

The Punjab Jagirs Act, 1941

PUNJAB

India

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Act 5 of 1941

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The Punjab Jagirs Act, 1941 Punjab Act No. 5 of 1941 Recieved the assent of His Excellency the Governor on the 27th February, 1941, and was first published in the Punjab Government Gazette (Extraordinary), dated 3rd March, 1941. An Act to provide for the assignment of Land Revenue by way of jagir grants. Whereas it is expedient to consolidate the law governing the assignment of land revenue and other grants hitherto known as jagirs, and to make more precise provisions regarding the manner in which such assignments are to be made or continued in the future, it is hereby enacted as follows:-

1. Short title

. - This Act may be called The Punjab Jagirs Act, 1941.

2. Definitions

. - In this Act, unless there be anything repugnant in the subject or context, -(a)"Government" means the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government;(b)"Jagir" includes -(i)any assignment of Land revenue made or deemed to have been made under this Act;(ii)any assignment of land revenue made by competent authority, before the passing of this Act;(iii)any grant of money made or continued by or on behalf of [the Central or State Government] [Substituted for the word 'the Crown' by the Adaptation of Laws (Third Amendment) Order, 1951.] which purports to be or is expressed to be payable out of the land revenue; and(iv)any estate in land created or affirmed by or on behalf of the [the Central or State Government] [Substituted for the word 'the Crown' by the Adaptation of Laws (Third Amendment) Order, 1951.] which carries with it the right of collecting land revenue or receiving any portion of the land revenue; and(c)"Jagirdar" means the holder of any grant falling within the definition of a Jagir.

3. Power of State Government to create new jagirs

. - Government shall have power to make in any one year new assignments of land revenue by way of Jagirs not exceeding in value five thousand rupees: Provided that if in either of the two preceding years the value of Jagirs granted has fallen short of five thousand rupees, the amount by which it has so fallen short in either or both of these years may be added to the amount of five thousand rupees which Government is empowered normally to assign in any one year.

4. Manner in which new assignments are to be expressed

. - (1) The terms of jagir created under this Act shall provide for an assignment, not exceeding a fixed annual sum, or for the grant of an annual sum of money charged on the whole or part of the land revenue arising from a specified area, and subject in either case to such deductions on account of collection, suspension or remission of land revenue as Government may direct. (2) A jagir created under this Act may be continued after the death of the original jagirdar but the terms thereof shall be so expressed as to provide that the amount assigned to the next holder shall not exceed half of the amount assigned to his predecessor, and that the Jagir shall be extinguished after the death of the second holder.

5. Assessment and collection

. - Any land revenue assigned under the powers hereinbefore conferred shall be assessed and collected in the manner provided by the law for the time being in force for the assessment and collection of land revenue as if it has not been so assigned.

6. Grants made on or since 1st April, 1937

. - Any jagir created by Government on or since the first day of April, 1937, shall be deemed to have been made under the powers hereinbefore conferred and shall be assessed and collected in the manner hereinbefore provided.

7. Rule of descent in family of jagirdar

. - (1) Where Government has heretofore declared or at any time hereafter declares that any rule of descent in respect of succession to any jagir shall prevail in the family of Jagirdar, such rule of descent shall be deemed to prevail, and to have prevailed, from the time when the declaration was made, anything in any law or contract to the contrary notwithstanding: Provided that no such declaration shall hereafter be made unless and until - (a) Government is satisfied that the rule of descent to be so declared actually prevails in the family and has been, continuously any without breach, observed in all successions (if any) to the Jagir since it was made; or (b) the jagirdar or his successor in interest for the time being has, by written instrument duly executed by him, either before or after the passing of this Act, signified, on behalf of himself and his family, acceptance of the rule of descent to be so declared, and either no succession has taken place since such acceptance,

or else in any successions which have taken place, since such acceptance the jagir has in fact not devolved otherwise than it would have devolved had the said rule of descent been in force.(2)Any declaration made under sub-section (1) may be amended, varied or rescinded by Government, but always subject to the proviso thereto.

8. Power to annex certain conditions to assignments when the rule of descent is declared

. - When Government makes any declaration under section 7 it may, by notification in the official Gazette, direct that the rule of descent thereby declared to prevail shall be subject to the following conditions or either of them, namely .-(a)that each successor to the jagir shall be approved and accepted as such by Government;(b)that any successor to the jagir shall, if Government so requires, make such provision out of the jagir as Government may consider suitable for the maintenance of the widow or widows (if any) and other members of the family (if any) of the last or any previous holders of the Jagir:Provided that -(1)Government shall not refuse to approve and accept as a successor to the jagir any person who by the rule of descent declared under section 7 to prevail is next in order of succession unless that person is in the opinion of Government unfit to succeed to the jagir; and(2)if Government should exercise its authority under clause (a) of this section and refuse to accept as the successor the person indicated by the rule of descent as next in order of succession, then the next person entitled to succeed after the person so rejected, who is approved and accepted by Government, shall succeed.

9. Power to enforce rules and conditions under sections 7 and 8

. - When Government has issued a notification under the authority of section 7 or section 8 it shall have full power and authority to do all acts and things necessary to enforce the rule of descent declared by such notification to prevail and all or any of the conditions attached thereto.

10. Authority for Government to declare former jagirs subject to the rules, conditions and powers enacted by sections 7, 8 and 9

. - Notwithstanding anything to the contrary which may appear in the conditions on which any jagir has been made, Government is hereby empowered to declare that the rules, conditions and powers enacted by sections 7, 8 and 9 may be made applicable after notification in the official Gazette to such jagir.

11. Powers of courts

. - No jagir created after this Act comes into force and no jagir in respect of which the rule of descent declared in section 7 to prevail involves the devolution of the assignment of land revenue to a single person as impartible property, shall be liable to seizure, attachment or sequestration by process of any court at the instance of a creditor for any demand against the Jagirdar or his successor for the time being in interest, or in satisfaction of any decree or order.

12. Savings

. - Nothing in this Act shall be deemed to affect the provisions of the Pensions Act, 1871, or the [Government] [Substituted by Adaptation of Laws Order, 1950, First Schedule for] Grants Act, 1895, so far as they are applicable to any jagirs in Punjab.

13. Repeals

. - Sections 8, 8-A, 8-B and 8-C of the Punjab Laws Act, 1872, together with the heading thereto, and the Punjab Frontier Jagir Revenue Collection Regulation, 1874, are hereby repealed.