 from 1950-1981—12
 Governor-General of India:
 under Indian Councils Act, 1861—52
 under Government of India Act—54
 under Government of India Act, 1935—56
 under Government of India Act, 1935, as Adapted by India (Provisional Constitution) Order, 1947—56-57
 from 1861 to 1950—57, 63
 during first world war, 57-58
 during second world war, 58-59
 President:
 discussion in Constituent Assembly, on, 60-62
 Ambedkar, Dr. B. R., reply to the debate, 62
 Baig, Mahboob Ali, views of, 62
 Kamath, H. V., amendment moved by, 60-61
 Kunzru, Pandit Hriday Nath, amendment moved by, 61
 Shah, Professor K. T., amendment moved by, 61-62
 from 1950 to 1981—63
 in case of disapproval by Parliament, 46, 60
 in case of disapproval by Houses of Parliament on different dates, 46, 60
 in case of re-assembly of Parliament after promulgation, 7, 46, 60, 62, 63
 in case of re-assembly of Houses of Parliament on different dates after promulgation, 60
 Supreme Court on, 44, 46
 expiry of, promulgated by
 Governor:
 under Government of India Act, 1935—22, 50
 Dacca High Court on, 22-23
 under Constitution, 3, 30
 President, 60
 force or effect of, promulgated by
 Governor:
 under Government of India Act, 1935—50
 under Constitution, 2, 30, 31
 Governor-General of India:
 under Indian Councils Act, 1861—52
 under Government of India Act—54
 under Government of India Act, 1935—56
 under Government of India Act, 1935, as Adapted by India (Provisional Constitution) Order, 1947—56
 President, 61
 invalidity of, promulgated by
 Governor:
 under Government of India Act, 1935—50
 under Constitution, 3

- laying of, promulgated by Governor,
before legislature
under Government of India Act,
1935—50
under Constitution, 2-3, 22
- legality of, promulgated by Governor
if approved by Legislature, 33-34
if not approved by Legislature,
33-34
- meaning of, 47
- non-extensibility of lives of, promul-
gated by
Governor:
under Government of India Act,
1935
Dacca High Court on, 22, 25
under Constitution, 4, 63, 64
Governor-General of India:
from 1861 to 1950—57, 63-64
President, 63-64
Ambedkar, Dr. B. R., on, 64
- promulgation of
during middle ages, 47
in Bihar State
during 1971-1981—9, 10
non-existence of circumstances
required for, 44-46
on advice of Chief Minister alone,
legality of, 20-21
on different dates, 10
Supreme Court on, 81-82
in British colonies, 48
prior approval of Governor-Gene-
ral, necessity of, 50
prior approval of President, neces-
sity of, 2
Supreme Court on
advice of Council of Ministers,
for, 20
purpose of, 46
- re-promulgation of, in Bihar
beginning of, 12, 51-52
courts and, 30, 31, 32, 33, 38
electorate and, 30, 37
examples of, 10-14
fraud on Constitution, 30, 47
judicial review of, 44
legality of, 17, 40
legality of, without advice of
Council of Ministers, 18-19
legislature and, 30, 31
modus operandi of, 15-17
- Patna High Court on, 27-30
Supreme Court on, 81-82
with prior approval of President,
13-14
- supersession of, promulgated by
Governor-General of India:
under Indian Councils Act, 1861
—52
under Government of India Act,
54
- withdrawal of, promulgated by
Governor:
under Government of India Act,
1935—50
under Constitution, 3
- Ordinance-making power of
Governor:
discussion in Constituent Assembly,
on, 4-7
adoption of Article 187 of Draft
Constitution providing for, 7
Kunzru, Pandit Hriday Nath,
amendment moved by, 4-5
Saksena, Professor Shibban Lal,
amendment moved by, 6-7
fear of abuse and actual abuse of, 9
genesis of, 8
inadequacy of safeguard, in, 80
Patna High Court on, 29-30
Supreme Court on, 81-82
under Government of India Act,
1935—22, 49
under Constitution, 2, 34, 50
- Governor-General of India:
under Indian Councils Act, 1861—
52
under Government of India Act—
53-54
under Government of India Act,
1935—55-56
under Government of India Act,
1935, as Adapted by India (Pro-
visional Constitution) Order,
1947—56-57
- President:
discussion in Constituent Assembly,
on, 60-62
Adoption of Article 102 of
Draft Constitution providing
for, 62
Ambedkar, Dr. B. R., reply to
the debate, 62

- Baig, Mahboob Ali, views of, 62**
Kamath, H. V., amendment moved by, 60-61
Kunzru, Pandit Hriday Nath, amendment moved by, 61
Shah, Professor K. T., amendment moved by, 61-62
 judicial review of
 effect of 38th and 44th amendments of Constitution, on, 42, 43
 necessity of final and conclusive verdict, on, 48
 Supreme Court on, 41-43
 Supreme Court on, 34, 46
- Privy Council**
 abolition of jurisdiction of, 73
Promulgation of Ordinances—see under Ordinances
- Re-promulgation of Ordinances in Bihar—see under Ordinances**
- Separation of powers**
 Supreme Court of India on, 35-36
 Supreme Court of United States of America on, 36-37
 under Constitution, 34-35
 vis-a-vis role of courts, 38
Summoning of sessions of State Legislature
 under Government of India Act, 1935—50, 51
 under Constitution, 3, 4, 50
 Parliament, 60
Supersession of Ordinances—see under Ordinances
- Use of Ordinance-making power in Bihar**
 from 1946 to 1949—51
 from 1950 to 1966—52
 from 1967 to 1981—12
- Withdrawal of Ordinances—see under Ordinances**