

Punjab Re-Organisation Act, 1966

31 of 1966

[18 September 1966]

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Punjab Re-Organisation Act, 1966

31 of 1966

[18 September 1966]

An Act to provide for the reorganisation of the existing State of Punjab and for matters connected therewith. BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows :--

PART 1 PRELIMINARY

1. Short Title :-

This Act may be called the Punjab Reorganisation Act, 1966.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (a) "Administrator" means the administrator of a Union territory appointed by the President under article 239 of the Constitution;
- (b) "appointed day" means the 1st day of November, 1966;
- (c) "article" means an article of the Constitution;
- (d) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950 (43 of 1950);
- (e) "Delimitation Commission" means the Delimitation Commission constituted under section 3 of the Delimitation Commission Act, 1962 (1 of 1962);
- (f) "existing State of Punjab" means the State of Punjab as existing immediately before the appointed day;
- (g) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, of the force of law in the whole or in any part of the existing state of Punjab;
- (h) "notified order" means an order published in the Official Gazette;
- (i) "population ratio", in relation to the States of Haryana and Punjab and the union, means the ratio of 37.38 to 54.84 to 7.78;
- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "sitting member", in relation to either House of Parliament or of the Legislature of the existing State of Punjab, means a person 1. The Act as printed here is as passed by the Parliament in 1966, and for Statement of objects and Reasons See Govt. of India Gazette 3.9.1966 Part-II see 2 Extra, P. 804 and for its Hindi text see RHP Extra., dated 22-7-89 P 1772. who immediately before the appointed day is a member of that House;
- (l) "State of Punjab" means the State with the same name, comprising the territories referred to in sub-section (1) of section 6;
- (m) "successor state", in relation to the existing State of Punjab means the State of Punjab or Haryana, and includes also the Union in relation to the Union territory of Chandigarh and the transferred territory;
- (n) "transferred territory" means the territory which on the appointed day is transferred from the existing State of Punjab to the Union territory of Himachal Pradesh;
- (o) "treasury" includes a sub-treasury; and
- (p) any reference to a district, tehsil or other territorial division of the existing State of Punjab shall be construed as a reference to

the area comprised within that territorial division on the 1st day of July, 1966.

PART 2

REORGANISATION OF THE STATE OF PUNJAB

3. Formation Of Haryana State :-

(1) On and from the appointed day, there shall be formed a new State to be known as the State of Haryana comprising the following territories of the existing State of Punjab, namely :--

- (a) Hissar, Rohtak, Gurgaon, Karnal and Mahendragarh districts;
- (b) Narwana and Jind tehsils of Sangrur district;
- (c) Ambala, Jagadhari and Naraingarh tehsils of Ambala district;
- (d) Pinjore kanungo circle of Kharar tehsil of Ambala district; and
- (e) the territories in Manimajra kanungo circle of Kharar tehsil of Ambala district specified in the First Schedule, and thereupon the said territories shall cease to form part of the existing State of Punjab.

(2) The territories referred to in clause (b) of sub-section (1) shall form a separate district known as the district in the State of Haryana.

(3) The territories referred to in clauses (c), (d) and (e) of sub-section (1) shall form separate district to be known as Ambala district in the State of Haryana and in that district,--

- (i) the territories referred to in clauses (d) and (e) of sub-section (1) shall be included in, and form part of, the Naraingarh tehsil, and
- (ii) the territories referred to in clause (e) of sub-section (1) shall be included in, and form part of, Pinjore kanungo circle in the Naraingarh tehsil.

4. Formation Of Union Territory Of Chandigarh :-

On and from the appointed day, there shall be formed a new Union territory to be known as the Union territory of Chandigarh comprising such of the territories of Manimajra and Manauli kanungo circles of Kharar tehsil of Ambala district in the existing State of Punjab as are specified in the Second Schedule and thereupon the territories so specified shall cease to form part of the existing State of Punjab.

5. Transfer Of Territory From Punjab To Himachal Pradesh :-

(1) On and from the appointed day, there shall be added to the Union territory of Himachal Pradesh the territories in the existing State of Punjab comprised in-

(a) Simla, Kangra, Kulu and Lahul and Spiti districts;

(b) Nalagarh tehsil of Ambala district;

(c) Lohara, Amb and Una kanungo circles of Una tehsil of Hoshiarpur district;

(d) the territories in Santokhgarh kanungo circle of Una tehsil of Hoshiarpur district specified in Part I of the Third Schedule;

(e) the territories in Una tehsil of Hoshiarpur district specified in part II of the Third Schedule; and

(f) the territories of Dhar Kalan Kanungo circle of Pathankot tehsil of Gurdaspur district specified in Part III of the Third Schedule, and thereupon the said territories shall cease to form part of the existing State of Punjab.

(2) The territories referred to in clause (b) of sub-section (1) shall be included in, and form part of Simla district.

(3) The territories referred to in clauses (c), and (d) and (e) of sub-section (1) shall be included in and form part of Kangra district, and

(i) the territories referred to in clauses (c) and (d) shall form a separate tehsil known as Una tehsil in that district and in that tehsil the territories referred to in clause (d) shall form a separate kanungo circle known as the Santokhgarh kanungo circle; and

(ii) the territories referred to in clause (e) shall form part of the Hamirpur tehsil in the said district.

(4) The territories referred to in clause (f) of sub-section (1) shall be included in, and form part of the Bhattiyat tehsil of Chamba district in the Union territory of Himachal Pradesh and in that tehsil, the villages Dalhousie and Balun shall be included in, and form part of Banikhet kanungo circle and the village Bakloh shall form part of Chowari kanungo circle.

6. State Of Punjab And Territorial Divisions Thereof :-

(1) On and from the appointed day, the State of Punjab shall comprise the territories of the existing State of Punjab other than those specified in sub-section (1) of section 3, section 4 and sub-section (1) of section 5.

(2) The territories which immediately before the appointed day were part of Ambala district in the existing State of Punjab but are not transferred by virtue of section, 3, 4 and 5, shall together with

the territories which immediately before that day were part of the Una tehsil of Hoshiarpur district in the existing State of Punjab but are not transferred by virtue of section 5, form a separate district known as the Ropar district in the State of Punjab and in that district-

(i) the territories which immediately before the appointed day were part of Manimaja kanungo circle of Kharar tehsil of Ambala district but are not transferred by virtue of sections 3 and 4, shall form in that tehsil a separate kanungo circle called the Mullanpur kanungo circle;

(ii) the territories which immediately before the appointed day were part of Una tehsil of Hoshiarpur district but are not transferred by virtue of section 5, shall form a separate tehsil known as Anandpur Sahib tehsil, and in that tehsil the territories which immediately before the appointed day were part of Santokhgarh kanungo circle of Una tehsil of Hoshiarpur district but are not transferred by virtue of section 5, shall be included in, and form part of Nurpur Bedi, Kanungo circle.

7. Amendment Of The First Schedule To The Constitution :-

On and from the appointed day, in the First Schedule to the Constitution,-

(a) under the heading "I. THE STATES",--

(i) in the paragraph relating to the territories of the State of Punjab, the following shall be added at the end, namely:- "and the territories specified in sub-section (1) of section 3, section 4 and sub-sections(1) of Section 5 of the Punjab Reorganisation Act, 1966";

(ii) after entry 16, the following entry shall be inserted, namely:--
"17. Haryana : The territories specified in sub-section (1) of section 3 of the Punjab Reorganisation Act, 1966";

(b) under the heading "II. THE UNION TERRITORIES",--

(i) in the paragraph relating to the extent of the Union territory of Himachal Pradesh, the following shall be added at the end, namely :--

and the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966" ;

(ii) after entry 9, the following entry shall be inserted, namely :--
"10. Chandigarh.....The territories specified in section 4 of the Punjab Reorganisation Act, 1966".

8. Saving Power Of Government :-

Nothing in the foregoing provisions of this Part shall be deemed to

affect the power of the Government of Punjab or Haryana or the Administrator of the Union territory of Himachal Pradesh to alter, after the appointed day, the name, area or boundaries of any district or other territorial division in the State or Union territory, as the case may be.

PART 3

REPRESENTATION IN THE LEGISLATURES

9. Amendment Of The Fourth Schedule To The Constitution :-

On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,-

- (a) entries 5 to 21 shall be re-numbered as entries 6 to 22 respectively;
- (b) after entry 4, the following entry shall be inserted, namely :--
"5. Haryana5" ;
- (c) in entry 12 as so re-numbered, for the figures "11", the figure "7" shall be substituted ;
- (d) in entry 19 as so re-numbered, for the figure, 2 , the figure "3", shall be substituted; and
- (e) for the figures "226", the figures "228" shall be substituted.

10. Allocation Of Sitting Members :-

(1) On and from the appointed day, the eleven sitting members of the Council of States representing the existing State of Punjab shall be deemed to have been elected to fill the seats allotted to the States of Haryana and Punjab and the Union territory of Himachal Pradesh, as specified in the Fourth Schedule.

(2) the term of office of such sitting members shall remain unaltered.

11. Filling Up Of Vacancies :-

(1) As soon as may be after the appointed day, bye-elections shall be held to fill the vacancies existing on the appointed day in the seats allotted to the State of Haryana.

(2) The term of office of such one of the two members so elected, as the Chairman of the Council of States may determine by drawing lot, shall expire on the 2nd day of April, 1968, and the term of office of the other members shall expire on the 2nd day of April, 1972.

12. Provision As To Existing House :-

Nothing in Part II shall be deemed to affect the constitution or duration of the existing House of the People or the extent of the constituency of any sitting member of that House. The Legislative Assemblies

13. Provisions As To Legislative Assemblies :-

(1) The number of seats as on the appointed day in the Legislative Assemblies of the State of Haryana and Punjab and the Union territory of Himachal Pradesh shall be fifty-four, eighty-seven and fifty-six, respectively.

(2) In the Second Schedule to the Representation of the People Act, 1950 (43 of 1950) ;

(a) after entry 4, the following entry shall be inserted, namely:--
"4A. Haryana54";

(b) in entry 11, for the figures "154", the figures "87" shall be substituted; and

(c) in entry 16, for the figures, "40" the figures "54" shall be substituted.

14. Amendment Of Delimitation Orders :-

On and from the appointed day, part B of Schedule XI to the Delimitation of Parliamentary and Assembly Constituencies Order, 1961, and the Schedule to the Delimitation of Territorial Council Constituencies (Himachal Pradesh) Order, 1962, shall stand amended as directed in the Fifth Schedule to this Act.

15. Allocation Of Sitting Members :-

(1) Every sitting member of the Legislative Assembly of Punjab elected to fill a seat in that Assembly from a constituency which on the appointed day by virtue of the provisions of section 14 stands allotted, with or without alteration of boundaries, to the State of Haryana or to the Union territory of Himachal Pradesh, shall, on and from that day, cease to be a member of the Legislative Assembly of Punjab and shall be deemed to have been elected to fill a seat in the Legislative Assembly of Haryana or in the Legislative Assembly of Himachal Pradesh, as the case may be, from that constituency as so allotted.

(2) All other sitting members of the Legislative Assembly of Punjab shall continue to be members of the Legislative Assembly of that State, and any such sitting member representing a constituency the extent, or the name and extent, of which are altered by virtue

of the provisions of section 14 shall be deemed to have been elected to the Legislative Assembly of Punjab by that constituency as so altered.

(3) Notwithstanding anything contained in any other law for the time being in force, the Legislative Assemblies of Haryana, Punjab and Himachal Pradesh shall be deemed to be duly constituted on the appointed day.

16. Duration Of Legislative Assembly Of Haryana :-

The period of five years referred to in clause (1) of article 172 shall, in the case of the Legislative Assembly of Haryana, be deemed to have commenced on the date on which it actually commenced in the case of the Legislative Assembly of Punjab.

17. Duration Of Legislative Assemblies Of Punjab And Himachal Pradesh :-

The changes in the composition of the Legislative Assemblies of Punjab and Himachal Pradesh shall not affect the duration of either of those Assemblies.

18. Speakers And Deputy Speakers :-

(1) The person who immediately before the appointed day is the Speaker of the Legislative Assembly of Punjab shall continue to be the Speaker of that Assembly on and from that day.

(2) As soon as may be after the appointed day, the Legislative Assembly of Haryana shall choose a member of that Assembly to be Speaker of that Assembly.

(3) The person who immediately before the appointed day is the Deputy Speaker of the Legislative Assembly of Punjab shall be the Deputy Speaker of the Legislative Assembly of Haryana.

(4) As soon as may be after the appointed day, the Legislative Assembly of Punjab shall choose a member of that Assembly to be Deputy Speaker of that Assembly.

19. Rules Of Procedure :-

The rules of procedure and conduct of business of the Legislative Assembly of Punjab as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the Legislative Assembly of Haryana subject to such modifications and adaptations as may be made therein by the Speaker thereof. The Legislative Council

20. Legislative Council Of Punjab :-

On and from the appointed day, there shall be forty seats in the Legislative Council of Punjab, and in the Third Schedule to the Representation of the People Act, 1950 (43 of 1950), for the existing entry 7, the following entry shall be substituted, namely :-
- "7. Punjab 40 14 3 3 14 6"

21. Council Constituencies :-

On and from the appointed day, the Delimitation of Council Constituencies (Punjab) Order, 1951, shall stand amended as directed in the Sixth Schedule.

22. Provision As To Certain Sitting Members :-

(1) On the appointed day, the sitting members of the Legislative Council of Punjab specified in the Seventh Schedule shall cease to be members of that Council.

(2) On and from the appointed day, all sitting members of the Legislative Council of Punjab other than those referred to in sub-section (1), shall continue to be members of that Council.

(3) Any of the sitting members continuing as aforesaid, representing a council constituency the extent of which is altered by virtue of the provisions of section 21 shall be deemed to have been elected to the Legislative Council of Punjab by that constituency as so altered.

(4) Every sitting member of the said Council representing immediately before the appointed day any of the Council constituencies specified in

column (1) of the Table below shall be deemed to have been elected to the said Council by the Council constituency specified against that constituency in

column (2) of the said Table :--
TABLE (1) (2) Punjab West Central Graduates Punjab Central Graduates Punjab East Central Graduates Punjab South Graduates Punjab West Central Teachers Punjab Central Teachers Punjab East Central Teachers Punjab South Teachers Patiala Local Authorities Patiala-cum-Ropar Local Authorities

(5) The term of office of the members referred to in sub-section (2) shall remain unaltered.

(6) As soon as may be after the appointed day, elections shall be held to fill the vacancies existing on the appointed day in the seats allotted to the several Council constituencies by the Delimitation of Council Constituencies (Punjab) Order, 1951, as amended by this

Act, and to fill the vacancy existing on that day in the seats to be filled by persons elected by the members of the Legislative Assembly.

(7) The term of office of the three members so elected from Ferozepur Local Authorities Constituency, Jullundur Local Authorities Constituency and Ludhiana Local Authorities Constituency and of the members so elected by the members of the Legislative Assembly shall expire on the 26th day of April, 1968, and the term of office of the member so elected from Patiala-cum-Ropar Local Authorities Constituency shall expire on the 26th day of April, 1972.

(8) The person who immediately before the appointed day is the Chairman of the Legislative Council of Punjab shall continue to be the Chairman of that Council on and from that day.

(9) As soon as may be after the appointed day, the Legislative Council of Punjab shall choose one of its members to be the Deputy Chairman thereof. Delimitation of constituencies

23. Allocation Of Seats In The House Of The People :-

In the House of the People to be constituted after the commencement of this Act, there shall be allotted,-

- (a) nine seats to the State of Haryana of which two seats shall be reserved for the Scheduled Castes;
- (b) thirteen seats to the State of Punjab of which three seats shall be reserved for the Scheduled Castes;
- (c) six seats to the 1 Union territory of Himachal Pradesh¹ of which one seat shall be reserved for the Scheduled Castes; and
- (d) one seat to the Union territory of Chandigarh which shall form one parliamentary Constituency.

24. Allocation Of Seats In The Legislative Assembly :-

(1) The total number of seats in the Legislative Assembly of Haryana to be constituted at any time after the appointed day, to be filled by persons chosen by direct election from territorial constituencies, shall be eighty-one of which fifteen seats shall be reserved for the Scheduled Castes.

(2) The total number of seats in the Legislative Assembly of Punjab to be constituted at any time after the appointed day to be filled by persons chosen by direct election from territorial constituencies, shall be one hundred and four of which twenty three seats shall be reserved for the Scheduled Castes.

(3) The total number of seats in the Legislative Assembly of

Himachal Pradesh to be constituted at any time after appointed day, to be filled by persons chosen by direct election from territorial constituencies, shall be sixty of which fourteen seats shall be reserved for the Scheduled Castes and three seats shall be reserved for the Scheduled Tribes.

25. Delimitation Of Constituencies :-

(1) The Delimitation Commission shall, in the manner herein provided, distribute the seats in the House of the People allotted to Haryana, Punjab and Himachal Pradesh under section 23 and the seats assigned to the Legislative Assembly of each of them under section 24 to single-member territorial constituencies and delimit them 1. Now as State, See Act, 53 of 1970 w.e.f. 25-1-1970 on the basis of the latest census figures, having regard to the provisions of the Constitution and to the following provisions, namely:--

(a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience;

(b) every assembly constituency shall be so delimited as to fall wholly within one parliamentary constituency;

(c) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State or Union territory, as the case may be, and located, as far as practicable in those areas where the proportion of their population to the total population is comparatively large; and

(d) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in area, where the proportion of their population to the total population is the largest.

(2) For the purpose of assisting it in the performance of its functions under sub-section

(1), the Delimitation Commission shall associate with itself in respect of each State and Union territory such six persons as the Central Government may be order specify, being persons who are members either of the House of the People or of the Legislative Assembly of Haryana, Punjab or Himachal Pradesh: Provided that such persons shall be chosen, as far as practicable, from among those members who were associated before the commencement of this Act with the Delimitation Commission in delimiting constituencies of Punjab or Himachal Pradesh : Provided further that none of the associate members shall have a right to vote or to

sign any decision of the Delimitation Commission.

(3) The Delimitation Commission shall, by one or more orders, determine the delimitation of the parliamentary and assembly constituencies referred to in sub-section (1).

(4) The provisions of section 7, 10 and 11 of the Delimitation Commission Act, 1962 (61 of 1962) shall apply in relation to the delimitation of parliamentary and assembly constituencies under this Part as they apply in relation to the delimitation of parliamentary and assembly constituencies under the said Act.

(5) Upon publication in the Gazette of India of the order or orders of the Delimitation Commission made under sub-section (3), the orders previously made by it delimiting the parliamentary and assembly constituencies of Punjab and Himachal Pradesh shall stand cancelled.

26. Amendment Of Article 371 Of The Constitution :-

On and from the appointed day, in article 371 of the Constitution, in clause (1), the words "or Punjab", shall be omitted.

27. Amendment Of Scheduled Castes Orders :-

(1) On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the Eighth Schedule.

(2) On and from the appointed day, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, shall stand amended as directed in the Ninth Schedule.

28. Amendment Of Scheduled Tribes Orders :-

(1) On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Tenth Schedule.

(2) On and from the appointed day, the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, shall stand amended as directed in the Eleventh Schedule.

PART 4

HIGH COURT

29. Common High Court For Punjab, Haryana And Chandigarh :-

(1) On and from the appointed day,--

(a) there shall be a common High Court for the States of Punjab

and Haryana and for the Union territory of Chandigarh to be called the High Court of Punjab and Haryana (hereinafter referred to as the common High Court);

(b) the Judges of the High Court of Punjab holding office immediately before that date shall, unless they have elected otherwise, become on that day the Judges of the common High Court.

(2) The expenditure in respect of salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Punjab and Haryana and the Union in such proportion as the President may, by order, determine.

30. Jurisdiction Of The Common High Court :-

On and from the appointed day, the common High Court shall have, in respect of the territories comprised in the States of Punjab and Haryana and the Union territory of Chandigarh, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect of those territories by the High Court of Punjab and shall, save as otherwise provided in this Part, have no jurisdiction in respect of the transferred territory.

31. Special Provision Relating To Bar Council And Advocates :-

(1) On and from the appointed day,--

(a) in the Advocates Act, 1961 (25 of 1961), in sub-section (1) of section 3, for clause (d), the following clause shall be substituted, namely :-- "(d) for the States of Punjab and Haryana and the Union territories of Chandigarh and Himachal Pradesh, to be known as the Bar Council of Punjab and Haryana.";

(b) the Bar Council of Punjab shall be deemed to be the Bar Council of Punjab and Haryana with the Advocate-General of the State of Haryana also as an ex-officio member.

(2) Any person who immediately before the appointed day is an advocate entitled to practise in the High Court of Punjab shall be entitled to practise as an advocate in the common High Court.

(3) All persons who immediately before the appointed day are advocates on the roll of the Bar Council of Punjab shall, as from that day, become advocates on the roll of the Bar Council of Punjab and Haryana.

(4) The right of audience in the common High Court shall be regulated in accordance with the like principles as immediately

before the appointed day are in force with respect to the right of audience in the High Court of Punjab: Provided that as between the Advocate-General of Punjab and the Advocate-General of Haryana, the right of audience shall be determined with reference to their dates of enrolment as advocates.

32. Practice And Procedure In Common High Court :-

Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Punjab shall, with the necessary modifications, apply in relation to the common High Court.

33. Custody Of Seal Of Common High Court :-

The law in force immediately before the appointed day with respect to the custody of the seal of the High Court of Punjab shall, with the necessary modifications, apply with respect to the custody of the seal of this common High Court.

34. Form Of Writs And Other Processes :-

The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court of Punjab shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the common High Court.

35. Powers Of Judges :-

The law in force immediately before the appointed day with respect to the powers of the Chief Justice, single Judges and division courts of the High Court of Punjab and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the common High Court.

36. Principal Seat And Other Places Of Sitting Of The Common High Court :-

(1) The principal seat of the common High Court shall, unless otherwise determined by the president after consultation with the Chief Justice of that High Court and the Governors of Punjab and Haryana, be at the same place as the Principal seat of the High Court of Punjab immediately before the appointed day.

(2) The President may, after consultation with the Chief Justice of the common High Court and the Governors of the States of Punjab and Haryana, by notified order, provide for the establishment of a permanent bench or benches of that High Court at one or more

places within the territories to which the jurisdiction of the High Court extends, other than the principal seat of the High Court, and for any matters connected therewith.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judges and division courts of the common High Court may also sit at such other place or places in the States of Punjab and Haryana as the Chief Justice may, with the approval of the Governors of the States of Punjab and Haryana, appoint.

37. Procedure As To Appeals To Supreme Court :-

The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court of Punjab and the Judges and division courts thereof, shall, with the necessary modifications, apply in relation to the common High Court.

38. Extension Of Jurisdiction Of The Court Of Judicial Commissioner For Himachal Pradesh :-

On and from the appointed day, the jurisdiction of the Court of the Judicial Commissioner for Himachal Pradesh shall extend to the transferred territory.

39. Transfer Of Pending Proceedings :-

(1) All proceedings pending in the High Court of Punjab immediately before the appointed day shall, on that day, stand transferred to the common High Court.

(2) Such proceedings which stand transferred to the common High Court under sub-section (1) as are certified by the Chief Justice of the common High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the Court of the Judicial Commissioner for Himachal Pradesh shall, as soon as may be after such certification, be transferred to the Court of the Judicial Commissioner for Himachal Pradesh.

(3) Notwithstanding anything contained in the foregoing provisions of this Part, but save as hereinafter provided, the common High Court shall have, and the Court of the Judicial Commissioner for Himachal Pradesh shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court of Punjab before the appointed day : Provided that if, after any such proceedings have been entertained by the

common High Court, it appears to the Chief Justice of that High Court that they ought to be transferred to the Court of the Judicial Commissioner for Himachal Pradesh, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order-

(a) Made by the High Court of Punjab before the appointed day, in any proceeding transferred to the Court of the Judicial Commissioner for Himachal Pradesh by virtue of sub-section (2), or
(b) made by the common High Court in any proceeding with respect to which that High Court has jurisdiction by virtue of sub-section (3), shall for all purposes have effect not only as an order of the High Court of Punjab or, as the case may be, of the common High Court, but also as an order made by the Court of the Judicial Commissioner for Himachal Pradesh.

40. Interpretation :-

For the purposes of this Part,--

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(b) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgement or decree passed or made by that court or Judge.

41. Savings :-

Nothing in this Part shall affect the application to the common High Court of any provisions of the Constitution and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision.

PART 5

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

42. Authorisation Of Expenditure Of The State Of Haryana :-

The Governor of the existing State of Punjab may at any time, before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Haryana as he deems necessary

for any period not extending beyond the 31st day of March, 1967, pending the sanction of such expenditure by the Legislative Assembly of Haryana: Provided that the Governor of Haryana may, after the appointed day, authorise such further expenditure from the Consolidated Fund of the State as he deems necessary for the said period pending such sanction.

43. Appropriation Of Moneys For Expenditure In Transferred Territory :-

(1) On and from the appointed day, any Act passed by the Legislative Assembly of the Union territory of Himachal Pradesh before that day for the appropriation of any money out of the Consolidated Fund of that Union territory to meet any expenditure in respect of any part of the financial year, 1966-67 shall have effect also in relation to the transferred territory and it shall be lawful for the Government of Himachal Pradesh to spend any amount in the transferred territory out of the amount authorised by such Act to be expended for any service in that Union territory.

(2) The Administrator of Himachal Pradesh may, after the appointed day, authorise such expenditure from the Consolidated Fund of the Union territory as he deems necessary for any purpose or service in the transferred territory for any period not extending beyond the 31st day of March, 1967, pending the sanction of such expenditure by the Legislative Assembly of Himachal Pradesh.

44. Reports Relating To The Accounts Of The Existing State Of Punjab :-

(1) The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the existing State of Punjab in respect of any period prior to the appointed day, shall be submitted to the Governor of each of the States of Punjab and Haryana and the Administrator of Himachal Pradesh who shall cause them to be laid before the Legislature of that State or Union territory, as the case may be.

(2) The President may by order-

(a) declare any expenditure incurred out of the Consolidated Fund of Punjab on any service in respect of any period prior to the appointed day during the financial year, 1966-67 or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised, and

(b) provide for any action to be taken on any matter arising out of the said reports.

45. Allowances And Privileges Of Governor Of Haryana :-

The allowances and privileges of the Governor of Haryana shall, until provision in that behalf is made by Parliament by law under clause (3) of article 158, be such as the President may, by order determine.

46. Distribution Of Revenues :-

The Constitution (Distribution of Revenues) Order, 1965, the Union Duties of Excise (Distribution) Act, 1962 (3 of 1962), the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957), and the Estate Duty (Distribution) Act, 1962 (9 of 1962), shall on and from the appointed day, stand amended as directed in the Twelfth Schedule.

PART 6

APPORTIONMENT OF ASSETS AND LIABILITIES

47. Application Of Part :-

The provisions of this Part shall apply in relation to the apportionment of the assets and liabilities of the existing State of Punjab immediately before the appointed day.

48. Land And Goods :-

(1) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to the existing State of Punjab shall,--

(a) if within that State, pass to the successor State in whose territories they are situated, or

(b) if outside that State, pass to the State of Punjab : Provided that where the Central Government is of the opinion that any goods or class of goods should be distributed among the successor State otherwise than according to the situation of the goods, the Central Government may issue such direction as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the successor States accordingly.

(2) Stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall pass to the successor State in whose territories, such institutions, workshops, undertakings or works are located.

