



The Punjab Laws (Extension) Act, 1957

Act 38 of 1957

Keyword(s):

Pepsu High Court, Punjab High Court, Transferred Territories

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PUNJAB ACT NO. 38 OF 1957

[Received the assent of the Governor of Punjab on the 11th November, 1957 and was first published for general information in the Punjab Government Gazette (Extraordinary) dated the 14th November, 1957].

An Act to provide for the extension of the Punjab Courts Act, 1918, the High Courts (Punjab) Order, 1947, the Rules and Orders of the Punjab High Court and other Laws and Regulations relating to the practice and procedure of Punjab High Court and Courts under its superintendence to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union.

BE it enacted by the Legislature of the State of Punjab in the Eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Courts Laws (Extension) Act, 1957.

Short title and commencement.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires—

Definitions.

(a) 'appointed date' means the 1st November, 1956;

(b) 'Pepsu High Court' means the High Court exercising immediately before the appointed date jurisdiction in relation to the State of Patiala and

1. For statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1957, page 1675.

East Punjab States Union as it existed before that date;

(c) 'Punjab High Court' means the High Court exercising immediately before the appointed date jurisdiction in relation to the State of Punjab as it existed before that date;

(d) 'transferred territories' means the territories which immediately before the appointed date were comprised in the State of Patiala and East Punjab States Union.

Interpretation.

3. The Punjab General Clauses Act, 1898, shall apply for the interpretation of this Act as it applies for the interpretation of a Punjab Act.

Extension of certain laws to transferred territories.

4. The Punjab Courts Act, 1918 (Punjab Act No. VI of 1918), the High Courts (Punjab) Order, 1947, Rules and Orders of the Punjab High Court and all Laws and Regulations pertaining to practice and procedure of the said High Court and Courts under its superintendence as in force immediately before the appointed date in territories under the jurisdiction of the Punjab High Court are hereby extended to and shall be in force in the transferred territories :

Provided that all second appeals arising out of suits which were instituted in the courts of the transferred territories before the appointed date shall continue to be governed by the provisions of section 49 of the Patiala and East Punjab States Union Judicature Ordinance, 2005 (Pepsu Ordinance No. X of 2005 Bk.):

Provided further that nothing contained herein shall in any manner affect the operation of the provisions of section 100, sub-sections (2) and (3) of section 105, section

07, section 109 and section 110 of the Patiala and East Punjab States Union Judicature Ordinance, 2005 (Pepsu Ordinance No. X of 2005 Bk.).

5. Notwithstanding anything to the contrary contained in any law for the time being in force the High Court for the State of Punjab shall in relation to Sub-Judges-cum-Magistrates posted from time to time at any place in the transferred territories have the same powers and exercise the same control as the Pepsu High Court had and exercised in respect of them immediately before the appointed date.

Punjab High Court to exercise same control over-Sub-Judges-cum-Magistrates as was exercised by Pepsu High Court.

6. In the Act, Order, Rule and Order or Law and Regulation referred to in section 4 any reference—

Construction of certain references.

(1) to a law which is not in force in the transferred territories shall in relation to such territories be construed as a reference to the corresponding law, if any, in force in such territories, and

(2) to State of Punjab, by whatever form of words shall be construed as including a reference to the transferred territories.

7. If immediately before the commencement of this Act there is in force in the transferred territories any law corresponding to the Act or Order or any Rule and Order or any Law and Regulation now extended to those territories that law, shall save as otherwise expressly provided in this Act, stand repealed :

Repeals and savings.

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liabi-

lity acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or 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:

Provided further that anything done or any action taken under any law so repealed shall be deemed to have been done or taken under the corresponding provision of the Act or Order or any Rule and Order or any Law and Regulation extended by section 4 to the transferred territories and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the Act, Order, Rule and Order or Law and Regulation so extended.

Powers of Court and other authorities for purposes of facilitating application of the Act and Rule, Order etc.

8. For purposes of facilitating the application in the transferred territories of the Act, Order, Rule and Order or Law and Regulation any Court or authority may construe the same with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or authority.

9. If any difficulty arises in giving effect in the transferred territories to the provisions of the Act, Order, Rule and Order or Law and Regulation extended by section 4, the State Government, may in consultation with the High Court, by order notified in the Official Gazette, make such provisions or give such directions as appear to it to be necessary or expedient for the removal of the difficulty.

Power to remove difficulties.