

The East Punjab Local Authorities (Restriction of Functions) Act, 1947

PUNJAB

India

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Act 9 of 1947

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The East Punjab Local Authorities (Restriction of Functions) Act, 1947 Punjab Act No. 9 of 1947 Received the assent of His Excellency the Governor of East Punjab on the 4th December, 1947, and was first published in the East Punjab Government Gazette (Extraordinary), dated the 8th December, 1947. It is hereby enacted as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the East Punjab Local Authorities (Restriction of Functions) Act, 1947. (2) It extends to the whole of [Punjab.] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950.] (3) It shall come into force at once.

2. Interpretation.

- In this Act unless there is anything repugnant in the subject or content -(a) "Notified Area" means an area notified by the [State] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950.] Government as an area in which there is an influx of refugees or in which such influx is anticipated; and (b) "Refugee" means a person domiciled or ordinarily resident in the territories now comprised in the dominion of Pakistan and who has left or been made to leave his place of business in the said territories on account of civil disturbances or the fear of such disturbances and who is for the time being resident in the [Punjab.] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950.]

3. Power to notify certain areas.

- The State Government may by notification in the Official Gazette declare that the whole or any such part of the State as may be specified in the notification is a notified area and may in the like manner add to, amend, vary or rescind such notification.

4. Assumption of functions.

- The State Government, if satisfied that a local authority (not being a Cantonment Board) having jurisdiction in any notified area is incapable of performing or does not adequately perform, any or all of its functions, may suspend such branches or departments of the local authority as are entrusted with these functions, and shall appoint any person or persons either by name or designation to discharge such function or functions.

5. Expenses to be paid by the local authority.

- The State Government may, as often as may be necessary, direct that the expenses of discharging such functions shall, within such time as may be fixed, be paid by the local authority and should the expenses be not so paid, the State Government may make an order directing the person having the custody of the balance of the funds of the local authority to pay the expenses, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

6. Power to direct local authorities to appoint refugees in vacancies in their services.

- The State Government may, subject to such [conditions] [For conditions, see East Punjab Government Gazette (Extraordinary), dated 12th January, 1948, page 128, Notification No. 1235-B and C-47/408, dated 4th January, 1948.] as may be prescribed, direct any local authority in a notified area to appoint refugees to vacancies in posts of officers or servants, other than menials and those paid out of contingencies that have occurred or may occur within the next two years.

7. Indemnity.

- No suit, prosecution or other legal proceedings shall lie against the State Government or against any person in respect of anything which is in good faith done or intended to be done under the provisions of this Act.

8. Act to override certain other enactments.

- The provisions of this Act shall have effect notwithstanding anything to the contrary contained in the Punjab District Boards Act, 1883 (XX of 1883), the Punjab Municipal Act, 1911 (III of 1911), the Small Towns Act, 1922 (II of 1922) or any other enactment in force in Punjab.

9. Repeal of Ordinance I of 1947.

- The East Punjab Local Authorities (Restriction of Functions) Ordinance, 1947, is hereby repealed.