

Set No 4



ORDERS
ISSUED UNDER
THE CONSTITUTION OF INDIA

PART I

GOVERNMENT OF INDIA
Ministry of Law and Justice

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(C.Os. 8-9.)

THE PREVENTIVE DETENTION (EXTENSION OF DURATION) ORDER, 1950**C. O. 8**

In exercise of the powers conferred by sub-clauses (a) and (b) of clause (7) of article 22 of the Constitution of India read with article 373 thereof and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely:—

1. (1) This Order may be called the Preventive Detention (Extension of Duration) Order, 1950¹.

(2) It shall come into force at once.

2. Where in any class of cases or under any circumstances specified in any law providing for preventive detention in force at the commencement of the Constitution of India (hereinafter referred to as the Constitution) any person was, immediately before such commencement, or is at any time thereafter, in detention in pursuance of an order made under such law, such person may be detained for a period longer than three months under such law without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4) of article 22 of the Constitution.

3. The maximum period for which any such person, as is referred to in paragraph 2, may be detained, shall, in the case of a person in detention immediately before the commencement of the Constitution, be three months from such commencement, and in the case of a person detained in pursuance of an order made after such commencement, be three months from the date of such order.

THE SCHEDULED AREAS (PART A STATES) ORDER, 1950**C. O. 9**

In exercise of the powers conferred by sub-paragraph (1) of paragraph 6 of the Fifth Schedule to the Constitution of India, the President is pleased to make the following Order, namely:—

1. (1) This Order may be called the Scheduled Areas (Part A States) Order, 1950².

(2) It shall come into force at once.

2. The Areas specified below are hereby declared to be the Scheduled Areas within the States specified in Part A of the First Schedule to the Constitution:—

Bihar

- (1) Ranchi district.
- (2) Singhbhum district, excluding Dhalbhum sub-division.
- (3) Santal Parganas district, excluding Godda and Deoghar sub-divisions.
- (4) Latchar sub-division of Palamau district.

¹Published with the Ministry of Law Notification No. C.O. 8, dated the 26th January, 1950, Gazette of India, Extraordinary, 1950, page 448. This was repealed by the Preventive Detention Act, 1950 (IV of 1950).

²Published with the Ministry of Law Notification No. C.O. 9, dated the 26th January, 1950, Gazette of India, Extraordinary, 1950, page 670. Rescinded by C.O. 109, 1972, in so far as it relates to the area now comprised in the States of Bihar, Gujarat, Madhya Pradesh and Orissa (w.e.f. 31-12-1977).

(C.O. 9.)

Bombay

- (1) Navapur Petha, Akrani Mahal, and the villages belonging to the Parvi of Kathi, the Parvi of Nal, the Parvi of Singpur, the Walvi of Gaohali, the Wassawa of Chikhli, and the Parvi of Navalpur, in West Khandesh district.
- (2) The Satpura Hills reserved forest areas in East Khandesh district.
- (3) Surgana Mahal, Kalvan Taluka and Peint Petha, in Nasik district.
- (4) Jawhar, Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas, in Thana district.
- (5) Dangs district.
- (6) Dharampur, Vijara, Bansda and Songadh Talukas and the villages in the Vankal Tappa and Nanchal areas of the Mangrol Taluka, in Surat district.
- (7) Sagbara and Valia Mahals, and Dediapada, Nandol and Jhaghadia Talukas, in Broach district.
- (8) Chhota Udepur Taluka and the villages of Gad-Boriad Estate of Naswai Taluka, in Baroda district.
- (9) Limkheda, Deogadh-Baria and Sant Talukas, and the villages in the old Sanejeli State included in Jhalod Taluka, in Panch Mahals district.
- (10) Khedbrahma, Bhiloda and Meghraj Talukas, and Vijayanagar Mahal, in Sabarkantha district.

Madhya Pradesh

- (1) Melghat taluq of Amravati district.
- (2) Bathar tahsil of Balaghat district.
- (3) Antagarh-Narainpur and Dantewara tahsils, and Kutru and Bhopalpatnam Zamindaris, of Bastar district.
- (4) Bhainsdehi tahsil of Betul district.
- (5) Kenda, Matin, Lapha, Uprora, Chhuri and Korba Zamindaris of Bilaspur district.
- (6) Ahiri Zamindari in the Sironcha tahsil and the Dhanora, Dudmala, Gewardna, Jharapapa, Khutgaon, Kotgal, Muramgaon, Palasgarh, Rangi, Sirsundi, Sonsari, Chandala, Gilgaon, Pai-Muranda and Potegon Zamindaris in the Gadhchiroli tahsil of Chanda district.
- (7) Harrai, Gorakghat, Gorpani, Batagarh, Bardagarh, Partagarh (Pagara), Almond and Sonpur Jagirs and portion of Pachmarhi Jagir, in Chhindwara district.
- (8) Ambagarh-Chauki, Aundhi, Koracha and Panabaras Zamindaris of Durg district.
- (9) Bazag, Saranapur and Karanjia Revenue Inspectors' Circles of Mandla district.
- (10) Khudia Zamindari in Jashpur Tahsil of Raigarh district.
- (11) Balrampur Revenue Inspectors' Circle in Pal Tahsil and Samri and Changbhakar Tahsils of Surguja district.

Madras

- (1) Laccadive Islands (including Minicoy) Amindivi Islands.
- (2) ¹[East Godavari,] West Godavari and ²[Visakhapatnam Agencies].

¹Certain areas from East Godavari District ceased to be the scheduled areas, vide C.O. 50, *infra*.

²Certain areas from the Visakhapatnam Agency ceased to be scheduled areas, vide C.O. 30 and C.O. 50, *infra*.

(C.Os. 9-10.—*The First Schedule.*)*Orissa*

- (1) Koraput, Mayurbhanj and Sundargarh districts.
- (2) Ganjan Agency, including Khondmals, but excluding the Chokpad Khandam and the Pandakhoh Muttha of Suruda Muliahs.

Punjab

- (1) Spiti and Lahaul in Kangra district.

3. Any reference in the preceding paragraph to a territorial division by whatever name indicated shall be construed as a reference to the territorial division of that name as existing at the commencement of this Order.

THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR)
ORDER, 1950

C.O. 10

In exercise of the powers conferred by clause (1) of the article 370 of the Constitution of India, the President, in consultation with the Government of the State of Jammu and Kashmir, is pleased to make the following Order, namely:—

1. (1) This Order may be called the Constitution (Application to Jammu and Kashmir) Order, 1950.

(2) It shall come into force at once.

2. For the purposes of sub-clause (b) (i) of clause (1) of article 370 of the Constitution, the matters specified in the First Schedule to this Order, being matters in the Union List, are hereby declared to correspond to matters specified in the Instrument of Accession governing the accession of the State of Jammu and Kashmir to the Dominion of India as the matter with regard to which the Dominion Legislature may make laws for the State; and accordingly, the power of Parliament to make laws for that State shall be limited to the matters specified in the said First Schedule.

3. In addition to the provisions of article 1 and article 370 of the Constitution, the only other provisions of the Constitution which shall apply in relation to the State of Jammu and Kashmir shall be those specified in the Second Schedule to this Order, and shall so apply subject to the exceptions and modifications specified in the said Schedule ²[and to the modification that all references in the said provisions to the Rajpramukh shall be construed as references to the Sadar-i-Riyasat of Jammu and Kashmir].

THE FIRST SCHEDULE

(See paragraph 2)

[Note.—The number of each entry in this Schedule is the number of the corresponding entry in the Union List.]

1. Defence of India and every part thereof including preparation for defence.
2. Naval, military and air forces; and other armed forces of the Union.

¹Published with the Ministry of Law Notification No. C.O. 10, dated the 26th January, 1950, Gazette of India, Extraordinary, 1950, Part II, Section 3(i), page 673, superseded by C.O. 48, *infra*.

²Added by C.O. 43, *infra*.