

The East Punjab Refugees (Registration of Land Claims) Act, 1948

PUNJAB

India

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Act 12 of 1948

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The East Punjab Refugees (Registration of Land Claims) Act, 1948 East Punjab Act No. 12 of 1948 Statement of Objects and Reasons. - The Ordinance No. 6 of 1948 was promulgated on 3rd March, 1948, to provide for the registration of claims in respect of land abandoned by a refugee. Such an Ordinance promulgated under section 88 of the Government of India Act, 1945, ceases to operate at the expiration of six weeks from the re-assembly of Legislature under clause (a) of sub-section (2) of the said section. The present Bill is accordingly introduced to continue in force the provisions of the Ordinance." (East Punjab Government Gazette Extraordinary, dated the 4th March, 1948). Received the assent of his Excellency the Governor on the 1st April, 1948 and was first published in the East Punjab Government Gazette (Extraordinary) of April 3, 1948. It is hereby enacted as follows -

1. Short title and extent.

(1) This Act may be called the East Punjab Refugees (Registration of Land Claims) Act, 1948. (2) It extends to the whole of [Punjab] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950.].

2. Interpretation.

- In this Act unless there is anything repugnant in the subject or context, -(a) "claim" means a statement of loss or damage suffered by a refugee since the 1st day of March, 1947, in respect of his land within the territory now comprised in the Provinces of [Punjab in Pakistan] [Substituted for the words 'West Punjab' by the Adaptation of Laws (Third Amendment) Order, 1951.], North-West Frontier Province, Sind or Baluchistan, or in any State, adjacent to the aforesaid Provinces and acceding to [-] [The words 'the Dominion of' omitted by the Adaptation of Laws (Third Amendment)

Order, 1951.] Pakistan;(b)"Land" means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes -(i)the sites of buildings and other structure on such land;(ii)a share in the profit of an estate or holding;(iii)any dues or any fixed percentage of land revenue payable by an inferior landowner to a superior landowner;(iv)a right to receive rent; and(v)any right of occupancy.(c)"land-holder" means an owner of land or a tenant having a right of occupancy under the Punjab Tenancy Act, 1887 [XVI of 1987] or a tenant as defined in section 3 of the Colonization of Government Lands Act, 1912 [Punjab Act V of 1912] and such other holder or grantee of land as may be specified by the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government;(d)"refugee" means a land-holder in the territories now comprised in the Province of [Punjab in Pakistan] [Substituted for the words 'West Punjab' by the Adaptation of Laws (Third Amendment) Order, 1951.] or who or whose ancestor migrated as a colonist [from the undivided Punjab] [Substituted for the words 'form the Punjab' by the Adaptation of Laws (Third Amendment) Order, 1951.] since 1901, to the Provinces of North-West Frontier Province, Sind or Baluchistan or to any State adjacent to any of the aforesaid Provinces and acceding to[-] [The words 'the Dominion of' omitted by the Adaptation of Laws (Third Amendment) Order, 1951.] Pakistan, and who has since the 1st day of March, 1947, abandoned or been made to abandon his land in the said territories on account of civil disturbances, or the fear of such disturbances, or the partition of the country;(e)"Registering Officer" means a Land Claims Officer or Assistant Land Claims Officers appointed under this Act and includes any Revenue Officer as defined in section 6 of the Punjab Land Revenue Act [Act No. XVII of 1887] within the area of his jurisdiction; and(f)"prescribed" means prescribed by rules made under this Act.(g)["Deputy Commissioner" means a Deputy Commissioner of the District and includes an Additional Deputy Commissioner or other officer appointed by the State Government to perform in any District or Districts or parts thereof the functions of a Deputy Commissioner under this Act.] [Added by Punjab Act 14 of 1952, section 2.]

3. Power to appoint Land Claims Officers.

- For the purpose of registering claims under this Act the [State] Government may, by notification, appoint one or more Land Claims Officers and Assistant Claims Officers and may specify the local limits of their jurisdiction.

4. Registration of land claims.

(1)A refugee may submit to the Registering Officer on the prescribed form and supported by an affidavit an application for the registration of his claim in respect of his land abandoned by him, or which he has been made to abandon:Provided that a refugee who has previously submitted a claim under Ordinance VII of 1948, to any other authority competent to register such claim shall not submit another claim in respect of the same land to the Registering officer.(2)The Registering Officer shall thereupon register his claim.

5. Powers.

- The Registering Officer shall have all the powers of a Civil Court for the purpose of attesting affidavits under this Act.

6. Protection of action taken under this Act.

- No suit, prosecution or other legal proceedings shall lie against the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or the Registering Officer or any person acting under his directions in respect of anything done or purporting to have been done in pursuance of this Act.

7. Offences and Penalties.

- Any person who -(a)submits with regard to his claim under this Act any information which is false; or(b)being a public servant as defined in section 21 of the Indian Penal Code, 1860 [Act XLV of 1860], abets the commission of an offence under clause (a) above;shall be punishable with rigorous imprisonment which may extend to five years or with fine up to Rs. 5,000 or with both.

8. Additional penalties.

(1)Any person who in the opinion of a Deputy Commissioner has submitted with regard to his claim any information which is false shall in addition to any other punishment to which he may be liable, be by order in writing of the Deputy Commissioner, disqualified from being allotted any land by the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government, or, if he has already been allotted land by the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government, such allotment shall be, by order in writing of the Deputy Commissioner cancelled either in whole or in part.(2)Any person aggrieved by an order passed by a Deputy Commissioner under sub-section (1) may, within thirty days of the making of the order, appeal against that order to the Financial Commissioner.(3)The order of the Financial Commissioner on such appeal and subject only to such order, the order of the Deputy Commissioner shall be final and conclusive and shall not be liable to be called in question in any court.

9. Procedure.

(1)All offences under this Act shall be triable by a [Judicial Magistrate] [Substituted for the word 'Magistrate' by Punjab Act, 25 of 1964.] of the first class in accordance with the provisions of the Code of Criminal Procedure, 1898 [V of 1898](2)No prosecution for any offence punishable under this Act shall be instituted except on a complaint in writing by the District Magistrate of the district in which that offence was committed.

10. Power to make rules.

- The [State] Government may by notification make such [rules] [For rules framed under the East Punjab Ordinance No. VII of 1948, see East Punjab Government Gazette (Extraordinary), dated 20.3.1948, page 295.] as appear to it to be necessary or expedient, for putting into effect the provisions of this Act.

11. Repeal.

- The East Punjab Refugees (Registration of Land Claims) Ordinance No. VII of 1948 is hereby repealed, and any rules made, notifications issued, anything done, any action taken in exercise of the powers conferred by or under the said Ordinance, shall be deemed to have been made, issued, done or taken in exercise of the powers conferred by or under this Act as if this Act had come into force on the 3rd day of March, 1948.