

# The East Punjab Special Tribunal (Continuance) Act, 1948

PUNJAB

India

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### Act 29 of 1948

- Published on 4 November 1948
- Commenced on 4 November 1948
- [This is the version of this document from 4 November 1948.]
- [Note: The original publication document is not available and this content could not be verified.]

The East Punjab Special Tribunal (Continuance) Act, 1948East Punjab Act No. 29 of 1948Statement of Objects and Reasons. - "The Punjab Special Tribunals (Continuance) Act, 1947, was promulgated under section93 of the Government of India Act, 1935, when the Governor of Punjab had assumed all powers vested by or under the said Act in Provincial Legislature. It will remain in force upto the 15th August, 1949 under Article 6 of the India (Provisional Constitution) Order, 1947. It is likely that it would not be possible for the East Punjab Special Tribunal, Simla, to finish by the 13th August, 1949, some of the Burma Fraud Cases entrusted to it which necessitates the continuance of the Act beyond the 13th August, 1949, also".Published vide Punjab Government Gazette Extraordinary, dated the 21st September, 1948.Received the assent of His Excellency the Governor on the 4th November, 1948, and first published in the East Punjab Government Gazette (Extraordinary) of November 9, 1948.An Act to provide for the continuance of the East Punjab Special TribunalIt is hereby enacted as follows :-

### 1. Short title, extent and commencement.

(1)This Act may be called the East Punjab Special Tribunal (Continuance) Act, 1948.(2)It extends to the whole of [Punjab] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order 1950.](3)[ \* \* \* \* .] [Sub-section (3) which read as under - 'It shall remain in force only up to 13th August, 1950' was repealed by Punjab Act 20 of 1950.]

### 2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a)"the Principal Ordinance" means the Criminal Law Amendment Ordinance, 1943;(b)"the Ordinance" means the Punjab Special Tribunals (Continuance) Ordinance, 1946;(c)"the Tribunal" means the Special Tribunal now known as the East Punjab Special Tribunal, Simla, constituted by the Indian

Independence (Special Tribunal) Order, 1947.

### **3. Continuance of the Tribunal.**

(1)The Tribunal shall have jurisdiction to try all cases allotted to them under the principal Ordinance and not disposed of before the commencement of this Act as the Tribunal had been duly constituted by or under an Act of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Legislature.(2)All provisions of the principal Ordinance except sub-section (2) of section 1 and sub-section (1) of section 5 shall continue in force and apply in relation to the Tribunal and the cases aforesaid, subject to the modification that the powers of the Central Government under clause (b) of section 3, sub-section (3) of section 4, and section 11, shall as from the commencement of this Act be powers of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws, Order, 1950.] Government.(3)All notifications issued and all rules made by the Central Government under section 3, sub-section (3) of sections 4 and 11, respectively of the principal Ordinance shall, so far as they apply to the Tribunal, continue in force until superseded or modified by the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws, Order, 1950.] Government under this Act.(4)For the avoidance of doubt it is hereby declared that all proceedings held before and all orders issued by the Tribunal under the principal Ordinance or under Punjab Act III of 1947 before the commencement of this Act shall continue to have effect and it shall not be necessary for the Tribunal to recommence any of the said proceedings or re-issue any of the said orders.

### **4. Repeal of Punjab Act III of 1947.**

- The Punjab Special Tribunals (Continuance) Act, 1947, is hereby repealed.