

# East Punjab War Awards Act, 1948

PUNJAB

India

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### Act 22 of 1948

- Published on 10 April 1948
- Commenced on 10 April 1948
- [This is the version of this document from 10 April 1948.]
- [Note: The original publication document is not available and this content could not be verified.]

East Punjab War Awards Act, 1948 East Punjab Act No. 22 of 1948 Statement of Objects and Reasons of Punjab Act 7 of 1983. - As a reward for those parents whose wards have/had served in the Armed Forces of Union of India during the National Emergencies, declared by the President of India, under article 352 of the Constitution, a War Jagir is granted to the eligible parents under the East Punjab War Awards Act, 1948 at Rs. 150 per annum upto three children.<sup>2</sup> This Bill seeks to enhance the rate of war jagir from Rs. 150 per annum to Rs. 300 per annum with effect from 1st April, 1981 (i.e. from Rabi, 1981). The enhancement has become necessary because of overall-increase in prices. Published vide Punjab Government Gazette Extraordinary dated..... Statement of Objects and Reasons of Punjab Act 7 of 1996. - As a reward for those parents whose wards have served/are serving in the Armed Forces of Union of India during the National Emergency(s), declared by the President of India under Article 252 of Constitution, a War Jagir providing for assignment of appropriate sum is granted to the eligible parents the East Punjab War Awards Act, 1948 @ Rs. 500 per annum upto three children and Rs. 100 for every additional child.<sup>2</sup> This bill seeks to enhance the rate of War Jagir from Rs. 500 per annum to Rs. 1200 per annum upto three children and Rs. 100 per annum for every additional child as already provided in the Act *ibid*. The enhancement has become necessary because the neighbouring State of Haryana has already increased the amount of War Jagir to Rs. 1000 per annum and in view of the announcement made by the former Chief Minister on 14th May, 1992 to the effect that the rate of War Jagir will be enhanced to Rs. 1200 per annum. Published vide Punjab Government Gazette Extraordinary dated 11 March 1996. Statement of Objects and Reasons. Punjab Act 28 of 1998. - As a reward for those parents whose wards have/had served in the Armed Forces of India during the Second World War and National Emergencies, declared by the President of India under Article 352 of the Constitution, a War Jagir is granted to the eligible parents under the East Punjab War Awards Act, 1948.<sup>2</sup> This Bill seeks to substitute the long title of the Principal Act namely, "An Act to empower the Punjab Government to award Jagirs to parents, three or more of whose children were enrolled or Commissioned for service in His Majesty's Forces during the recent World War" by the short title as under :- "An Act to empower the Punjab Government to award Fauji Seva Purskar to certain persons." This change has become necessary because due to amendments made in the Principal Act from time to time the parents of 'Only son or only child', 'Only two sons' and 'Only two children', whose wards have/had

served in the Armed Forces of the Union of India during the National Emergencies, are also eligible to the grant of this Jagir.3. This Bill further seeks to substitute the words "War Jagir", "Jagir", "War jagir" and "war jagirs" wherever occurring in the Principal Act by the words "Fauji Seva Purskar". This change became necessary as it is felt that the word "War Jagir" a legacy of the British Rule, has a feudal connotation and the words "Fauji Seva Purskar" is more appropriately desirable to the nature of the award. Punjab Gazette Extraordinary Dated 30.8.83 page 1036. Received the assent of His Excellency the Governor on the 10th April, 1948, and was first published in the East Punjab Government Gazette, extraordinary, dated the 10th April, 1948. An Act to empower the [Punjab] [Substituted by the Adaptation of Laws (Third Amendment) Order, 1951.] Government of award jagirs to parents, three or more of whose children were enrolled or commissioned for service in his Majesty's Forces during the recent Second World War. It is hereby enacted as follows :-

## 1. Short title and Commencement.

(1) This Act may be called the East Punjab War Awards Act, 1948. (2) It shall come into force at once, [and in its application to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab State Union, it shall be deemed to have come into force on 28th August, 1949.] [Added at the end of sub-section (2) of section 1 by Punjab Act No. 17 of 1959.]

## 2. Definitions.

- In this Act, unless there be anything repugnant in the subject or context, -(a) "eligible person" means -(i) a citizen of India, ordinarily residing in the State of Punjab, who is the father, or where the father is dead, the mother, or -(a) only son or only child; or (b) only two sons or only two children; or (c) three or more children, who has or have served or who is or are serving in the armed forces of the Union during the emergency declared by the President of India under Article 352 of the Constitution of India on the 26th October, 1962, or on the 3rd December, 1971, but does not include a person who has for such reasons already received a land grant or other award from the Government; or". (ii) a person who is now a citizen of India and who, -(a) immediately before the fifteenth day of August, 1947, ordinarily resided in the undivided Punjab, or (b) immediately before the 20th August, 1948, ordinarily resided in the territories which on that date formed the State of Patiala and East Punjab States Union, and who is the father, or where the father is dead, the mother of three or more [children] [Substituted for the word 'persons' by Punjab Act No. 2 of 1968, section 2.] who having been at any time enrolled or commissioned in forces then referred to as His Majesty's Naval, Military or Air Forces or in the forces maintained by any of the Indian States comprised in the aforesaid territories and who were liable to serve wherever required and have actually served in any of the said forces during the Second World War, but does not include any person who has for such reason already received a land grant or other award from the Government of the undivided Punjab or the Government of the territories formed as aforesaid or of any Indian State comprised in such territories or the Punjab Government. (b) "Government" means the State Government of Punjab; (c) "War Jagir" means a Jagir granted under this Act; (d) expressions used but not defined in this Act have the same meanings as in the Punjab Jagirs Act, 1941 (Punjab Act 5 of 1941).

### **3. [ Creation of war jagir. [Section 3 substituted by Punjab Act No. 2 of 1968, section 3.]**

(1)Notwithstanding anything in any other law for the time in force, the Government shall have the power to grant to a person a War Jagir of the value of -(a)[one thousand and two hundred] rupees per annum if he is an eligible person within the meanings of sub- clauses (i), (ia) or (ib) of clause (a) of section 2;(b)one hundred rupees per annum, if he is an eligible person within the meaning of sub-clause (ii) of clause (a) of section 2 :Provided that if the eligible person within the meaning of -(i)sub-clause (i) of clause (a) of section 2 has more than three children who have served or are serving in the manner referred to in the said sub-clause, an additional amount of fifty rupees per annum may be granted for every such child exceeding three;(ii)sub-clause (ii) of clause (a) of section 2 has more than three children who were enrolled and commissioned and were liable to serve and have actually served, in the manner referred to in the said sub-clause, an additional amount of ten rupees per annum may be granted for every such child exceeding three;Provided further that for the purpose of determining the eligibility of a person to the grant of a War Jagir under sub-clause (i) of clause (a) of section 2, no child of such person who has already made him eligible to the grant of a War Jagir under sub-clause (ii) of that clause shall be taken into account.(2)A War Jagir shall provide for assignment of the appropriate sum or for the grant of such sum payable annually charged on the whole or part of the land revenue arising from a specified area and the amount of War Jagir shall, subject to such deductions on account of collection of land revenues as the Government may direct, [be payable through a bank in the manner specified in a scheme framed by the Government] [Substituted by Punjab Act 18 of 1983.] notwithstanding that the land revenue for the specified area may have been suspended or remitted.]

### **3A. [ Power to enhance the value of Fauji Seva Purskar. [Added by Punjab Act No. 25 of 1998.]**

- Subject to the provisions of this Act, if in the opinion of the State Government, it is expedient or necessary in public interest to do so, it may, by notification published in the official Gazette, enhance the value of Fauji Seva Parskar to such extent as it may deem fit.]

### **4. [ Tenure of war jagir. [Section 4 substituted by Punjab Act No. 26 of 1964, section 4.]**

- A War jagir shall, unless terminated wholly or partially for breach of any condition imposed under section 5, be tenable for the life-time of the grantee, but Government shall have power to terminate or reduce it if the grantee subsequently receives a land grant or other award on the same ground on which the war jagir was granted to him :Provided that a war jagir granted to an eligible person, being the father, shall, on the death of the father, be tenable for the life time of the mother.]

## **5. Power to attach condition of enjoyment of war jagir.**

- The Government may attach such conditions as it may deem fit to the enjoyment of any or all war jagirs, and such conditions shall be communicated to the grantee at the time when the grant is made to him.

## **6. Assessment and collection of assigned land revenue.**

- Any land-revenue assigned under the powers herein 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.

## **7. Exemption of war jagir from attachment.**

- No war jagir shall be liable to seizure, attachment or sequestration by process of any Court at the instance of a creditor for any demand against the grantee, or in satisfaction of a decree or order of any Court.

## **8. Savings.**

- Nothing in this Act shall be deemed to affect the provisions of the Pension Act, 1871 (Act 23 of 1871), or of the [Government Grants Act, 1895 (Act 15 of 1895)] [Substituted by Adaptation of Laws Order, 1950, First Schedule, for 'Crown'.], so far as they are applicable to war jagirs.

## **9. Certain question to be referred to Government for final decision.**

- If any question arises under this Act -(a)whether or not a person is an eligible person; or(b)whether or not a grantee has committed breach of any condition imposed under section 5, such question shall be referred to the Government whose decision thereon shall be final and conclusive and shall not be liable to be called in question in any Court.