

The Punjab Merged States (Laws) Act, 1950

PUNJAB

India

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Act 5 of 1950

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The Punjab Merged States (Laws) Act, 1950 Punjab Act No. 5 of 1950 Statement of Objects and Reasons. - The Ordinance No. XXVI of 1949 was promulgated on the 31st December, 1949, to provide for the extension of certain laws to the merged States of Loharu, Dujana and Pataudi. Such an ordinance promulgated under section 88 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, ceases to operate at the expiration of six weeks from the first meeting of the Legislative Assembly of Punjab under Explanation IV to Article 372 of the Constitution. The present Bill is accordingly introduced to continue in force the provisions of the Ordinance. fPublished vide Punjab Government Gazette Extraordinary, 1950. Received the assent of His Excellency the Governor on the 12th April, 1950, and was first published in the Punjab Government Gazette Extraordinary, dated the 15th April, 1950. An Act to extend certain laws to the merged States of Loharu, Dujana and Pataudi. Whereas by an order under Section 290-A of the Government of India Act, 1935, provision has been made for the administration of the States of Loharu, Dujana and Pataudi as if they formed part of the State of Punjab : And whereas it is expedient to provide that certain laws should be extended to, and by virtue of such extension, be in force in, the said States; it is hereby enacted as follows :-

1. Short title and commencement.

(1) This Act may be called the Punjab Merged States (Laws) Act, 1950. (2) It shall come into force at once.

2. Definition.

- In this Act the expression "merged State" means the States of Loharu, Dujana or Pataudi.

3. Extension of laws.

- All the Acts specified in Schedule I and so much of any of the Acts specified in Schedule II as extends to the State of Punjab and relates to matters with respect to which the State Legislative has power to make laws for a State are hereby extended to, and shall be in force in the merged States :[Validation of certain actions under Punjab Act V of 1939.] [Added by Punjab Act, No. IX of 1952, Section 2.] - Provided that the provisions of the Punjab Agricultural Produce Markets Act, 1939, shall be deemed to be extended to and in force in the merged State of Loharu as from the first day of April, 1948 and all notifications issued, orders made and action taken in relation thereto shall be deemed to be issued made or taken as if the Act was then in force.

4. Interpretation of law as extended.

- In any Act specified in the Schedules notwithstanding anything contained in the General Clauses Act, 1897, and the Punjab General Clauses Act, 1898, -(a)any reference, by whatever form of words, to the Acceding States shall be construed as not including a reference to any of the merged States : (b)any reference, by whatever form of words, to the State of Punjab shall be construed as including a reference to the merged States which are now administered together with that State.

5. Repeal of corresponding law.

- If immediately before the commencement of this Act, there is in force in any of the merged States an Act, Ordinance, Regulation or other law corresponding to an Act specified in the Schedules whether such Act, Ordinance or Regulation or other law is in force by virtue of an Order under the Extra-Provincial Jurisdiction Act, 1947, or by virtue of any other legislative power, such corresponding law shall, upon the commencement of this Act, stand repealed to the extent to which the law relates to matters with respect to which the State Legislature of the State has power to make laws for a State.

6. Savings.

(1)The repeal by section 5 of this Act of any corresponding law in force in the merged State immediately before the commencement of this Act shall not affect -(a)the previous operation of any such law, or (b)the penalty, forfeiture of punishment incurred in respect of any offence committed against any such law, or (c)any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment, and any such investigation legal proceeding of remedy may be instituted, continued, or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed. (2)Subject to the provisions of sub-section (1), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, bye-law or scheme framed, certificate, patent, permit or licence granted or registration effected, under such corresponding law shall be deemed to have been done or taken under the corresponding provisions of the Act, as now extended to, and in force in, the merged State and shall continue in force accordingly unless and until superseded by anything

done or any action taken under the said Act.

7. Powers of Courts and other authorities for purposes of facilitating application of laws.

- For the purposes of facilitating the application in any of the merged States of any Act specified in the Schedules any Court or other authority may construe any such Act with such alterations, not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or other authority.

8. Repeal of Ordinance No. XXVI of 1949.

- The East Punjab Merged States (Laws) Ordinance No. XXVI of 1949, is hereby repealed, but notwithstanding such repeal any orders made, anything done or any action taken in exercise of any powers conferred by or under the said Ordinance shall be deemed to have been made, done or taken in exercise of the powers conferred by or under this Act. Schedule not printed.