

The Punjab Local Authorities Laws (Exercise of Power) Act, 1953

PUNJAB

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Act 34 of 1954

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The Punjab Local Authorities Laws (Exercise of Power) Act, 1953 Punjab Act No. 34 of 1954 Statement of Objects and Reasons. - The Punjab Local Authorities Laws (Exercise of Powers) Ordinance, 1953, was promulgated to amend the enactments pertaining to Local Government in order to distribute the functions of the Commissioner thereunder between the State Government and the Deputy Commissioner, consequent upon the decision of the State Government to abolish one post of a Commissioner and to relieve the other of the work connected with local bodies. The Punjab Local Authorities Laws (Exercise of Powers) Bill, 1953, is intended to replace the said Ordinance by an Act of the Legislature. Published vide Punjab Government Gazette Extraordinary, 1953. Received the assent of the Governor on the 28th October, 1953, and was first published for general information in the Punjab Government Gazette (Extraordinary), dated 2nd November, 1953. An Act to provide for the performance of the functions of a Commissioner under certain laws. It is hereby enacted as follows :

1. Short title, extent and commencement.

(1) This Act may be cited as the Punjab Local Authorities Laws (Exercise of Powers) Act, 1953. (2) It shall extend to the whole of the State of Punjab. (3) It shall come into force at once.

2. Performance of the functions of the Commissioner by other authority.

- All the powers, functions, or duties of the Commissioner under the provisions referred to in Schedule I and Schedule II of this Act, shall be exercised, performed or discharged, as the case may be, by the State Government and the Deputy Commissioner, respectively; and the enactments referred to therein shall be deemed to have been amended accordingly.

3. Amendment of certain Acts.

- In relation to the enactments referred to in column I of the Schedule III of this Act, the provisions referred to in column 2 thereof shall be deemed to have been amended to the extent and in the manner indicated in column 3 thereof.

4. Delegation.

- The State Government shall be competent to delegate any power, duty or function devolving upon itself as a result of this Act, to any officer or other authority, to the extent as it may specify by a notification in this behalf.

4A. [[Added vide Punjab Act 18 of 1954.]

The State Government, may by general or special order, notified in the official Gazette, authorise any Officer or authority, to exercise, perform, or discharge all or any of the powers, functions or duties of the Deputy Commissioner, under the provisions of this Act or enactments referred to in Schedule I and Schedule II of this Act (other than the Punjab District Boards Act, 1883), in such area and subject to such extent or restrictions as it may specify in such order.]

5. Removal of difficulties.

- If any difficulty arises in giving effect to the provisions of any of the enactments specified in the Schedules of this Act or any rule made there under, the State Government shall be competent to issue necessary instructions by means of a general or special order for the purposes of removing the same.

6. Saving of pending proceedings.

- The provisions of this Act shall not affect the validity of any action taken or anything done by the Commissioner under any of the provisions of the enactments specified in the Schedules of this Act before the commencement of this Act and anything done or any action taken shall be deemed to have been done or taken under the provision of this Act as if this Act was in force at the time when such thing was done or such action taken.

7. Repeal of Punjab Ordinance No. II of 1953.

- The Punjab Local Authorities Laws (Exercise of Powers) Ordinance, 1953, is hereby repealed but notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done or action was taken.

I

(Vide section 2 of the Act)Sections of the Punjab District Boards Act, 1883Sub-section (2) of section 27, sub-section (2) of section 36, sub-sections (5) and (6) of section 39, and sub-section (3) of section 54.Sections of the Punjab Municipal Act, 1911Sub-section (3) of section 38, sub-section (2) of section 50, sub-section (2) of section 52, sections 84, 154-C and 187, section 235 and sub-section (3) of section 239.Sections of the Punjab Small Towns Act, 1921Section 4, sub-section (1) of section 9, sub-section (2) of section 17, sections 33, 34, 36 and 37, sub-section (3) of section 38-C, and sub-section (2) of section 48-A.

II

(Vide section 2 of the Act)Sections of the Punjab District Boards Act, 1883Section 13, sub-sections (1) and (2) of section 47, section 48 and sub-section (1) of section 62.Sections of the Punjab Municipal Act, 1911Sub-section (8) of section 3, section 24, sub-section (2) of section 32, sections 42 and 48, sub-section (2) of section 54, section 55, sub-sections (6) and (7) of section 62, section 83, sub-section (3) of section 121, section 192, Explanation under sub-section (1-A) of section 193, sub-section (5) of section 229, and sub-sections (1) and (2) of section 234.Sections of the Punjab Small Towns Act, 1921Sub-section (2) of section 6-A, clause (m) of section 35, sub-section (2) of section 41, and section 42.The Punjab Municipal (Executive Officer) Act, 1931,Entry 12 in Schedule II.

III

(Vide section 3 of the Act)

Title of the Act	Section	How amended
The Punjab District Boards Act 1883 (Act XX of 1883)	20-A	For the words "section 5 of the Punjab Village PanchayatAct, 1921" the words "the Punjab Gram Panchayat Act,1952" shall be substituted.
	37(2)(c)	The words "the Commissioner and subject to the controlof" shall be omitted.
	38	The words "the Commissioner or Commissioners of theDivision or Divisions or when the districts are in differentdivisions and the Commissioner cannot agree" shall beomitted.
	39(5)	For the words "Commissioner of the Division" thewords "State Government" and for the word "he"wherever it occurs
	39(7)	Shall be omitted
	41(2)	For the words "and Commissioner" the words "andthe State Government" shall be substituted and the words "orwhen the Deputy Commissioner is a member of the District Boardthe Commissioner" shall be omitted.

- 44(1) The words "Commissioner of the Division or the"
- 44(2) Shall be omitted.
- 45 The words "Commissioner of the Division or the"
- 48 The words "with the powers of a Deputy Commissioner" shall be omitted.
- For the words "when the Commissioner makes any order under section 45 or section 47 he shall forthwith forward to the State Government and when the Deputy Commissioner makes any order under section 45 or section 19-B or an officer empowered under section 48, makes any order under section 19-B or section 47, he shall forthwith forward to the State Government or when an officer empowered under section 48 makes any order under section 19-B, 44 or 47, he shall forthwith forward to the Deputy Commissioner" shall be substituted.
- 49
- 50(1) The words "Commissioners and" shall be omitted.
- The words "Commissioners of the Division and the" shall be omitted,
- 50(3) and for the word "their" the word "his" and for the word "them" the word "him" shall be respectively substituted.
- 54(1)(b) Shall be omitted.
- For the word "divisions" the word "districts" shall be substituted and
- 54(1)(c) the words "and the Commissioners of those Divisions cannot agree" shall be omitted.
- 55(1)(d) The words "Commissioners and" shall be omitted.
- For the words "Commissioners appointed to hold an inquiry into an election by the provisions of Part II of the Indian Election Offences and Inquiries Act, 1920" the words "an election Tribunal appointed to hold an inquiry into an election under the provisions of the Representation of the People Act, 1951" shall be substituted.
- 55-A
- 64(1) The words "Commissioners and" and the words "and Commissioners shall have and exercise over Deputy Commissioners" shall be omitted.
- The Punjab Municipal Act, 1911 (Punjab Act III of 1911)
- 3(4b) Shall be omitted.
- 16(2) After the words "State Government" the words "or the Deputy Commissioner" shall be inserted.
- 20(1) The words "in the case of a first class committee or by the Commissioner in the case of a second class committee" shall be omitted.

- Proviso to section 20(1) The words "or the Commissioner" and the words "or the Commissioner as the case may be" where-ever they occur and the words "or he" shall be omitted.
- 32(3) The words "within the Division of the Commissioner" shall be omitted.
- 33(1) The words "in the case of committees of the first class and the Commissioner in the case of those of the second class" shall be omitted.
- 38(1) The words "in the case of Municipality of the first class and of the Commissioner in the case of a Municipality of the second class" shall be omitted.
- 50(1) The words "or if the Deputy Commissioner is a member of the Municipal Committee by the Commissioner" and the words "or Commissioner, as the case may be" shall be omitted.
- 50(2) The words "from the order of the Deputy Commissioner, or if the order has been passed by the Commissioner, to the State Government" shall be omitted.
- 154-c(3) For the words "Commissioner of the Division" the words "State Government" shall be substituted.
- 154-c(4) The words "or the Commissioner" and the words "or the Commissioner as the Case may be" and last proviso shall be omitted; and for the word "him" the word "it" shall be substituted.
- 193 The words "the Commissioner or" wherever occurring except in the Explanation under sub-section (1-a) shall be omitted.
- 225(1) The words "to the Commissioner in the case of committee of a first class Municipality or" and the words "in the case of a Committee of a second class Municipality" and the proviso shall be omitted.
- 231(1) The words "Commissioner or the" and the words "within their respective charges" shall be omitted and for the words "the Commissioner in the case of Municipalities of the first class or the Deputy Commissioner in the case of municipalities of the second class" the word "him" shall be substituted.
- 231(2) The words "Commissioner or the" shall be omitted.
- 232 The words "Commissioner or" shall be omitted.
- 234(1) The words "of the first class" shall be omitted.
- 234(3) Shall be omitted.
- 235 The words "and when the Commissioner makes any order under section 232 or section 234, he shall forthwith forward to the State Government" and the words "the Commissioner or" and the words "as the case may be" shall be omitted.
- 236(1) The words "and the Commissioners" shall be omitted.

- 236(2) The words "Commissioner or" shall be omitted.
The words "Commissioner of the Division, and the" shall be omitted,
- 236(3) and for the word "their" the word "his" and for the word "them" the word "him" shall be respectively substituted.
- 237 The words "and the Commissioner shall exercise over the Deputy Commissioner" shall be omitted.
- 239(I)(b) Shall be omitted.
For the "Divisions" the word "Districts" shall be substituted and the
- 239(I)(c) words "and the Commissioners of those divisions cannot agree" shall be omitted.
- 240(2)(w) The words "Commissioner and" shall be omitted.
The words "in the case of a Municipality of the first class or of the
- 240(1)(iii) Commissioner in the case of a Municipality of the second class" shall be omitted.
The words "in case of an election held in a Municipality of the first class and the Commissioner in any other case" and in the proviso the words "Commissioner or the" shall be omitted.
- 255
- 256 The words "or by the Commissioner" shall be omitted.
- The Punjab
Small Towns Act,
1921 (Punjab Act
No. II of 1922)
- 4(3) In sub-section (3) for the words "the appointment" the words "the nomination of advisers" shall be substituted.
- 4(4) The words "appointment and" shall be omitted.
- 4(6) Shall be omitted.
- 4-A The words "or appointed" shall be omitted.
- Proviso (i)
to section 4-A The words "or appointment as the case may be" shall be omitted.
- Proviso (ii)
to section 4-A The words "or in the case of such invalid appointment, the Commissioner shall appoint another person in the manner prescribed in sub-section (2) of section 4 and in such case the proviso to sub-section (2) of section 4 shall not apply" shall be omitted.
- Proviso (iii)
to Section 4-A The words "or appointment" wherever occurring shall be omitted
- 6(1) For sub-section (1) the following shall be substituted namely:-
"(1) The terms of office of ex-officio advisers shall, unless the State Government otherwise directs, be coterminus with the term of office by virtue of which they are appointed."
- 6(2) The words "all other" shall be omitted.

- 6(3) The words "appointment or" shall be omitted.
- Proviso to
section (6)(3) The words "or appointment" shall be omitted.
- 8 The words "by appointment or" and the words "appointed or" wherever occurring shall be omitted.
- 9(1) The proviso shall be omitted.
- 9(3) The words "nominated or" shall be omitted.
- 34 The words "of the Division" shall be omitted.
- 36(1) For the word "through" the word "to" shall be substituted and the words "to the Commissioner" shall be omitted.
- 38-C(3) The words "of the Division" shall be omitted.
- 38-C(4) The words "or the Commissioner" shall be omitted.
- Proviso to
section 38-C(4) The words "by the Commissioner" and "to him" and the words "or the Commissioner"
- 47 The words "Commissioner or" shall be omitted.
- 51(1)(a) The words "appointment or" shall be omitted.
- 52 For the words "Commissioners appointed to hold an enquiry into an election by the provisions of Part II of the Indian Election Offences and Inquiries Act, 1920" the words "an Election Tribunal appointed to hold an inquiry into an election under the provisions of Representation of the People Act, 1951" shall be substituted.

The Punjab
Municipal
(Executive
Officer) Act, 1931
(Punjab Act No.
II of 1931).

10

The words "the Commissioner" shall be omitted.