

The Punjab Resumption of Jagirs Act, 1957

PUNJAB

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Act 39 of 1957

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39. of 1957

Statement of Objects and Reasons. - "It has been decided by the Punjab Government that all jagirs and maufis in the State, except military jagirs and muafis granted in favour of religious and charitable institutions be resumed. The Bill entitled "The Punjab Resumption of Jagirs Bill, 1957, is designed to give effect to this decision". Punjab Gazette Extraordinary, dated the 10th June, 1957. Received the assent of the President on the 7th November, 1957 and was first published in the Punjab Government Gazette, (Extraordinary), dated the 14th November, 1957. An Act to provide for the resumption of Jagirs and for payment of compensation therefor. Be it enacted by the Legislature of the State of Punjab in the English Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the 'Punjab Resumption of Jagirs Act, 1957. (2) It extends to the whole of the State of Punjab. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires, -(1) "Jagir" means -(a) any assignment of land revenue [or remission thereof by way of muafi] [The words 'or remission thereof way of muafi' inserted by Punjab Act No. 9 of 1961, which Act shall be deemed to have come into force on the 14th November, 1957.] made by or on behalf of the State Government; or (b) * * * [* *] [Clause (b) of section 2 omitted by ibid.] (c) any grant of money made or continued by or on behalf of the State Government which purports to be or is expressed to be payable out of the land revenue; or (d) any grant of [money (not being payable out of the revenue of the Central Government)] [Substituted for the words 'money' by Punjab Act 33 of 1959, Section 2.] including any thing payable on the part of

the State Government in respect of any right, privilege, perquisite or office; and[includes, notwithstanding anything contained in sub-clause (ii), any such grant or assignment existing in favour of Cis-Sutlej Jagirdars or a Bedi or Sodhi pension or a Jagir pension (pension to destitute dependents of deceased Jagirdars) referred to in paragraph 1 of the Financial Commissioner's Standing Order No. 7] [Substituted for the words 'includes any such grant or assignment existing in favour of Cis-Sutlej Jagirdars' by Punjab Act 33 of 1959, Section 2.], [or a hereditary parvarish or pension in the second or any subsequent generation] [Inserted by Punjab Act 9 of 1961, Section 2, with effect from 14th November, 1957.], but does not include -(i)any grant of money (whether or not payable out of the land revenue) made on behalf of the State Government for the relief of political sufferers or their dependents after the 15th August, 1947; or(ii)any pension as defined in clause (17) of Article 366 of the Constitution of India; or(iii)any military Jagir [granted on or after the fourth day of August, 1914] [Inserted by Punjab Act 9 of 1961, Section 2, with effect from the 14th November, 1957.]; or(iv)any grant made in favour of a religious or charitable institution, but does not include a grant made for such a purpose to an individual;(2)"Jagirdar" means the holder of a Jagir;(3)"Military Jagir" means a jagir granted, affirmed or continued in favour of any person as a reward for his personal service as a member of the Armed Forces or the Forces charged with the maintenance of public order or for similar services of any one related to him by blood or marriage;(4)"Religious or charitable institution" means an institution of every religious or charitable denomination established and maintained for religious or charitable purposes or for the purposes of providing religious or educational instruction or for the relief of the poor or for providing medical relief or the advancement of any other object of general utility to the public or any section of the public;"State Government" -(a)[as respects any period before the 1st November, 1956, shall mean - [Substituted by Punjab Act 33 of 1959, with effect from the 14th November, 1957.](i)the Government of the Patiala and East Punjab States Union or any of the Indian States which formed into the Patiala and East Punjab States Union on the 20th August, 1948; and(ii)the Government of the State of Punjab and all predecessor Governments thereof by whatever name called, the Governor-General or the Governor-General in Council, as the case may be, and the Sikh Rulers, but shall not include the Central Government as defined in the General Clauses Act, 1897, after the period commencing on the 15th August, 1947; and](b)as respects any period after the 1st November, 1956, shall mean the Government of the State of Punjab.

3. Resumption of Jagirs.

- Notwithstanding anything to the contrary contained in any law or usage, any grant, settlement, sanad or other instrument, or any decree or order of any Court or authority, all jagirs shall, on and from the commencement of this Act, be extinguished and stand resumed in the name of the State Government;[Provided that a military jagir granted at any time before the 4th day of August, 1914, shall ensure for the life of the person who is a Jagirdar immediately before such commencement and shall stand extinguished and resumed on his death.] [Proviso to section 3 added by Punjab Act No. 9 of 1961, which Act shall be deemed to have come into force on the 14th day of November, 1957.]

4. Removal of doubts.

(1) If any doubt arises as to whether a grant or assignment is a military jagir or not the question shall be determined by the State Government after affording an opportunity to the person concerned and consideration of the terms and conditions of the grant or assignment. (2) The decision of the State Government under sub-section (1) shall be conclusive proof of the fact whether an assignment or grant is a military jagir or not and shall not be called in question in any Court of law or before any other authority.

5. Compensation for resumption of Jagirs.

- [(1) In consideration of the extinguishment and resumption of the jagir, the jagirdar or his successor, as the case may be, shall be paid a sum equal to seven times the amount payable annually to the jagirdar immediately before the extinguishment and resumption in respect of the assignment or grant or seven times the amount which would have been payable by him annually immediately before the extinguishment and resumption as land revenue but for the remission by way of muafi : Provided that - (a) in the case of a military jagir referred to in the proviso to section 3, the Jagirdar shall, before the 15th May, 1961, be entitled to claim compensation in lieu of the continuance of the jagir for his life; and where the jagirdar makes such a claim the jagir shall be deemed to be extinguished and resumed on the date on which such claim is made; (b) in the case of the resumption and extinguishment of any hereditary parwarish or pension, any amount thereof received by the jagirdar after the 14th November, 1957, shall be deducted in computing the amount of compensation payable to him or his successor.](2) The amount of compensation payable under sub-section (1) shall be paid in cash either in one lump sum or in such number of annual instalments not exceeding twenty, as the State Government may prescribe. (3) Where the amount of compensation is to be paid in instalments, interest at the rate of 2 per cent per annum to be calculated in the prescribed manner shall be payable thereon to the person entitled to receive the amount.

6. Procedure for payment of compensation.

- [(1) A jagirdar who is entitled under this Act to payment of compensation for the extinguishment and resumption of his jagir shall at any time before the 15th May, 1961, make in the manner prescribed an application to the Collector of the district in which his jagir or part thereof is situated or payable stating the grounds on which compensation is claimed by him : Provided that - (a) where in the event of the death of the jagirdar, whether before or after the commencement of this Act, his successor is unable to make an application within time due to the pendency of the succession proceedings of the deceased jagirdar, the application may be made within a period of two months from the date on which decision in such proceedings is communicated to him; and (b) where the Collector is satisfied that applicant was prevented by sufficient cause from making the application in time, he may entertain the application if it is made at any time within thirty days of the date fixed. (1A) Notwithstanding anything contained in sub-section (1), where on account of the passing of the Punjab Resumption of Jagirs (Amendment) Act, 1961, a jagirdar becomes entitled to the payment of compensation for the extinguishment and resumption of his jagir, he may make an application before the 15th May, 1961, or within four months from the date of determination of the

successor to the jagir under section 7A, whichever is later, to the authority and in the manner specified in sub-section (1); and any application so made shall be deemed to be an application under sub-section (1) and shall be disposed of accordingly.](2)[On receiving the application under sub-section (1), the Collector shall enquire into the claim and determine whether any compensation is due to the jagirdar or not, and where it is found to be so due he shall determine the amount payable to the jagirdar.(3)Where the amount of compensation determined as payable to the jagirdar under sub-section (2) does not exceed one thousand rupees, the Collector shall make an order for payment of such compensation to the jagirdar in the manner provided in section 5.(4)Where the amount of compensation determined as payable under sub- section (2)-exceeds one thousand rupees but does not exceeds five thousand rupees, the Collector shall forward the claim to the Commissioner with his recommendation thereon;exceeds five thousand rupees the Collector shall forward the claim to the Financial Commissioner through the Commissioner with his recommendation thereon.(5)The Commissioner or the Financial Commissioner, as the case may be, on receipt of the claim under sub-section (4), make an order whether any compensation is due to the jagirdar or not and where it is found to be so due it shall be paid in the manner provided in section 5.] [Substituted by Punjab Act No. 11 of 1960.]

7. Appointment of compensation.

- Where in pursuance of the requirement of section 8 of the Punjab Jagirs Act, 1941, the successor to a jagir has made suitable provision out of the Jagir for the maintenance of the widow or widows and other members of the family of the last or any previous holder of the jagir [the Collector, the Commissioner or Financial Commissioner, as the case may be, shall while passing an order under sub-section (3) or sub-section (4) of Section 6] [Substituted for the words 'the Financial Commissioner shall while passing an order under sub-section (3) of Section 6' by Punjab Act No. 11 of 1960.], apportion the amount of compensation for payment among the jagirdar and such widow or widows and other members of the family.

7A. [Payment of compensation and arrears of Jagir after death of Jagirdar. [Sections 7A and 7B inserted by Punjab Act 9 of 1961, section 6, with effect from the 14th November, 1957.]

(1)Notwithstanding anything to the contrary contained in the Hindu Succession Act, 1956, or any other law for the time being in force, -(a)where a jagirdar dies after his jagir is resumed or where the jagir is resumed on the death of the Jagirdar, the payment of compensation; or(b)where a jagirdar dies, whether before or after the commencement of this Act, the payment of arrears in respect of the jagir;shall, subject to the provisions of section 7 and 7B, be made to the person who would have been entitled to succeed to the jagir if it had not been resumed under this Act.(2)The person entitled to compensation under sub-section (1), shall be determined by the authority which would have been competent to determine the successor to the jagir if it had not been resumed under this Act.

7B. Payment of compensation and arrears of Jagir to widows or other members of the family of deceased Jagirdar.

- While determining under section 7-A the person entitled to succeed to the jagir of a deceased jagirdar, the authority may, after such enquiry, as it may deemed fit, make such provision out of the compensation or the arrears of the jagir, as the case may be, as it may consider suitable for payment to the widow or widows (if any) and other members of the family (if any) of the deceased jagirdar; and where such provision has been made, the compensation or the arrears shall be apportioned among the persons entitled to succeed to the jagir, the persons entitled to maintenance under section 7 and the widow or widows or other members of the family of the deceased jagirdar.] [Sub-section (1) of section 5 amended by Punjab Act No. 33 of 1959 and further substituted by Punjab Act No. 9 of 1961, which Act shall be deemed to have come into force on the 14th November, 1957.]

8. Power of State Government to call for proceedings.

- The State Government may at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by any officer under this Act call for and examine the records of any case pending before or disposed of by such officer and may pass such order as it thinks fit.

9. Effect of other laws.

- No provisions of the Pensions Act, 1871 (XXIII of 1871), or of the Government Grants Act, 1895 (XV of 1895), or of the Patiala Government Grants Act, 2005 (Patiala Act No. 1 of 2005 B.K.) or of any rules made thereunder, or of any instrument having effect by virtue of such law or rules, shall have any effect so far as it is inconsistent with any of the provisions of this Act.

10. Bar to suits and proceedings.

- No suit or other proceedings shall lie before any Court or authority against the State Government or any of its officers for compensation, or for any other relief for any loss suffered as a result of resumption of jagir [or of the release on account of the passing of the Punjab Resumption of Jagirs (Amendment) Act, 1961, of a resumed jagir.] [Added by Punjab Act No. 9 of 1961, Section 7, with effect from the 14th November, 1957.]

11. Power to make rules. - The State Government may by notification in the official Gazette make rules for carrying out the purposes of this Act.