

Transitory provisions, repeals and amendment

425. Constructions of references in other enactment. –

In any enactment other than the Punjab Municipal Act, 1911 in force on the date immediately preceding the appointed day in the City or in any rule, order or notification made or issued thereunder and in force on such date in the said City unless a different intention appears

(a) references to municipalities and municipal committees constituted under the Punjab Municipal Act, 1911 shall be construed as references to the City or to the Corporation of the said City, as the case may be and such enactment rule, order or notification shall apply to the said City or Corporation:

(b) references to the President or the Vice-President of the municipal committee constituted under the Punjab Municipal Act, 1911, shall be construed in respect of the City as reference to the Commissioner appointed under this Act:

(c) references to the members of a municipal committee constituted under the Punjab Municipal Act, 1911, shall in respect of the City be construed as references to the members of the Corporation constituted under this Act for the City: and

(d) references to any chapter or section of the Punjab Municipal Act, 1911, shall as far as possible be construed in respect of the City as references to this Act or its corresponding chapter or section.

426. Sums due.

All sums due to the municipal committee or local authority for the area which has been constituted a City or which has been included in a city, whether on account of any tax or any other account, shall be recoverable by the Commissioner of the Corporation and for the purpose of such recovery he shall be competent to take any measure or institute any proceeding which it would have been open to the said municipal committee or local authority to take or institute, if this act had not come into operation and the said area had not been constituted to be a City or included in a City, as the case may be.

427. Assets, liabilities, debts, obligations, 'contracts and pending proceedings. –

(1) All assets and properties vesting in, all debts, liabilities and obligations incurred by, and all contracts made by or on behalf of, the municipal committee or local authority for the area which has been constituted to be a City or which has been included in a City and subsisting on the day on which it is so constituted or included shall, in so far as they relate to the area so constituted or included, be deemed to have been vested in, to have been incurred and made by, the Corporation and shall continue in operation accordingly.

(2) All proceedings pending before any authority of the said municipal committee or local authority on the said day which under the provisions of this Act are required to be instituted before or undertaken by the Commissioner shall be transferred to and continued by him and all other such proceedings shall, in so far as may be, be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of this Act.

(3) All appeals pending before any authority of the said municipal committee or local authority on the said day shall, so far as may be practicable, be disposed of as if the area was constituted to be a City or included in a City when they were filed.

(4) All prosecutions instituted by or on behalf of the said municipal committee or local authority and all suits and other legal proceedings instituted by or against the said municipal committee, local authority or any officer of the said municipal committee or local authority pending on the said day shall, in so far as these relate to the area constituted to be a City or included in a City, be constituted by or against the Commissioner or the Corporation for the said City, as the case may be, as if the area was constituted to be a City or included in a City when such prosecution, suit or proceeding was instituted.

428. Continuation of appointments, taxes, budget estimates, assessments, etc. - Save as expressly provided otherwise in this Act,-

(a) any appointment, delegation, notification, notice, tax, order, direction, scheme, licence, permission, registration, rule, bye-law, regulation, form made, issued imposed or granted under the Punjab Municipal Act, 1911, or any other law in force in any local area constituted to be a City or included in a City, immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, continue in force until it is superseded by any appointment, delegation, notification, notice, tax, order, direction, scheme, licence, permission, registration, rule, bye-law or form made, issued, imposed or granted under this Act or any other law as aforesaid, as the case may be;

(b) all proceedings for acquisition of land whether in pursuance of any scheme of improvement or otherwise initiated under the Punjab Municipal Act, 1911 or any other enactment applicable to the area included in the City 'may be continued as if these had been initiated under this Act;

(c) all budget estimates, assessments, valuations, measurements and divisions made under the Punjab Municipal Act, 1911, or any other law in force in any area constituted to be a City or included in a City immediately before the appointed day shall, in so far as they are consistent with the provisions of this Act, be deemed to have been made under this Act;

(d) every officer and other employee serving immediately before the appointed day under the municipal committee for the area which has been constituted to be a City, other than those referred to in subsection (1) of section 71, shall be transferred to and become an officer or other employee of the Corporation with such designation as the Commissioner may determine and hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same If the Corporation had not been established and shall continue to do so unless and until his employment in the Corporation is duly terminated or until the remuneration, terms or conditions of service are duly revised by the Corporation: Provided that the conditions of service applicable to them immediately before the appointed day shall not be varied to their disadvantage except with the previous approval of the Government.

429. Provision for municipal committee or local authority which is superseded or dissolved. –

Any reference in the foregoing sections to a municipal committee or a local authority shall, in case such municipal committee or a local authority has been superseded or placed under the charge of an administrator under any enactment made for that purpose be deemed to be a reference to the person or persons appointed to exercise the powers or to perform the functions of such municipal committee or local authority under any law relating to such municipal committee or local authority.

430. Power to remove difficulties. –

If any difficulty arises in giving effect to the provisions of this Act or by reason of anything contained in this Act to any other enactment for the time being in force, the Government may, as occasion requires by order direct that this Act shall during such period as may be specified in the order but not extending beyond the expiry of two years from the appointed day have effect subject to such adaptations whether by way of modification, addition or omissions as it may deem to be necessary and expedient.

431. Repeal. –

The Punjab Municipal Act, 1911, the Punjab Municipal (Executive Officers) Act, 1931, the Punjab Gram Panchayat Act, 1952 and the Punjab Panchayat Samitis and Zila Parishads Act, 1961, shall stand repealed in the area constituted to be a City or included in a City with effect from the day on which it is so constituted or included. **Transitory provisions, repeals and amendment**

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(d) references to any chapter or section of the Punjab Municipal Act, 1911, shall as far as possible be construed in respect of the City as references to this Act or its corresponding chapter or section.

426. Sums due. All sums due to the municipal committee or local authority for the area which has been constituted a City or which has been included in a city, whether on

account of any tax or any other account, shall be recoverable by the Commissioner of the Corporation and for the purpose of such recovery he shall be competent to take any measure or institute any proceeding which it would have been open to the said municipal committee or local authority 'to take or institute, if this act had not come into operation and the said area had not been constituted to be a City or included in a City, as the case may be.

427. Assets, liabilities, debts, obligations, 'contracts and pending proceedings. - (1)

All assets and properties vesting in, all debts, liabilities and obligations incurred by, and all contracts made by or on behalf of, the municipal committee or local authority for the area which has been constituted to be a City or which has been included in a City and subsisting on the day on which it is so constituted or included shall, in so far as they relate to the area so constituted or included, be deemed to have been vested in, to have been incurred and made by, the Corporation and shall continue in operation accordingly.

(2) All proceedings pending before any authority of the said municipal committee or local authority on the said day which under the provisions of this Act are required to be instituted before or undertaken by the Commissioner shall be transferred to and continued by him and all other such proceedings shall, in so far as may be, be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of this Act.

(3) All appeals pending before any authority of the said municipal committee or local authority on the said day shall, so far as may be practicable, be disposed of as if the area was constituted to be a City or included in a City when they were filed.

(4) All prosecutions instituted by or on behalf of the said municipal committee or local authority and all suits and other legal proceedings instituted by or against the said municipal committee, local authority or any officer of the said municipal committee or local authority pending on the said day shall, in so far as these relate to the area constituted to be a City or included in a City, be constituted by or against the Commissioner or the Corporation for the said City, as the case may be, as if the area was constituted to be a City or included in a City when such prosecution, suit or proceeding was instituted.

428. Continuation of appointments, taxes, budget estimates, assessments, etc. - Save as expressly provided otherwise in this Act,-

(a) any appointment, delegation, notification, notice, tax, order, direction, scheme, licence, permission, registration, rule, bye-law, regulation, form made, issued imposed or granted under the Punjab Municipal Act, 1911, or any other law in force in any local area constituted to be a City or included in a City, immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, continue in force until it is superseded by any appointment, delegation, notification, notice, tax, order, direction, scheme, licence, permission, registration, rule, bye-law or form made, issued, imposed or granted under this Act or any other law as aforesaid, as the case may be;

(b) all proceedings for acquisition of land whether in pursuance of any scheme of

improvement or otherwise initiated under the Punjab Municipal Act, 1911 or any other enactment applicable to the area included in the City 'may be continued as if these had been initiated under this Act;

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(d) every officer and other employee serving immediately before the appointed day under the municipal committee for the area which has been constituted to be a City, other than those referred to in subsection (1) of section 71, shall be transferred to and become an officer or other employee of the Corporation with such designation as the Commissioner may determine and hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same If the Corporation had not been established and shall continue to do so unless and until his employment in the Corporation is duly terminated or until the remuneration, terms or conditions of service are duly revised by the Corporation: Provided that the conditions of service applicable to them immediately before the appointed day shall not be varied to their disadvantage except with the previous approval of the Government.

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430. Power to remove difficulties. –

If any difficulty arises in giving effect to the provisions of this Act or by reason of anything contained in this Act to any other enactment for the time being in force, the Government may, as occasion requires by order direct that this Act shall during such period as may be specified in the order but not extending beyond the expiry of two years from the appointed day have effect subject to such adaptations whether by way of modification, addition or omissions as it may deem to be necessary and expedient.

431. Repeal. –

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