



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

Act 34 of 1953

Keyword(s):
Delegation of Power

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**THE PUNJAB LOCAL AUTHORITIES LAWS
(EXERCISE OF POWERS) ACT, 1953**

PUNJAB ACT NO. XXXIV OF 1953

*[Received the assent of the Governor of Punjab on the
28th October, 1953 and was first published in the
Punjab Government Gazette (Extraordinary),
dated the 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. (1) This Act may be cited as the Punjab Local Authorities Laws (Exercise of Powers) Act, 1953. Short title, extent and commencement.
- (2) It shall extend to the whole of the State of Haryana.
- (3) It shall come into force at once in the principal territories and on the 27th January, 1959, in the transferred territories.
2. 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. Performance of the functions of the Commissioner by other authority.
3. In relation to the enactments referred to in column I of 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. Amendment of certain Acts.
4. 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. Delegation.
- 4A. 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

1. For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, dated 26th August, 1953, page 1496.

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.

Removal of
difficulties.

5. 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 thereunder, 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.

Saving of
pending
proceedings.

6. 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 provisions of this Act as if this Act was in force at the time when such thing was done or such action taken.

Repeal of
Punjab
Ordinance No.
II of 1953.

7. 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.

SCHEDULE I

(Vide section 2 of the Act)

Sections of the Punjab District Boards Act, 1883.

Sub-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, 1911.

Sub-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, 1921.

Section 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.

SCHEDULE II

(Vide section 2 of the Act)

Sections of the Punjab District Boards Act, 1883.

Section 13, sub-sections (1) and (2) of section 47, section 48 and sub-section (1) of section 62.

Sections of the Punjab Municipal Act, 1911.

Sub-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, 1921.

Sub-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

SCHEDULE 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 Panchayat Act, 1921," the words "the Punjab Gram Panchayat Act, 1952" shall be substituted.
	37(2) (c)	The words "the Commissioner and subject to the control of" shall be omitted.
	38	The words "the Commissioner or Commissioners of the division or divisions or when the districts are in different divisions and the Commissioners cannot agree" shall be omitted.
	39 (5)	For the words "Commissioner of the Division" the words "State Government" and for the word "he" wherever it occurs, after the words "concurs in the objection" the word "it" shall be substituted.
	39 (7)	Shall be omitted.
	41 (2)	For the words "and Commissioner" the words "and the State Government" shall be substituted and the words "or when the Deputy Commissioner is a member of the District Board the Commissioner" shall be omitted.
	44 (1)	The words "Commissioner of the Division or the" the words "division or" and the word "respectively" shall be omitted.
The Punjab District Boards Act, 1883 (Act XX of 1883)— <i>contd.</i>	44(2)	Shall be omitted.
	45	The words "Commissioner of the Division or the" the words "division or" and the word "respectively" shall be omitted.

Title of the Act	Section	How amended
The Punjab District Board Act, 1883 (Act XX of 1883)— <i>contd.</i>	48	The words "with the powers of a Deputy Commissioner" shall be omitted.
	49	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 Commissioner", the words "when the Deputy Commissioner makes any order under sections 19-B, 44, 45 or 47 he shall forthwith forward to the State Government or when an officer empowered under section 48 makes any order under sections 19-B, 44 or 47 he shall forthwith forward to the Deputy Commissioner" shall be substituted.
	50 (1)	The words "Commissioners and" shall be omitted.
	50 (3)	The words "Commissioner of the Division and the" shall be omitted, 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.
	54 (1) (c)	For the word "divisions" the word "districts" shall be substituted and the words "and the Commissioners of those Divisions cannot agree" shall be omitted.
	55 (1) (p)	The words "Commissioners and" shall be omitted.
	55-A	For the words "Commissioner appointed to hold an inquiry into an election by the provisions of Part II of the Indian Election Offences Inquiries Act, 1920" the words "an Election

Title of the Act	Section	How amended
The Punjab District Boards Act, 1883 (Act XX of 1883)— <i>contd.</i>	55-A	Tribunal appointed to hold an inquiry into an election under the provisions of the Representation of the People Act, 1951, shall be substituted.
The Punjab Municipal Act, 1911 (Punjab Act III of 1911)	64 (1)	The words "Commissioner and" and the words "and Commissioners shall have and exercise over Deputy Commissioners" shall be omitted.
	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" wherever 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 a 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.

Title of the Act	Section	How amended
The Punjab Municipal Act, 1911 (Punjab Act III of 1911)- <i>contd.</i>	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 a 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.

Title of the Act	Section	How amended
The Punjab Municipal Act, 1911 (Punjab Act III of 1911)— <i>contd.</i>	236 (1)	The words "and the Commissioners" shall be omitted.
	236 (2)	The words "Commissioner or" shall be omitted.
	236 (3)	The words "Commissioner of the Division, and the" shall be omitted 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 (1) (b)	Shall be omitted.
	239 (1) (c)	For the word "Division" the word "Districts" shall be substituted and for the words "and the Commissioners of those Divisions cannot agree" shall be omitted.
	240(1) (w)	The words "Commissioner and" shall be omitted.
	240 (2) (iii)	The words "in the case of a Municipality of the first class or of the Commissioner in the case of a Municipality of the second class" shall be omitted.
	255	The words "in the 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.
	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.

Title of the Act	Section	How amended
The Punjab small Towns Act, 1921 (Punjab Act No. II of 1922)— <i>contd.</i>	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 term of office of ex-officio advisers shall, unless the State Government otherwise directs, be coterminous with the terms 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.	

Title of the Act	Section	How amended
The Punjab small Towns Act, 1921 (Punjab Act No. II of 1922)— <i>contd.</i>	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 as the case may be" shall be omitted and in the last proviso for the words "Commissioner to do so" the words Deputy Commissioner to decide the appeal, if pending before him" shall be substituted.
	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 provisos 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 Peoples 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.

P.M. ISMAIL,
Secretary to Government, Punjab,
Legislative Department.